

matters to be considered and an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the City Tax Assessor's office; and the location and times at which any maps and documents for which approval is sought are available for inspection pursuant to this chapter.

- (6) Effect of mailing. Any notice made by certified mail pursuant to this chapter shall be deemed complete upon mailing.

D. Registration by public utilities, cable television companies and local utilities.

- (1) Right to register. Every public utility, cable television company and local utility which holds a right-of-way or easement in the City and which is interested in receiving notice pursuant to this chapter may register with the Administrative Officer to receive such notice. The registration shall remain in effect until revoked by the public utility, cable television company, or local utility or by its successor in interest.
- (2) Registration fee. A registration fee of \$20 is required for any public utility, cable television company or local utility which registers to receive notice pursuant to this section.

E. Conditional approval.

- (1) In the event that an applicant submits an application proposing a development that is barred or prevented, directly or indirectly, by a legal action instituted by any state agency, political subdivision or other party to protect the public health and welfare or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the Board shall process such application in accordance with this chapter, and if such application complies with all City regulations, the Board shall approve such application conditioned on removal of such legal barrier to development.
- (2) In the event that development proposed by an application requires an approval by a governmental agency other than the Board, the Board shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency. The Board shall make a decision on any application within the time period provided in this chapter or within an extension of such period as has been agreed to by the applicant, unless the Board is prevented or relieved from so acting by the operation of law.

F. Tolling of running of approval period. In the event that, during the period of approval heretofore or hereafter granted to an application, the developer is barred or prevented, directly or indirectly, from proceeding with the development otherwise permitted under such approval by a legal action instituted by any state agency, political subdivision or other party, or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health or welfare, and the developer is otherwise ready, willing and able to proceed with said development, the running of the period of approval under this chapter shall be suspended for the period of time said legal action is pending or such directive or order is in effect.

G. Time extensions. The Board and an applicant may mutually agree to extend the time limit specified for action. Such extension shall be made in writing or verbally at a public meeting of the Board.

H. Expiration of variance. Any variance from the terms of this chapter hereafter granted by the Board, permitting the erection or alteration of any structure or permitting a specified use of any premises,

shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance, or unless such specified use has actually been commenced, within two years from the date of publication of the notice of the decision of the Board granting the variance or unless specifically approved for a longer period of time as permitted by statute; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding.

**I. Application by corporation or partnership.**

- (1) Disclosure by corporate or partnership applicant. A corporation or partnership applying to the Planning Board for permission to subdivide a parcel of land into six or more lots, or applying for a variance to construct a multiple dwelling of 25 or more dwelling units, or for approval of a site to be used for commercial purposes shall list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as the case may be.
- (2) Disclosure by corporation or partnership owning 10% or more of applicant. If a corporation or partnership owns 10% or more of the stock of a corporation or interest of 10% or greater in a partnership, either of which is subject to disclosure pursuant to the above paragraph, that corporation or partnership shall list the names and addresses of its stockholders holding 10% or more of its stock or interest of 10% or greater in the partnership, as the case may be; and this requirement shall be followed by every corporate stockholder or partner in said partnership until the names and addresses of the noncorporate stockholders and individual partners exceeding the 10% ownership criterion set forth in this section have been listed.
- (3) No approval if disclosure requirements not met. The Board shall not approve the application of any corporation or partnership which does not comply with this section.
- (4) Penalties. Any corporation or partnership which conceals the names of the stockholders owning 10% or more of its stock or of the individual partners owning an interest of 10% or greater in the partnership, as the case may be, shall be subject to a fine of \$1,000 to \$10,000, which shall be recovered in the name of the City of Margate in any court of record in the state in a summary manner pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.).

**§ 175-6 (Reserved)**

**§ 175-7 Zoning Officer.**

**[Amended 12-3-2009 by Ord. No. 32-2009; 6-17-2010 by Ord. No. 19-2010]**

- A. It shall be the duty of the Zoning Officer to administer and enforce the zoning provisions of this chapter. No building permits shall be issued unless an approved zoning permit accompanies the plans. No zoning permit shall be issued unless the proposed structure, use, temporary activity or construction activities are in compliance with this chapter. In cases involving the new use of an existing structure, a certificate of occupancy for the new tenant shall not be issued until a zoning permit has been issued.
- B. The Zoning Officer may assist in the promulgation of zoning regulations. The Zoning Officer shall prepare and supervise the preparation of reports for the Planning Board and Zoning Board.

- C. The Zoning Officer shall prepare clear, sound, accurate and informative reports containing findings, conclusions and recommendations as shall be necessary or convenient to the processing of any application filed with the Planning or Zoning Board.
- D. The Zoning Officer shall be the Chairman of an administrative body called the "Staff Committee." The Staff Committee shall consist of the Zoning Officer, the Planning Board Administrator, the Construction Code Official and the City Clerk. The Staff Committee shall be responsible for routing Planning Board actions, including recommending, where applicable, the classification of subdivision or site plans as major or minor and developing the administrative procedures, including forms for processing applications for development.
- E. The Zoning Officer shall perform such other duties as may be assigned to him by this chapter, by the rules of the Board and by the City.

**§ 175-8 Planning Board Administrator.**

[Amended 12-3-2009 by Ord. No. 32-2009; 12-1-2011 by Ord. No. 23-2011]

- A. Creation. There is hereby created the position of Planning Board Administrator.
- B. Appointment; qualifications; compensation. The Planning Board Administrator shall be appointed by the Board of Commissioners and by the Planning Board and shall have organizational and administrative skills commensurate with his duties. He shall be compensated in the amount of funds appropriated for the position by the City Commissioners.
- C. Duties. The Planning Board Administrator (PBA) shall have the following duties regarding the functions and operation of the Planning Board of the City of Margate City:
  - (1) The PBA shall, in consultation with the Zoning Officer, Board Chairperson and Board Solicitor, have authority to arrange for and call special Board meetings when agendas for regular meetings become too lengthy, when in compliance with dictates of judicial acts, when quorums for regular meetings cannot be satisfied in the carrying out of Board business, when necessary to avoid the lapsing of legal limitations on applications and for other reasons of urgency or proper businesslike functioning of the Board.
  - (2) The PBA shall determine the completeness of applications to the Planning Board.
  - (3) The PBA shall arrange the order of business for Planning Board meetings in consideration of any factors that would expedite the meetings and convenience the Board members and general public.
  - (4) The PBA shall be a full member of the Staff Committee of the City of Margate City and shall attend the Staff Committee's twice-monthly review meetings and participate in all deliberations.
  - (5) All rules and regulations and forms issued by the Zoning Officer shall be kept on file in the office of the PBA and shall be public records of the City open to inspection by interested parties at reasonable times and upon reasonable notice. Copies thereof shall be available for sale in the office of the PBA at a fee established by the City.
  - (6) The PBA shall calculate all fees for applications and escrows related to actions by the Zoning Officer, Staff Committee, Planning Board and Zoning Board, collect said fees and transfer same to the City Clerk.

**Commented [1]:** Editor's Note: The position of Zoning Board Administrator was deleted from this list at the request of the City pursuant to Ord. No. 23-2011, which terminated the Zoning Board of Adjustment; see § 175-4.



**Commented [JJ2R11]:**

**Commented [3]:** Editor's Note: Former Subsection E, regarding the Bayfront Special District Commission, and former Subsection F, regarding the Design Review Committee, were deleted at the request of the City pursuant to Ord. No. 16-2012, which repealed said Commission and Committee, and former Subsection G was renumbered as Subsection E.

- (7) The PBA shall serve as Staff Secretary to the Planning Board and shall in that capacity:
- (a) Attend the meetings and hearings of the Board.
  - (b) Inform the Board of all facts and information at his disposal with respect to any matter brought before the Board.
  - (c) Keep minutes of every meeting, including the names of persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board and the findings, if any, made by it.
  - (d) Give notice, 30 days prior to the expiration of the term of any member of such body, of the date on which the term of such member will expire, to such member, to the City Commissioners and to the Mayor.
  - (e) Submit quarterly Board member attendance reports to the Zoning Officer, Board Chairpersons and City Commissioners.
  - (f) Perform such other duties as may be assigned to him by this chapter and by the rules of the Board.
- (8) The PBA shall receive all applications required to be filed pursuant to this chapter and such other applications as the ordinances of the City may from time to time require to be filed in their offices.

**§ 175-9 Construction Code Official.**

**A. Construction Code Official.**

- (1) All provisions of this chapter shall be enforced by the Construction Code Official of Margate City.
- (2) In no case shall a building permit be issued for construction or alteration of a use or of any building where such construction or alteration would be in violation of any provision of this chapter.
- (3) The Construction Official shall be authorized to grant permits where provisions of this chapter have been complied with, to make inspections and to examine plans and specifications.
- (4) The Construction Code Official shall keep careful and comprehensive records of all applications, permits issued, inspections made and notices issued. The City Tax Assessor shall receive a copy of all permits.
- (5) Regarding inspection, where a Construction Code Official reasonably suspects that a violation of this chapter is occurring or has occurred:
  - (a) Before a Construction Code Official may enter private living quarters and conduct an inspection for a suspected violation, he must either obtain the consent of the occupant of such private living quarters or secure a warrant from the Margate City Municipal Court Judge or any County or Superior Court Judge, hereinafter referred to as the "issuing magistrate."
  - (b) The issuing magistrate may grant a search warrant to the Construction Code Official where the issuing magistrate finds probable cause to believe that a violation of this chapter has occurred on the premises, that a search of the premises is necessary to gather evidence of the suspected violation and that the Construction Code Official has made a reasonable but unsuccessful attempt to secure the

consent of the occupant.

- (6) Permits for major subdivisions; model homes. No building permits shall be issued by the Construction Code Official for any dwellings, buildings or structures within a subdivision until final approval has been granted. Upon application to and approval of the Planning Board, up to three building permits may be issued for model homes in a major subdivision prior to final approval.
  - (7) Final site plan approval. No building permits shall be issued for alteration or construction of buildings or structures, sign construction or change in use until final site plan approval has been granted as required in this chapter.
- B. Issuance of certificate of occupancy. No certificate of occupancy for any dwelling, building or structure shall be granted by the Construction Code Official unless all required improvements have been installed or completed and all conditions of Planning Board and Zoning Board approvals have been satisfied. Any office usage legally existing in Margate City which changes to another dissimilar office usage shall be subject to applying for and receiving a certificate of occupancy prior to commencing operations. Denial of certificate of occupancy may be appealed to the Zoning Board of Adjustment.
- C. Certificates of land use compliance.
- (1) Authority to issue certificates. The Construction Code Official or his duly authorized representative shall have the authority to issue certificates of land use compliance in accordance with the provisions of this section.
  - (2) Certificate required. A certificate of land use compliance shall be required prior to the sale of any residential structure or mixed use residential structure in the City of Margate. The structure shall comply with the requirements of the BOCA Property Maintenance Code and amendments.
  - (3) Application; decision; appeals.
    - (a) Applications for certificates of land use compliance shall be submitted to the Construction Code Official in such number of copies as he shall require and on such forms as he shall prepare. Within 15 days following the receipt of a completed application for a certificate of land use compliance, the Construction Code Official shall cause the application to be acted upon by either a granting or a denial. If a denial occurs, then it shall be the obligation of the Construction Code Official to state the reasons therefor. Any applicant who is denied the right to a certificate of land use compliance who deems that he or she has been entitled to the same shall have a right to appeal the decision of the Construction Code Official to the Zoning Board of Adjustment of the City of Margate City within 20 days of the denial thereof by filing a notice of appeal with the Administrator of the Zoning Board and filing a copy thereof with the City Clerk.
    - (b) In each instance where a hearing is requested before the Zoning Board of Adjustment, said hearing shall be scheduled within 45 days of the filing of the appeal therefor.

~~§ 175-10 Base Flood Elevation (BFE) Design Committee. (Reserved)~~

~~[Added 1-31-2013 by Ord. No. 01-2013; amended 8-15-2013 by Ord. No. 17-2013]~~

~~A. Prior to the October 2012 storm event (Sandy), FEMA was in the process of compiling the necessary data to update its Flood Insurance Rate Maps (FIRM), which were [then] scheduled to be finalized in~~

**Commented [4]:** Editor's Note: Former § 175-10, Design Standards and Guidelines Advisory Committee, was repealed 10-4-2012 by Ord. No. 16-2012.

mid-2013. With the occurrence of Sandy, FEMA accelerated this updating process. Based on information generated by FEMA as part of the FIRM update process, FEMA issued what it termed "Advisory Base Flood Elevation Maps" (ABFE), which were intended to provide guidance to communities during the Sandy rebuilding process, and for non-Sandy-related new construction, until such time as the updated FIRMs and related regulations were formally adopted.

B. On January 24, 2013, the New Jersey Department of Environmental Protection (NJDEP), reacting to the uncertainty surrounding the advisory nature of the ABFEs and, desiring to reduce impediments to rebuilding after Sandy, adopted emergency amendments to the rules for the New Jersey Flood Hazard Area Control Act (N.J.A.C. 7:13):

(1) The emergency rules, in pertinent part:

(a) Adopted the ABFE mapped flood hazard areas (i.e., A and V Zones);

(b) Adopted the ABFE minimum elevation requirements for new and reconstructed buildings; and

(c) Enacted building regulations designed to insure consistency between NJDEP standards for elevating buildings in flood hazard areas and the building standards of the Uniform Construction Code (N.J.A.C. 5:23) adopted by the New Jersey Department of Community Affairs (NJDEA).

(2) The emergency rules were formalized as part of the New Jersey Administrative Code (N.J.A.C. 7:13) on March 25, 2013, and became effective with their publication in the New Jersey Register on May 6, 2013.

C. On or about June 14, 2013, FEMA released what it termed "preliminary work maps" (PWM) for Atlantic County. Such maps, which supersede the ABFEs, reflect the results of ongoing coastal flood hazard studies and are considered the best available flood hazard data for community use. These maps are the next step in the formal FIRM update process.

D. It is anticipated that FEMA minimum construction requirements will evolve between the time the PWMs were released and formal adoption of the updated FIRMs and related regulations; and that any amendments to Chapter 175 designed to address Sandy-related reconstruction will require modifications as the FEMA process evolves.

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

F. For activities that do not otherwise require approval by the Planning Board, the BFE Design Committee is hereby empowered, until such time as this chapter is amended to conform with final FIRM 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 (6), minimum landscaping requirements pursuant to § 175-26D(1) and (4) and minimum FFE crawl space exceptions pursuant to § 175-32E.

G. Where Planning Board approvals are otherwise required, the Board shall, as part of its process,

~~undertake the review and approval described in Subsection F in lieu of the BFE Design Committee.~~

~~H. Upon adoption of final FIRM mapping and related regulations, the City shall review the effectiveness of the BFE Design Committee and shall decide at that time whether or not to continue the process detailed herein, to eliminate the BFE Design Committee and address the relevant issues via the standard municipal review process, or to make such other amendments as may be appropriate at that time.~~

§ 175-11 (Reserved)

Article III

Application Requirements and Development Procedures

§ 175-12 Completeness requirements.

- A. Content. Each application for approval of a minor subdivision, minor site plan, preliminary major subdivision, preliminary site plan, final major subdivision, final site plan or conditional use, as the case may be, and each application for variance relief shall include all information and data listed in the appropriate corresponding checklist as set forth in this chapter.
- B. Complete application. The Planning Board Administrator and Zoning Board Administrator, whichever the case may be, shall review all applications and accompanying documents required by this chapter for the respective board to determine that the application is complete. An application for development shall be complete for purposes of commencing the applicable time period for action by a municipal agency when so certified by the respective Administrator. In the event that the Planning Board Administrator or Zoning Board Administrator does not certify the application to be complete within 45 days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five-day period for purposes of commencing the applicable time period unless the application lacks information indicated on the checklist for such application and the Planning Board Administrator or Zoning Board Administrator has notified the applicant, in writing, of the deficiencies in the application within 45 days of submission of the application. The applicant may request that one or more submission requirements be waived, in which event the Planning Board Administrator or Zoning Board Administrator shall refer the request to the appropriate Board within 45 days. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he is entitled to approval of the application. The Planning Board Administrator or Zoning Board Administrator may subsequently require correction of any information found to be in error and submission of additional information not specified in the checklist or any revisions in the accompanying documents as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Planning Board Administrator or Zoning Board Administrator.
- C. Board agendas. Complete applications shall be submitted to the Administrator of the Board at least 15 days before the Board meeting on the agenda for which the application is requested to be heard. If the application is not complete by 11:00 a.m. of the 15th day prior to the hearing the application shall not be placed on the meeting agenda. The determination as to completeness shall not necessarily be made upon submittal. [Amended 9-24-2006 by Ord. No. 2006-26]

§ 175-13 ~~Transition policies.~~ (Reserved)  
~~[Amended 9-24-2006 by Ord. No. 2006-26]~~

**Commented [5]:** Editor's Note: Former § 175-11, Bayfront Special District Commission, as amended, was repealed 10-4-2012 by Ord. No. 16-2012.

**Commented [6]:** Editor's Note: Checklists for applications are included in Appendix A as an attachment to this chapter.

~~A. Completed and acceptable plans for development will be processed for zoning approval and building permitting under the Land Use Ordinance, provided they are submitted to Office of the Zoning Officer no later than 60 days after approval and publication of the 2006 amendments to the Land Use Ordinance.~~

~~B. Plans approved in accordance with Subsection A above must immediately be submitted to the Building Department for a building permit and construction must commence within six months after approval and publication of the 2006 amendments to the Land Use Ordinance.~~

**§ 175-14 When site plan or subdivision approval required.**

A. Uses and activities requiring site plan approval. [Amended 2-3-2005 by Ord. No. 2005-3; 9-24-2006 by Ord. No. 2006-26]

(1) All actions that qualify as change in use and minor and major site plans shall require Board approval, including real estate offices and medical and dental offices. The following shall be exempt from Board action:

- (a) Individual lot applications for detached one- or two-dwelling-unit buildings.
- (b) Construction work found by the Construction ~~Officer~~ Code Official to constitute ordinary repairs.
- (c) General business and professional offices. [Amended 4-3-2008 by Ord. No. 12-2008]

(2) It shall be the Staff Committee's determination, based on consideration of intensity, as to whether or not Planning Board site plan action shall be required for changes in food and restaurant establishments. [Amended 4-3-2008 by Ord. No. 12-2008]

B. Uses and activities requiring subdivision approval. Subdivision approval shall be required prior to the recording of any plat or deed affecting the subdivision of any land in the City of Margate except in the following cases, when no new streets are created: 1) divisions of property by testamentary or intestate provisions; 2) divisions of property upon court order; or 3) conveyances so as to combine existing lots by deed or other instrument as set forth under N.J.S.A. 40:55D-7. In all cases involving such exempted divisions, the Planning Board Chairperson and the City Clerk shall certify the exemption on the plat or deed or instrument to be filed with the County.

C. Exemption of floodproofing renovations. For purposes of floodproofing renovations, the lowest 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 FEMA's National Flood Insurance Program, the area below the lowest floor elevation is not outfitted in any way for human habitation, and further provided that the use of any unfinished or flood-resistant enclosure below the lowest floor elevation is limited to the parking of vehicles, building access, or storage, and is constructed in compliance with all applicable design standards of N.J.A.C. 7:13-11.5(n), (o) and (p). [Added 9-24-2006 by Ord. No. 2006-26; amended 12-20-2012 by Ord. No. 22-2012; 1-31-2013 by Ord. No. 01-2013; 8-15-2013 by Ord. No. 17-2013]

**§ 175-15 Dedication of right-of-way.**

No subdivision or site plan involving any street(s) requiring additional right-of-way width as specified in the Master Plan or Official Map or the street requirements of this chapter shall be approved unless such additional right-of-way, either along one or both sides of said street(s), as applicable, shall be deeded to the City or other appropriate governmental agency.

**§ 175-16 Traffic impact statement.**

- A. When required. The Board may require a traffic impact statement as part of preliminary approval of a major subdivision or site plan if, in the opinion of the Board, the development could have an adverse impact on the road network, ingress/egress or on-site circulation.
- B. General provisions.
  - (1) The traffic impact statement shall be prepared by a New Jersey licensed professional engineer having appropriate experience and education.
  - (2) All relevant sources of information used in the preparation of said statement shall be identified.
- C. Submission format. All traffic impact statements shall provide a description of the impact and effect of the proposed land development upon all roads which are adjacent to or immediately affected by traffic and shall specifically address the following items:
  - (1) Existing conditions in the vicinity of the proposed project, including:
    - (a) Roadway network.
    - (b) Representative traffic counts, not during holiday or summer periods (or with appropriate statistical adjustments for counts during the summer months).
    - (c) Traffic accident statistics
    - (d) Availability of public transportation.
    - (e) Level of service of adjacent roadways.
  - (2) Traffic generated by the proposed development, including:
    - (a) Trip generation.
    - (b) Trip distribution.
    - (c) Modal split.
    - (d) Level of service under proposed conditions.
  - (3) Traffic impacts caused by the proposed development as per change in existing conditions.
  - (4) Explanation of traffic reduction/traffic management plans necessary pursuant to any current federal, state or county requirements.
  - (5) Recommendations for alleviating or diminishing any possible congestion or disruption to the established traffic pattern.
  - (6) Any other information requested by the appropriate Board reasonably required to make an informed assessment of potential traffic impacts.

approval and a certificate of the Board Administrator as to the failure of the Board to act shall be issued on request of the applicant. The certificate shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Register for purposes of filing subdivision plats or deeds.

- E. Effect of approval. Approval of a minor subdivision or site plan shall be deemed final approval, provided that the Board may condition such approval on the provision of improvements as may be required. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision or site plan approval was granted, shall not be changed for a period of two years after the date on which the resolution of approval is adopted, provided that the approved minor subdivision shall have been duly recorded in accordance with the subsection below.
- F. Expiration of minor subdivision. Approval of a minor subdivision shall expire 190 days from the date on which the resolution of approval is adopted unless within such period a plat in conformity with such approval and the Map Filing Law, N.J.S.A. 46:23-9.9 et seq., or a deed clearly describing the approved minor subdivision is filed by the developer with the County Register, the City Engineer and the City Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the Board Chairperson and Secretary. In reviewing the application for development for a proposed minor subdivision, the Board may accept a plat not in conformity with N.J.S.A. 46:23-9.9 et seq., provided that if the developer chooses to file the minor subdivision as provided herein by plat rather than deed such plat shall conform with the provisions of the said Act.
- G. Extensions of minor subdivision or site plan approval.
  - (1) The Board may extend the one-hundred-ninety-day period for filing a minor subdivision plat or deed pursuant to this chapter, if the developer proves to the reasonable satisfaction of the Board:
    - (a) That the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities; and
    - (b) That the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board. The developer may apply for the extension either before or after what would otherwise be the expiration date.
  - (2) The Board shall grant an extension of minor subdivision or site plan approval for a period determined by the Board, but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental agencies and that the developer applied promptly for and diligently pursued the required approvals. The developer shall apply for the extension before what would otherwise be the expiration date of minor subdivision approval or the 91<sup>st</sup> day after the developer receives the first legally required approval from other governmental entities, whichever occurs later.
- H. Lands resulting from minor subdivision. Any lands, lots or parcels resulting or remaining from a minor subdivision may not be submitted as a minor subdivision for 24 months from the date of initial approval.

**§ 175-18 Preliminary major subdivision and site plan review procedures.**

- A. Submission requirements. Submission requirements for preliminary major subdivision and preliminary site plan approval are provided in the Preliminary Major Subdivision and Site Plan Checklist.
- B. Preliminary review.
- (1) Upon receipt of the application and accompanying exhibits, the Planning Board will distribute copies of the application and attached exhibits to the City Engineer, City Planner, County Planning Board and any other official or agency who may be affected by the proposed application.
  - (2) Officials and agencies cited in the preceding section shall forward reviews and recommendations, in writing, to the Planning Board within 30 days of receipt.
- C. Board action.
- (1) Subdivisions.
    - (a) Except for applications governed by the time limits, the Board shall approve, conditionally approve or deny a preliminary major subdivision application of 10 or fewer lots within 45 days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
    - (b) The Board shall approve, conditionally approve or deny a preliminary major subdivision application of more than 10 lots within 95 days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
    - (c) Failure of the Board to act within the time prescribed shall constitute preliminary major subdivision approval, and a certificate of the Board Administrator as to the failure of the Board to act shall be issued on request of the applicant. Said certificate shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be accepted by the County Register for purposes of filing subdivision plats.
    - (d) If the Planning Board required any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development. The Planning Board shall, if the proposed development complies with the chapter and the Municipal Land Use Law, grant preliminary approval.
  - (2) Site plans.
    - (a) Except for applications governed by the time limits, the Board shall approve, conditionally approve or deny a preliminary major site plan which involves 10 acres of land or less and 10 dwelling units or less within 45 days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
    - (b) The Board shall approve, conditionally approve or deny the preliminary major site plan of more than 10 acres or more than 10 dwelling units within 95 days after the application is certified complete, unless the applicant shall extend the period of time within which the Board may act.

**Commented [9]:** Editor's Note: Said Checklist is included in Appendix A as an attachment to this chapter.

- (c) Failure of the Board to act within the time prescribed shall constitute preliminary major site plan approval, and a certificate of the Board Administrator as to the failure of the Board to act shall be issued on request of the applicant. Said certificate shall be sufficient in lieu of a written endorsement or other evidence of approval herein required.

D. Substantial modification.

- (1) If any substantial modification is proposed or required after preliminary approval has been granted, an application for such a modification shall be submitted and proceeded upon as in the case of the original application for development. The applicant may apply for modification approval either independently of or concurrently with an application for final approval. In either case, notice pursuant to this chapter and N.J.S.A. 40:55D-1 et seq. shall be required and shall state the nature of the proposed modification. A substantial modification shall mean one which: increases density of development; increases the square footage of buildings; proposes a different use; would result in increased adverse impact upon properties in the immediate area with respect to factors such as, but not limited to, noise, glare, and increased drainage runoff; or materially changes a required element of the development plan. Any modification which decreases the number of proposed lots, dwelling units, number of square feet, density or intensity of use shall not be considered a substantial modification so long as there is no proposed change of use and no additional variances or exceptions are required.
- (2) If the Planning Board requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon as in the case of the original application for development. The Planning Board shall, if the proposed development complies with the chapter and the Municipal Land Use Law, grant preliminary approval.

E. Effect of preliminary approval. Preliminary approval of a major subdivision or site plan, except as provided in this section, shall confer upon the applicant the following rights for a three-year period from the date on which the resolution granting preliminary approval is adopted:

- (1) That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot sizes; yard dimensions and off-tract improvements; and in the case of a site plan, any requirements peculiar to site plan approval pursuant to N.J.S.A. 40:55D-41, except that nothing herein shall be construed to prevent the City from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety.
- (2) That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat or site plan, as the case may be.
- (3) That the applicant may apply for and the Board may grant extension on such preliminary approval for additional periods of at least one year but not to exceed a total extension of two years, provided that, if the design standards have been revised by ordinance, such revised standards may govern.
- (4) Whenever the Board grants an extension of preliminary approval pursuant to the previous paragraphs above, and preliminary approval has expired before the date on which the extension was granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for an extension either before or after what would otherwise be the expiration date.

- (5) The Board shall grant an extension of preliminary approval for a period determined by the Board, but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. The developer shall apply for the extension before what would otherwise be the expiration date of the preliminary approval or the 91<sup>st</sup> day after the developer received the last legally required approval from other governmental entities, whichever is later. An extension granted pursuant to this section shall not preclude the Board from granting an extension pursuant to the previous paragraphs above.
- F. Simultaneous preliminary and final site plan approval. Combined preliminary and final site plan approval may be granted, provided all submission requirements for both applications are met. The time limit within which the Board shall act shall be the longest time permitted for either of the two approvals.

**§ 175-19 Final approval of major subdivision and site plan review procedures.**

**A. Submission requirements.**

- (1) Submission requirements for final major subdivision and site plan approval are provided in the Final Major Subdivision and Final Site Plan Checklist.

**Commented [10]:** Editor's Note: Said Checklist is included in Appendix A as an attachment to this chapter.

**B. Preliminary review.**

- (1) Upon receipt of the application and accompanying exhibits, the Planning Board will distribute copies of the application and attached exhibits to the City Engineer, City Planner, County Planning Board and any other official or agency who may be affected by the proposed application.
- (2) Officials and agencies cited in the preceding section shall forward reviews and recommendations, in writing, to the Planning Board within 30 days of receipt.

**C. Board action.**

- (1) The Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions for preliminary approval, and in the case of a major subdivision, the standards prescribed in the Map Filing Law, P.L. 1960, c. 141 (N.J.S.A. 46:23-9.9 et seq.)
- (2) Final approval shall be granted or denied within 45 days after submission of a complete application or within such further time as may be consented to by the applicant. Failure of the Board to act within the period prescribed shall constitute final approval, and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the applicant. The certificate shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and, in the case of subdivision plans, shall be so accepted by the County Register for purposes of filing.
- (3) Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.1 or 40:27-6.6, the Board shall condition its approval upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

D. Effect of final approval.

- (1) The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer, whether conditionally or otherwise, shall not be changed for a period of two years after the date on which the resolution of final approval is adopted, provided that, in the case of major subdivision, the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided below. If the developer has followed the standards prescribed for final approval and, in the case of subdivision, has duly recorded the plat with the County Register in accordance with the provisions below, the Board may extend such period of protection for extensions of one year but not to exceed three extensions. Notwithstanding any other provisions of this chapter, the granting of final approval terminates the time period of preliminary approval for any section of the development which is granted final approval.
- (2) Whenever the Board grants any extension of final approval pursuant to the preceding paragraph, and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.
- (3) The Board shall grant an extension of final approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for an extension before what would otherwise be the expiration date of final approval or the 91<sup>st</sup> day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this section shall not preclude the Board from granting an extension pursuant to the preceding paragraphs.

E. Conditions of approval.

- (1) Conditions binding. All conditions of preliminary and final approval shall be binding upon the applicant, all present and future owners, tenants, users and occupants of the property and their respective successors and assigns.
- (2) Failure to maintain. The applicant and any successor in interest shall be responsible for installing and maintaining in good order and condition all required improvements and landscaping, unless such improvements in landscaping are to be installed by, and/or dedicated to and maintained by, the City, county or another party under the terms of approval granted by the Board. Such required improvements shall include, but not be limited to, parking improvements, buffer zones, drainage facilities, exterior lighting and landscaping. Failure of any responsible party to install and/or maintain required improvements or landscaping shall constitute a violation of this chapter and shall be subject to the enforcement procedures set forth herein.

F. Expiration of final major subdivision approval.

- (1) Final approval of a major subdivision shall expire 95 days from the date of signing of the plat unless within such period the plat shall have been duly filed by the applicant with the county. The Board may for good cause shown extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat. The Board may extend the ninety-five-day or one-hundred-

ninety-day period if the applicant proves to the reasonable satisfaction of the Board that the applicant was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and that the applicant applied promptly for and diligently pursued required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board. The developer may apply for an extension either before or after the original expiration date.

- (2) No subdivision plat shall be accepted for filing by the County until it has been approved by the Board as indicated on the instrument by the signature of the Chairperson and Secretary of the Board. The signatures of the Board Chairperson and Secretary shall not be affixed until the developer has posted the performance guarantees required by this chapter and has satisfied all other applicable conditions of final approval. If the county records any plat without such approval, such recording shall be deemed null and void and, upon request of the municipality, the plat shall be expunged from the official records.

**§ 175-20 Amended site plan or subdivision review.**

Applications for amended site plan or subdivision review shall be governed by the same requirements as all other applications for subdivision or site plan approval.

**§ 175-21 Conditional use approval.**

The submission requirements and review process for conditional use applications shall be the same as for a major site plan, except as set forth below.

- A. The Board shall grant or deny an application for conditional use approval within 95 days of submission of a complete application or within such further time as may be consented to by the applicant. If relief is requested pursuant to N.J.S.A. 40:55D-70d, the Board shall grant or deny within 120 days of submission of a complete application or within such further time as may be consented to by the applicant.
- B. The Board shall approve or deny a conditional use application simultaneously with any accompanying subdivision and/or site plan application. The longest time period for action by the Board, whether it be for subdivision, conditional use or site plan approval, shall apply. Whenever approval of a conditional use is requested by the applicant, notice of the hearing on the application shall include reference to the request for conditional use approval.

**§ 175-22 County approval.**

- A. Whenever review or approval of a development application by the County Planning Board is required by N.J.S.A. 40:27-6.3 or 40:27-6.6, the Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board. The County Planning Board's failure to report thereon within the required time period provided by law shall be considered a favorable response.
- B. Whenever County Planning Board review or approval is required, the applicant shall be responsible for filing all necessary applications, plans, reports and other documents directly with the County Planning Board.

**§ 175-23 Signing and distribution of approved plans.**

- A. When all conditions of any minor, preliminary or final approval have been met, the applicant shall submit to the Board Administrator eight copies of the approved plan(s) with all revisions required by the conditions of approval. The approved plan(s) shall then be signed by the Board Chairperson,

Board Administrator and Engineer. Two signed copies shall be returned to the applicant and the remaining copies shall be distributed by the Board Administrator.

- B. In addition to the foregoing, whenever any subdivision is to be perfected by the filing of the approval plat with the County Register in conformance with the Map Filing Law, the applicant shall submit to the Board Administrator, simultaneously with the plans described in Subsection A above, two Mylar and at least eight paper prints of the plat intended for recording. Provided that it conforms to the Map Filing Law, the plat intended for recording shall be signed by the Board Chairperson, Board Administrator and Engineer simultaneously with the signing of the approved plans submitted pursuant to Subsection A above. After signing, one Mylar and all paper prints of the plat so signed shall be returned to the applicant for recording with the County Register.
- C. Following the filing of any approved subdivision plat or minor subdivision deed with the County Register, the applicant shall promptly deliver to the Board Administrator at least six copies of the filed plat or recorded deed, as the case may be. The Board Secretary shall then distribute copies of the same.
- D. Whenever any subdivision is to be perfected by the filing of the approved plat with the County Register, and when the engineering review of such subdivision has been performed by the Board Engineer, the plat intended for recording shall be signed by the Board Engineer. For purposes of such signatures as the municipal engineer, the Board Engineer shall be deemed to act as an Assistant City Engineer.
- E. The Board Administrator shall return in the Board's files at least one true copy of all signed and approved site plans and subdivision deeds and all signed, approved and filed subdivision plats.

**§ 175-24 Checklists and applications.**

No application for development shall be deemed complete unless the items, information and documentation listed in the applicable checklist are submitted to the Board. If any required item is not submitted, the applicant must request in writing a waiver and state the reasons supporting each such request.

**Commented [11]:** Editor's Note: The Checklists for Applications are included in Appendix A as an attachment to this chapter.

**Article IV**

**Development Requirements and Standards**

**§ 175-25 General design standards.**

In reviewing any application for development, the Board shall consider the following standards. In the case of standards covered by Residential Site Improvement Standards (RSIS), they shall take precedent for both residential and nonresidential development, unless specifically discussed in this chapter.

- A. Circulation.
  - (1) The Board shall consider pedestrian and vehicular traffic movement within and adjacent to a lot or tract with particular emphasis on the provision and layout of parking areas, off-street loading and unloading, movement of people, goods and vehicles from access roads.
  - (2) The Board shall ensure that all parking areas are landscaped and spaces are usable and are safely and conveniently arranged. Access to a lot or tract from adjacent roads shall be designed so as to interfere as little as possible with traffic flow and to permit vehicles a safe ingress and egress to the lot or tract.

(3) The circulation plan of each development shall reflect the Master Plan's circulation plan element. The location and provision of bikeways, sidewalks and other pedestrian linkages shall be encouraged and clearly indicated.

(4) Applicants shall be encouraged to develop and implement mass transit programs and to minimize the use of private automobiles wherever possible. These programs may include the construction of bike paths and bike storage areas and construction of convenient bus pickup and drop-off points. In order to minimize peak-hour traffic impacts of nonresidential development, applicants shall encourage staggered starting and quitting times and changes in work hours where appropriate and include the details within the application to the Board.

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 otherwise required by minimum lowest floor regulations, the surrounding neighborhood. [Amended 1-31-2013 by Ord. No. 01-2013; 8-15-2013 by Ord. No. 17-2013]

(2) Fire escapes shall be constructed only against the side or rear wall of a building and shall be located and/or screened so as not to detract from the appearance of such buildings.

(3) All new buildings shall strengthen the particular design features of their locale, by, for example, framing scenic views, defining and inviting the use of open spaces, or continuing particular and desirable design features or statements.

(4) The rhythm of structural mass to voids, such as windows and entries, of ~~a front facade~~ facades facing streets or designated open spaces shall relate to rhythms established in adjacent buildings, if the rhythms of such adjacent buildings are aesthetically pleasing.

(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. [Amended 1-31-2013 by Ord. No. 01-2013]

(6) All building additions shall be designed to reflect the existing building in terms of scale, materials, fenestration and color. A change in scale may require a transitional design element between the addition and the existing building. Facade renovations should include as few different materials as possible.

(7) Where large structures are required, massing and blank walls shall be avoided as much as possible and, where necessary, relieved by variation and architectural relief and details. Excessively expansive blank walls are prohibited. No building shall measure longer than 80 feet on any plane. Building offsets shall be provided along each building wall to relieve the visual effect of a single long wall. Rooflines shall also be varied. An individual building may use a combination of story heights to provide further visual relief. Building designs should incorporate details such as masonry chimneys, cupolas, dormers, and similar features for architectural appeal.

- (8) Roof shape and material shall be architecturally compatible with the rest of the building and shall reflect surrounding patterns. Unless necessary, pursuant to construction, architectural, engineering or safety standards, flat roofs shall be prohibited. Mansard roofs are discouraged except to soften or otherwise improve the appearance of a predominantly flat roof. Gable, hip, and gambrel roofs are favored.
  - (9) Materials shall be selected for suitability to the type of buildings and the design in which they are to be used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
  - (10) Colors shall be selected to be harmonious. Only compatible accent colors shall be used. Building colors should reflect earth tones or historical colors. Accent or complimentary colors, harmonizing with the main color, may be used for trim, awnings and other accents. ~~Metal awnings are prohibited.~~
  - (11) Facade renovations shall not destroy or cover details on a building or historic or architectural interest.
  - (12) In renovation projects, prevailing natural materials and themes shall be retained. Facades of natural materials such as stone, wood siding and brick shall not be covered with artificial siding or panels except for good cause shown. If an original material is or appears most appropriate on a facade, such material, if available, shall be used for renovations and additions. Roof cornices shall be retained, repaired, replaced or added where appropriate.
- C. Environmental considerations. Environmental elements relating to prevention of soil erosion, protection of significant vistas or views, preservation of trees and protection of watercourses, resources, soil and animal life shall be reviewed, and the design of the plan shall minimize any adverse impact on these elements.
- D. Historic preservation.
- (1) Continued use of historic sites through adaptive reuse should be encouraged.
  - (2) Appropriate alterations of historic sites and improvements within historic districts shall be encouraged while new construction which is not in keeping with the character of historic districts and sites shall be discouraged.
- E. Landscaping.
- (1) Landscaping shall be provided as part of any overall site plan design and integrated into building arrangements, parking and buffering requirements. Landscaping includes trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and/or the use of building and paving materials in an imaginative manner.
  - (2) The existing sense and appearance of any natural scenic qualities on a tract shall be retained by the careful placement of buildings and improvements.
- F. Buffering.
- (1) Buffering shall be located to minimize headlights of vehicles, noise, light from structures, the

movement of people and vehicles, and to shield activities from adjacent properties when necessary. Buffering may include but not be limited to fencing, walls, evergreens, shrubs, landscaping, berms, open space, deciduous trees or combinations thereof to achieve the stated objectives.

- (2) Extensive buffering shall be required where intensive land uses abut less intensive uses. Existing natural vegetation, if appropriate for the above-stated purposes, shall be retained.

G. Open space.

- (1) Open space shall be provided as part of a site plan and shall serve as a buffer and/or help integrate buildings and uses. Undeveloped open space should have as a prime objective the preservation of a tract's natural amenities and vistas.
- (2) Open spaces shall be so located as to provide for maximum usability and to create a harmonious relationship between buildings.

H. Signs.

- (1) Signs shall be designed so as to be aesthetically pleasing, coordinated with other signs on the site through a master signage plan, and located so as to achieve their purpose without constituting hazards to vehicles and pedestrians.
- (2) There should be a coordinated graphics design theme throughout any site plan. The design theme shall include style and size of lettering, construction materials, colors, location, size and lighting. Color of letters and background should be carefully considered in relation to the color of the material or buildings or where the signs are proposed to be located.

I. Utilities.

- (1) The requirements for underground utilities shall apply to all major site plans and major subdivisions.
- (2) Particular emphasis shall be given to establishment of drainage rights-of-way, analysis of the adequacy of existing systems and the need for improvements, both on site and off site, to adequately control the rate, volume and velocity of storm drainage, provide for treatment of effluent and to maintain an adequate supply of potable water at sufficient pressure.
- (3) In such event that they can not be installed underground, facilities such as pumping stations or transformers shall be enclosed in buildings or effectively screened with landscaping and/or buffering as approved by the Board.

- J. Street furniture. Street furniture shall be made of the same or similar materials to ensure design continuity and be appropriate to the particular use. These may include, but are not limited to, benches, bike racks, trash receptacles, bus shelters, tree planters and directories.

**§ 175-26 Specific design standards.**

In reviewing any application for development, the Board shall consider the following standards.

- A. Blocks. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lots required by this chapter and to provide for convenient access, circulation control and safety of street traffic.

B. Lots.

- (1) Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.
- (2) Where extra width has been dedicated for the widening of existing streets, lots shall begin at such extra line and setbacks shall be measured from such line.
- (3) Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as but not limited to wetlands or flood conditions, the Board may withhold approval of such lots.

C. Buffers.

(1) General.

- (a) Buffer dimensions shall be measured from property lines.
- (b) Within any buffer area, utilities, driveways and streets may be permitted to cross at right angles to the buffer.
- (c) No buildings, signs (other than directional signs), structures, storage of materials or parking shall be permitted within the buffer area.
- (2) When required; dimensional requirements. Where single-family/two-family homes abut multifamily residential or commercial uses, a buffer strip of a width of not less than five feet shall be designed and maintained. The buffer shall be provided on the multifamily residential or commercial lot. In small lot developments, when building design and siting do not provide privacy, the Planning Board may require landscaping, fences, or walls to insure privacy and screen dwelling units.
- (3) Planting specifications. Plant materials shall be sufficiently large and planted in such a fashion that a screen at least eight feet in height shall be produced within three growing seasons. All plantings shall be installed according to accepted horticultural standards.
- (4) Maintenance. Plantings shall be watered regularly and in a manner appropriate for the specific plant species through the first growing season, and dead or dying plants shall be replaced by the developer during the next planting season. No buildings, structures, storage of materials or parking shall be permitted within the buffer area. Buffer areas shall be maintained and kept free of all debris, rubbish, weeds, and tall grass.
- (5) The buffer area may be located within the yard setbacks.

D. Landscaping.

- (1) All residential lots shall have a minimum of 35% of the lot landscaped. All areas not occupied by buildings, ~~parking areas~~ paving, patios, walkways and/or any other impervious surface shall be suitably landscaped. No landscaping shall interfere with required sight triangles. Such landscaping minimum of 35% 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 lowest floor requirements. In no case, however, shall such percentage be lower than 30% of the lot. ~~Until such time as this chapter is amended to conform with final FIRM mapping and related~~

~~regulations, determination of "the extent required" shall be made by the BFE Design Committee or the Planning Board, as the case may be, in accordance with § 175-10 herein.~~ [Amended 1-31-2013 by Ord. No. 01-2013; 8-15-2013 by Ord. No. 17-2013]

- (2) Deciduous trees shall have a caliper of at least ~~1-1/4~~ 2 inches and be ~~eight feet to~~ 10 feet in height at planting, and evergreen trees shall be at least six feet tall. All trees shall be balled and burlapped and be of specimen quality as established by the American Association of Nurserymen. [Amended 4-3-2008 by Ord. No. 12-2008]
- (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. [Amended 10-4-2012 by Ord. No. 16-2012; 5-5-2016 by Ord. No. 09-2016]
- (4) In all original construction or enlargement of detached housing, the following shall apply:  
[Amended 9-24-2006 by Ord. No. 2006-26; 1-31-2013 by Ord. No. 01-2013; 8-15-2013 by Ord. No. 17-2013]
  - (a) For 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.
  - (b) 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.
  - (c) For duplex units, 30 shrubs shall be planted, and for multifamily units a total of 40 shrubs shall be planted.
  - (d) The plantings between the principal structure and the front property line detailed 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 lowest floor requirements. ~~Until such time as this chapter is amended to conform with final FIRM mapping and related regulations, determination of "the extent required" shall be made by the BFE Design Committee or the Planning Board, as the case may be, in accordance with § 175-10 herein.~~
- (5) Any landscaping which, within two years of planting, dies for any reason shall be replaced by the developer(s) or by the current owner at their sole expense.
- (6) In all single-family and duplex districts, grass, ~~or permeable decorative pavers, at the homeowner's option,~~ shall be maintained between the sidewalk line and the curbline. All applications for development shall provide this grass strip ~~or permeable decorative paver strip if previously removed. If the permeable decorative paver option is exercised, and if the required front street trees are placed in the curb strip, the cut-out for the trees shall be a minimum of three feet wide by the width of the strip.~~ [Amended 4-3-2008 by Ord. No. 12-2008]
- (7) The following principles shall be considered:

**Commented [12]:** Editor's Note: See Appendix B, Plant Species List, included as an attachment to this chapter.

- (a) Landscaping shall be located to provide for climate control.
- (b) Landscaping shall be used to accent and complement buildings.
- (c) Landscaping shall be provided in public areas, parking areas, recreation sites and adjacent to buildings.
- (d) Vines and climbing plants may be considered for large expanses of wall.
- (e) Massing trees may be considered at critical points.
- (f) Smaller trees shall be used on narrow streets.
- (g) Ground cover shall be used to prevent erosion.
- (h) A variety and mixture of landscaping shall be provided. Consideration shall be given to susceptibility to disease, colors, season, textures, shapes, blossom and foliage in selecting species.
- (i) Local soil conditions and water availability shall be considered in the choice of landscaping.
- (j) Existing trees located within 10 feet of any street right-of-way shall be maintained unless shown to be removed as part of an approved plan. The existing grade within that space shall not be disturbed without such approval.
- (k) Entrances to nonresidential lots shall be given special landscaping treatment.
- (l) The impact of any proposed landscaping plan at various time intervals shall be considered. Shrubs may grow and eventually block sight distances. Foundation plants may block out buildings.
- (m) Existing large trees (more than six-inch caliper) shall be saved by not varying the grade around the trees by more than six to 12 inches, by construction of tree wells and by erecting protective fences.
- (n) Landscaping in parking areas shall be provided in accordance with this article.
- (o) Impervious materials shall not be used in any landscape area. Weed-retardant mulch, porous nonwoven synthetic landscape fabric or other materials shall be used.
- (p) Vegetative ground cover is encouraged.
- (8) In commercial districts, a minimum of one tree shall be planted for each 50 feet of street frontage.
- (9) Stone mulch may be used in landscaping beds if less than 15% of the front landscaping area and not more than 10% of the total lot landscaping. [Stone mulch shall not be permitted within 3 feet of a public sidewalk or street.](#)
- (10) Any new plantings of bamboo are prohibited. For existing bamboo plantings, the homeowner is responsible for growth that may intrude into the neighbor's property or harm or destroy the neighbor's structures or site improvements. Code Enforcement may require complete or partial removal of all bamboo stands if the intrusion recurs or harm/destruction occurs. **[Added 9-24-2006 by Ord. No. 2006-26]**

E. Fences or walls.

- (1) All fences as permitted anywhere in this chapter shall be measured as to the height from a point between two and five inches above grade for proper clearance of the bottom of the fence from the ground, with the exact number of inches to be determined by the Construction Code Official on a case-by-case basis.
- (2) A fence may be constructed in the side or rear yard to a height of five feet from the adjacent finished grade. A rear yard is the area across the full width of the lot between the principal building and rear lot line. [Amended 9-24-2006 by Ord. No. 2006-26]
- (3) All fences and walls shall be placed within the property line, and the finished side shall be on the outside face of the fence or wall.
- (4) No fence or wall shall be placed within 15 feet of a street corner.
- (5) No fence or wall shall be placed between the front yard setback line and the front property line. This applies to fences along side property lines, which may not extend forward of the front yard setback line except as provided elsewhere.
- (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 visually 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. [Amended 5-5-2016 by Ord. No. 09-2016]
- (7) For multifamily development, a fence or wall may be constructed to a height of five feet from the grade of the curb in front of the property line within six inches of any side or rear property line for the purpose of screening said property from adjacent nonresidential uses, provided that the property adjoins a lot in a commercial zoning district or a commercial use or a school or a place of worship.
- (a) Any fence built across a driveway shall be gated with vehicular clearance of not less than 8 1/2 feet and shall be no closer to the front property line than 18 feet. If such a gated fence would, when closed, eliminate a required legal parking space, then it shall be prohibited.
- (8) The Construction Code Official, after conferring with and receiving written concurrence of the Zoning Officer, may deny fence permits on corner lots if he determines that the construction of said fences will adversely affect automobile sight lines, thereby creating a danger to public safety. [Amended 12-3-2009 by Ord. No. 32-2009]
- (9) In order to permit greater personal choice in exterior decor, the prescribed fence height as set forth may be modified in the case of scalloped or otherwise nontraditional fences, provided that no portion of any fence exceeds the maximum height by more than 10 inches, and also provided that the average elevation does not exceed the height requirement.
- (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. [Amended 5-5-2016 by Ord. No. 09-2016]

- (11) All fences on a parcel shall be consistent in size, texture and design and shall be compatible with the materials, scale and building arrangement of principal and accessory structures on the site.
- (12) For commercial development, a fence or wall may be constructed to a height of five feet above the elevation of the curb in front of the property line within six inches of any side or rear property line for purpose of screening said property from adjacent residential uses. [Added 9-24-2006 by Ord. No. 2006-26]

F. Lighting.

- (1) Standards. All outdoor light fixtures installed and thereafter maintained, other than those serving one- and two-family dwellings, shall comply with the following requirements:
  - (a) Only shielded light fixtures shall be used.
  - (b) Where used for commercial and industrial purposes or for sports or recreational facilities, all light fixtures shall be equipped with automatic timing devices and shall comply with the following:
    - [1] Light fixtures used to illuminate flags, statues or other objects mounted on a pole, pedestal or platform shall use a narrow column beam of light that will not extend beyond the maximum extensions of the illuminated object.
    - [2] Other upward-directed architectural, landscape or decorative direct-light emissions shall have at least 90% of their total distribution pattern within the profile of the illuminated structure.
    - [3] Externally illuminated building identification or other signs shall only use shielded light fixtures mounted on top of the sign structure.
    - [4] All other outdoor lighting shall use shielded light fixtures.
  - (c) The design and installation of outdoor lighting on a site shall be constructed so as to conform to the following standards:
    - [1] All outdoor lighting during nonoperating hours of the business on site not necessary for safety and security purposes shall be reduced, activated by motion-sensor devices or turned off.
    - [2] All lighting shall be designed to prevent misdirected or excessive artificial light and to maximize energy efficiency.
  - (d) All light fixtures shall be designed, installed and maintained to prevent trespass light.
  - (e) The maximum height of freestanding lights shall not exceed the height of the principal building, or 18 feet, whichever is less.
  - (f) The style of the light and light standards shall be consistent with the architectural style of the principal building or surrounding area.
  - (g) Freestanding lights shall be so located and protected to avoid being damaged by vehicles.
  - (h) The maximum illumination at property lines shall be 0.1 footcandle at grade.

(i) All wiring shall be laid underground.

G. Screening of exterior mechanical equipment.

(1) Electrical and mechanical equipment shall be located within the interior of a building wherever possible. When an interior location is not practical, such equipment shall be placed in a location where it can be substantially screened from public view. Roof-mounted equipment shall be hidden with parapets or screens of materials which are in harmony with the building's architecture.

(2) Ground level utilities shall be screened so as to be unobtrusive when viewed from the public rights-of-way and adjacent uses.

H. For all dwellings in multiple dwelling buildings, there shall be provided a minimum of 250 cubic feet of storage area in a convenient centrally located area outside of the dwelling unit for storage of personal belongings, outdoor furniture, bicycles, beach chairs, etc., designed in such a way as to not constitute a fire hazard and so that belongings may be kept locked and separated from belongings of other occupants.

I. Storage and disposal of waste.

(1) Outdoor refuse and recycling containers shall be visually screened within a durable enclosure so as not to be visible from adjacent lots or sites, neighboring properties or streets.

(2) No refuse and recycling storage areas shall be permitted between a street and the front of a building and shall conform to the front yard requirements for the principal buildings in the zone.

(3) No refuse and recycling storage area shall be located so as to prevent natural runoff from such areas or impair the existing water quality of any stream, watercourse or aquifer.

(4) All materials or wastes which might cause fumes, dust, odor or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in sealed and covered containers which are adequate to eliminate such hazards.

(5) Refuse and recycling collection areas shall be effectively designed to contain all refuse generated on site and deposited between collections.

(6) Refuse and recycling collection enclosures shall be designed of durable materials with finishes and colors which are unified and harmonious with the overall architectural theme.

(7) Refuse and recycling collection areas shall be located to provide clear and convenient access to refuse collection vehicles.

(8) Medical, hazardous or other regulated waste shall meet the state and federal standards for such materials.

(9) In those cases where the operation of a commercial use requires cooking, baking, frying, steaming and other methods of exhausting from the premises, as well as air conditioners and refrigeration or other mechanical devices usually located outside of a building on the grounds or roof or otherwise appurtenant to the building, the Planning Board shall, as part of its site plan powers, be assured that the exhaust and other mechanical devices are designed, located, oriented, screened and built of such

materials that surrounding residential and nonresidential uses are not impacted by noise, smoke, odors, fumes or other environmentally disturbing attributes.

J. Recycling facilities for new multifamily housing developments.

- (1) There shall be included in any new multifamily housing development that requires subdivision or site plan approval an indoor or outdoor recycling area for the collection and storage of residentially generated recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located.
- (2) The recycling area shall be conveniently located for the disposition of source-separated recyclable materials by residents of the multifamily housing development, preferably near, but clearly separated from, a refuse dumpster.
- (3) The recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area and the bins or containers placed therein against theft of recyclable materials, bins or containers.
- (4) Any bins or containers which are used for the collection of recyclable paper or cardboard and which are located in an outdoor recycling area shall be equipped with a lid or otherwise covered so as to keep the paper or cardboard dry.
- (5) Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.
- (6) Landscaping and/or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.

K. Signs.

- (1) Permit required; exemptions. A permit shall be obtained from the office of the Construction Code Official before erecting, placing, rebuilding, reconstructing, enlarging, reducing the size of or in any other way altering any sign, including the changing of any part of the message of a sign. Signs detailed in Subsection K(4), except signs advertising a legal nonconforming use, are exempted from the permit requirement.
- (2) Engineering and design standards; exemptions. No sign shall be installed anywhere in Margate City unless it conforms to the following engineering and design standards. Signs detailed in Subsection K(4), except signs advertising a legal nonconforming use, are exempted from these engineering and design standards.
  - (a) Only materials as permitted by NJUCC, Structural Requirements Governing Signs, shall be used in the manufacture of on-premises signs. The design and construction of on-premises electrical signs shall also be in accordance with the requirements set forth by the Uniform Building Code.
  - (b) Signs and sign structures (except temporary signs) shall be designed and constructed to resist wind

forces as specified in the Uniform Building Code. Signs and sign structures (except temporary signs) shall be designed and constructed to resist seismic forces as specified in the Uniform Building Code.

- (c) All electrical wiring shall be contained in rigid conduit or enclosed in poles or raceways. All electrical sign components, connections and installations shall conform to specifications of the National Electrical Code and Underwriters' Laboratories. Every electrical sign must bear the seal of the Underwriters' Laboratories prior to installation and before issuance of a permit by the Construction Code Official. The number of the Underwriters' Laboratories label assigned to the subject sign must be provided by the constructor of the sign. It shall be illegal to install any electric sign without the Underwriters' Laboratories label prominently affixed thereon.
  - (d) Detailed plans showing supporting structural members and foundations must be submitted to the Construction Code Official's office for approval before issuance of a permit.
  - (e) The Construction Code Official shall require the proper maintenance of all signs and shall inspect every sign for which a permit is required within 30 days after it is erected. All signs, together with all of their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation. The Construction Code Official may order the removal of any sign that is not maintained in accordance with the provisions of this section.
- (3) Insurance and performance bond.
- (a) It shall be unlawful for any firm or individual to erect, repair or maintain electrical signs, regardless of size or location, or nonelectrical signs which are higher than 10 feet above grade or larger than 24 square feet without submitting a certificate of insurance to the Construction Code Official's office in the amount of \$100,000 and \$300,000 liability and \$25,000 property damage.
  - (b) It shall be a requirement in the erection or repair of electrical signs, regardless of size or location, or nonelectrical signs which are higher than 10 feet above grade or larger than 24 square feet that a performance bond of \$1,000 be posted with the Construction Code Official's office. In the event that the contractor does not perform in accordance with this chapter or the specifications which are approved by the Construction Code Official's office for a specific installation, such one-thousand-dollar bond will be forfeited if corrections are not made by no later than 15 days after written notice of specific deficiencies is received from the Construction Code Official's office. In case of forfeit, such moneys received by the Construction Code Official's office may be used to have corrections made to conform to the provisions of the chapter.
- (4) Signs in residential districts. In residential zoning districts, only the following signs shall be permitted.
- (a) Official highway route number signs, street name signs and directional and other official traffic signs may be erected and maintained in the interest of public safety or for the regulation of traffic.
  - (b) Temporary signs advertising the sale or rental of the premises upon which said sign has been erected or a sign indicating that said premises have been sold or rented, provided that:
- [1] Such temporary signs shall be erected only on the premises to which they relate. They shall not be permitted on any other property or within the public right-of-way.
  - [2] The area of any such temporary sign shall not exceed six square feet.

- [3] Not more than one such temporary sign shall be placed on any property held in single and separate ownership.
- [4] Such temporary signs shall be removed promptly within 10 days after an agreement of sale or rental has been entered into.
- (c) Signs advertising the development and/or sale of the premises upon which they are erected, when erected in connection with the development or proposed development of the premises by a builder, contractor, developer, subdivider or other persons interested in such sale or development, may be erected and maintained, provided that:
  - [1] The size of such sign shall not exceed 16 square feet. [Amended 7-7-2014 by Ord. No. 27-2014]
  - [2] Not more than one such sign shall be placed upon any property held in single and separate ownership. [Amended 7-7-2014 by Ord. No. 27-2014]
  - [3] Such sign shall be removed within 10 days after 75% of the building, buildings or subdivided lots have been initially occupied.
- (d) Signs of mechanics, contractors and artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided that:
  - [1] The size of any such temporary sign shall not exceed six square feet.
  - [2] Not more than one sign for each such mechanic, contractor or artisan shall be placed on any one property on which such person is performing work.
  - [3] Such signs shall be removed upon completion of work by the mechanic, contractor or artisan.
- (e) Signs for the purpose of identification of schools, churches and other institutions of a similar nature may be erected and maintained on the property to which they relate, provided that:
  - [1] The size of any such sign shall not exceed 25 square feet.
  - [2] Not more than one such sign shall be placed on any premises held in single and separate ownership.
- (f) Temporary signs advertising political parties or candidates for election may be erected and maintained, provided that:
  - [1] The size of any such sign is not in excess of four square feet.
  - [2] The erector of such signs or an authorized agent of the political party or candidate applies for and obtains a permit from the appropriate City officials and deposits with the City, at the time of application, the sum of \$25 per each 10 such signs or fraction thereof as a guaranty that all such signs will be removed promptly within 10 days after the date of the election to which such signs relate. If such signs are not removed at the end of the ten-day period, the City shall have them removed and keep the full sum deposited to reimburse the expenses incurred by it and for general municipal purposes.
- (g) Trespassing signs or signs indicating the private nature of a road, driveway or premises and signs

prohibiting or otherwise controlling fishing upon particular premises may be erected and maintained, provided that the size of any such sign shall not exceed four square feet.

(h) Name signs indicating the name of the occupant of a dwelling, provided that:

[1] The size of such sign shall not exceed 144 square inches.

[2] Not more than one such sign shall be erected for each permitted use.

(i) Directional, informational or public service signs, such as signs advertising the availability of rest rooms, telephones or similar facilities of public convenience, and signs advertising meeting times and places of nonprofit service or charitable clubs and organizations may be erected and maintained, provided that such signs do not advertise any commercial establishments, activity, organization, product, goods or services except those of public utilities, and any such signs shall not exceed four square feet in size.

(j) Signs advertising a legal nonconforming use, when located on the site where such use is conducted, may be maintained, modernized or replaced without increasing the size, provided that such signs were erected prior to the adoption of this chapter and provided that modernization and replacement comply with the permit requirements and the engineering requirements.

(5) Signs in commercial districts. In commercially zoned districts, signs shall be permitted under the following regulations:

(a) Any sign permitted in any residential district shall be permitted, provided that the use to which it refers is permitted in the commercial district.

(b) Signs advertising a permitted commercial or office use located on the site may be erected in accordance with the following size limitations and regulations. Square-footage computation will be ascertained by reference to the background area of the sign, exclusive of supporting structure but including decorative trim. Square-footage computation for individual letter displays or other graphic elements affixed to an existing structural background shall be made by reference to the copy area covered by such letters or elements. In computing copy area, straight lines drawn closest to copy extremities encompassing individual letters, words or other elements shall be used.

[1] Only wall or fascia signs, as defined, are permitted.

[2] Roof signs, freestanding signs, under-canopy signs or marquee signs are prohibited.

[3] Signs for business office or professional office uses shall not exceed 10 square feet per separate office tenant on the premises but are not to exceed 40 square feet if there are more than four office tenants on the premises.

[4] Signs for retail commercial and service establishments, including bars and restaurants, shall be constructed under the following limitations:

[a] Not more than one sign shall be permitted on each wall fronting on a street. If a particular premises has more than one commercial establishment, signs for the various establishments shall be so designed and constructed as to constitute either one unified sign with more than one part, or more than one sign composed and mounted together to form one unified grouping of signs. The sign or

unified grouping shall not exceed three feet in height and shall be located no lower than 10 feet above grade.

[b] The aggregate area of the single or unified sign shall be limited by the following table:

<b>Building Frontage</b>	<b>Maximum Sign Area</b>
<b>(linear feet)</b>	<b>(square feet)</b>
0 - 50	35
51 - 100	50
101 - 150	65
151 or greater	75

- (c) When a commercial premises fronts on more than one street, the tenant/proprietor may select one street frontage on which to apply the maximum sign areas in the section ; the second street frontage may have a sign the total maximum area of which shall be 1/2 of that permitted in the section above, for the linear feet of building frontage on that second street; the third street frontage, if there is one, may have a sign the total maximum area of which shall be 1/3 of that permitted in the section above, for the linear feet of building frontage on that third street.
- (d) When commercial premises have an entrance facing directly onto a rear or side off-street parking area and the facade of the building facing the parking area does not front on a street, then the tenant/proprietor may erect a sign on said facade not to exceed 12 square feet.
- (e) Signs shall be applied flat against a wall and shall not project beyond the side or top of the wall to which they are affixed, nor shall such signs project more than 10 inches forward from the wall.
- (f) All bare incandescent light sources, but not including neon lights, and their immediately adjacent reflecting surfaces shall be shielded from view. Flashing, moving, intermittently moving or illuminated signs, reflecting signs or luminous paints and/or advertising devices shall be prohibited.
- (g) No temporary signs made of paper, cardboard, canvass or similar material shall be permitted except inside the building. Inside window signs may occupy not more than 30% of the glass area.
- (h) Directional signs in parking areas or for the purpose of directing patrons to correct entrances shall be permitted, in addition to signs otherwise permitted as above, with no more than two such signs permitted, each such directional sign not to exceed four square feet.
- (i) Signs, whether on the facade of the building or on awnings or canopies, shall not extend over the public right-of-way more than 10 inches.
- (j) No sign may be located closer to any side of a building than 10% of the linear front footage of the building.
- (6) Additional regulations.

- (a) No sign shall be placed in such a position that it will cause danger to traffic on a street or traffic which is entering a street by obscuring the view of traffic on either street. In no case shall any sign, other than an official sign or functional sign, be erected within the official right-of-way of any street unless specifically authorized by ordinance or regulations of the City of Margate City.
- (b) The following signs are prohibited in all zones:
  - [1] A flashing, blinking, twinkling, animated, moving or projected sign of any type, or a sign which presents an illusion of movement. Static time and temperature displays are permitted.
  - [2] Any sign so erected, constructed or maintained as to:
    - [a] Obstruct any fire escape, window, door or opening used as a means of egress or ingress.
    - [b] Interfere with any opening required for legal ventilation.
  - [3] Any sign whose form, character or shape may confuse or dangerously distract the attention of the operator of a motor vehicle.
  - [4] Signs which in any way simulate official, functional directional or warning signs erected or maintained by the State of New Jersey, a county or municipality thereof, any railroad, public utility or similar agency concerned with the protection of public health or safety.
  - [5] Off-site and outdoor advertising signs.
  - [6] Any sign attached to or painted on trees, fences, utility poles, rocks, curbs, walks, lamps, hydrants, benches or bridges. This does not apply to "No Trespassing" signs and signs warning of an existing danger, such as "Beware of Dog."
  - [7] Signs bearing texts of a laudatory nature or including services or product names normally furnished by any such proprietor. It is the purpose of this section to limit the use of all signs to identification or directional purposes only. Identification signs allow the principal name of the establishment or proprietor and a brief description of the principal goods or service offered.
  - [8] Any sign which, applying contemporary community standards, has a dominant theme or purpose and appeal to prurient interest.
  - [9] Mobile signs.
  - [10] Vehicular signs.
- (c) No sign shall be erected containing information on it which states or implies that property may be used for any purpose not permitted under the provisions of the Margate City Zoning Ordinance in the zoning district in which the property to which the sign relates is located.
- (d) Signs advertising an establishment or use no longer in existence or a product no longer available shall be removed within 14 days.
- (e) Changeable copy signs shall not be permitted unless the sign relates to a movie theater, religious institution or public school.

- (f) Each dwelling and business establishment shall display its street number in a prominent location so that it is visible from the street at all times. The height of the number shall be such that it is legible to an individual at the front curbline. No certificate of occupancy shall be issued until the street number is installed to the satisfaction of the building inspector.
- (g) Permanent project identification signs for multifamily residential developments shall be limited as follows:
  - [1] If there is only one street frontage, a single sign is permitted, not to exceed 21 square feet in area.
  - [2] If there are two frontages, a total sign area of 32 square feet is permitted; only one sign per frontage is permitted; and no one sign may exceed 21 square feet in area.
  - [3] If there are three, four or more frontages, only two signs are permitted but they must be on two different frontages, and no one sign may exceed 21 square feet in area.
- (7) Nonconforming signs. It is the intent of this chapter that, as expeditiously as legally possible, all existing signs not conforming to the provisions of this chapter be eliminated or brought to conform to this chapter. In the event that an existing nonconforming sign is altered or proposed to be altered, the sign must either be brought to conform to this chapter or removed immediately. An alteration will include:
  - (a) Change of size or configuration of sign.
  - (b) Substantial reconstruction after destruction by fire, storm or other calamity. Substantial reconstruction shall mean that at least 50% of the sign and/or supporting structure will require replacement.
- (8) Enforcement. Any sign erected or maintained in violation of any of the provisions of this chapter shall be removed within 10 days after service of written notice in person or by mail upon the owner of such sign, any other person responsible for the property upon which the sign is maintained or upon the agent or legal representative of such owner or other person responsible. Such notice shall specify the nature of the violation and shall be signed by the Construction Code Official. Upon failure to comply with such notice, the Construction Code Official may cause such sign to be removed or may impose penalties as provided by law.

#### **L. STREETSCAPING**

- (1) Streetscaping: Streetscaping shall be required for all development within the Washington Avenue Pedestrian Corridor District (WAPC), Commercial District (C-1), Commercial/Business District (C-2) and the Central Business District (CBD) (Details of streetscape improvements are contained in Appendix C).
- (2) Decorative pavers shall be installed from the curb to the property line.
- (3) Tree grates and frames shall be provided for all trees planted within the right of way.
  - (a) Where streetscaping is required, trees may be planted adjacent to the street curb.
- (4) Decorative sign posts and signage shall be installed street intersections.

- (5) Decorative street lights shall be installed within the right of way.

**M. WATERFRONT SPECIAL DISTRICT**

- (1) All development on the north side of Amherst Avenue from Washington Avenue to the Longport Border within the Waterfront Special District shall provide a continuous 6' feet wide public promenade walkway along the property frontage.
- (2) All bulkheads shall be designed with the top of the bulkhead at elevation 8.0 (NAVD 88).

**§ 175-27 (Reserved)**

**§ 175-28 Performance standards.**

**A. General applications.**

- (1) As a condition of approval and the continuance of any use, occupancy of any structure and operation of any process or equipment, the applicant shall certify compliance with the performance standards contained herein. Permits and certificates required by other government agencies shall be submitted to the Board as proof of compliance with applicable codes.
- (2) The regulations contained in this section shall not apply to one- and two-family dwellings.

**B. Regulation of nuisance elements.**

- (1) The determination of the existence of nuisance elements shall be made to the following locations:

Nuisance Characteristic	Location of Test
Smoke	Vent or smokestack
Air pollution, including solid particles or fly ash	Vent or smokestack
Odors	Property line
Liquid waste	Property line
Solid waste	Property line
Noise	Property line
Vibration	Building wall
Glare	Property line
Trespass Lighting	Property line
Temperature change:	Vent or smokestack; property line

**Commented [13]:** Editor's Note: Former § 175-27, Supplemental design standards in Overlay District, was repealed 10-4-2012 by Ord. No. 16-2012.

**Nuisance Characteristic****Location of Test**

Gas, liquid or solid

- (2) Continued compliance with the performance standards stated herein shall be a requirement for the continued occupancy of any structure or the operation of any process or equipment.

C. Standards to be enforced.

(1) Air pollution.

- (a) General. No substance shall be emitted into the atmosphere in quantities which are injurious to human, plant or animal life or to property or which interfere unreasonably with the comfortable enjoyment of life and property anywhere in the City. All provisions of Title 7, Chapter 27 of the New Jersey Administrative Code, (N.J.A.C.), or the regulations contained in this section, whichever shall be more stringent, shall apply.

- (b) Smoke. In any nonresidential zone, no smoke, the shade or appearance of which is darker than No. 1 on the Ringelmann Smoke Chart, shall be emitted into the open air from any fuel-burning equipment; provide, however, that smoke emitted during the cleaning of a firebox or the building of a new fire, the shade or appearance of which is not darker than No. 2 on the Ringelmann Smoke Chart, may be permitted for a period or periods aggregating no more than three minutes in any 15 consecutive minutes. Smoke emissions from the combustion of fuel and mobile sources and from stationary internal combustion engines shall not exceed the limits set forth in N.J.A.C. 7:27.

- (c) No open burning shall be permitted in any district.

(2) Wastes.

- (a) Liquid wastes. No liquid waste shall be discharged into any watercourse in the City without all necessary permits from the New Jersey Department of Environmental Protection (NJDEP). No liquid waste shall be discharged into the public sewage collection and disposal system unless the appropriate City official shall have first investigated the character and volume of such wastes and shall have certified that the City will accept the discharge of such waste material into the system. The applicant shall comply with any requirements of said officials, including the pretreating of such wastes, the installation of processing methods, separation or screening of wastes, control of pH and other methods of improving such wastes prior to discharge, as a condition of approval of such facilities.

- (b) Solid waste. Each property owner shall be responsible for:

- [1] Adequate and regular collection and removal of all refuse, except where the City assumes such responsibility.
- [2] Compliance with all applicable provisions of the NJDEP.
- [3] Compliance with all provisions of Title 7, Chapter 26, of the N.J.A.C., where applicable.
- [4] No accumulation on the property of any junk or other objectionable materials except in designated trash receptacles.

- (3) Noise. All applications shall comply with the provisions of N.J.A.C. 7:29.
- (4) Vibration. In any zone, vibrations discernible without instruments at the measuring location shall not be permitted.
- (5) Glare. No single standard for glare is promulgated in this chapter due to the impracticality of establishing such standards. It is the intent of these performance standards to ensure that both direct and indirect glare, to the extent possible, are eliminated or that activities producing such glare are carried on within a structure. Necessary glare-producing devices such as glazing, roadway and walkway lighting shall be designed, constructed and maintained in such a manner as not to be a nuisance to surrounding uses.
- (6) Trespass lighting: All applications shall comply with the provisions of this article.
- (7) Temperature change. Any use or process shall not produce a temperature change greater than 3° C at the measuring location.
- (8) Fire and explosive hazards. If it appears that any proposed use, structure, process or resulting product or material may constitute a fire or explosion hazard, the Board may require the applicant to supply proof of:
  - (a) Approval of the use, structure, process or resulting product or material from the State Department of Labor indicating that adequate safeguards against fire and explosion have been taken or installed.
  - (b) Approval from the City of Margate Fire Department that the applicant has complied with all applicable City fire prevention regulations.

## Article V Zoning

### § 175-29 Zoning districts.

- A. Purpose. The purpose of this zoning article is to implement the goals, objectives and recommendations contained in the City of Margate ~~2017 Master Plan 2004 Master Plan and the July 2006 Master Plan Revision~~. [Added 9-24-2006 by Ord. No. 2006-26]
- B. Establishment of zones. For the purposes of this article, the City is hereby divided into ~~14~~ 18 districts as follows: [Amended 10-4-2012 by Ord. No. 16-2012; 1-31-2013 by Ord. No. 01-2013; 8-15-2013 by Ord. No. 17-2013]

S-60	Single-Family Residential
<del>S-60-WF</del>	<del>Single-Family Residential</del>
S-50	Single-Family Residential
S-40	Single-Family Residential
<del>S-40-WF</del>	<del>Single-Family Residential</del>

**Commented [14]:** Editor's Note: This ordinance also redesignated former Subsections A through G as Subsections B through H, respectively.

S-30	Single-Family Residential
S-25	Single-Family Residential
S-25 (HD)	Historic Single-Family Residential
TF	Two-Family Residential
MF	Multi-Family Residential
CBD	Central Business District
C-1	Commercial
C-2	Commercial/Business
WSD	Waterfront Special District
<del>GO</del>	<del>Government and Open Space</del>
R	Riparian
WAPC	Washington Avenue Pedestrian Corridor
I	Institutional Use
B	Beach

C. Zoning Map. The location and boundaries of the above districts are hereby established on the Zoning Map of the City of Margate in Atlantic County dated ~~August 2006~~ September 2018, which is filed in the office of the City Clerk. Said map or maps and all notations, references and designations shown thereon shall be part of this article as if the same were all fully described and set forth herein.  
[Amended 9-24-2006 by Ord. No. 2006-26]

D. Interpretation of zone boundaries. Whenever an uncertainty or ambiguity exists as to the true location of any boundary line of any zone shown on the Map, the following rules shall apply:

- (1) The zone boundary lines are intended generally to follow street center lines, existing lot lines, center lines of railroad right-of-way, waterways, sewer and utility easements or as otherwise indicated on the Zoning Map.
- (2) Where a zone boundary line does not coincide with any such line as above set forth, its location or relation to another boundary line shall be as designated on said Zoning Map by means of figures or dimensions expressing distance in feet from a street side line or other boundary line.

- (3) In cases of uncertainty or disagreement as to the true location of any zone boundary line, the determination thereof shall be with the ~~Board of Adjustment~~ Planning Board.
- (4) All City-owned beachfront parcels or portion thereof contiguous and landward of existing bulkheads designated on the Zoning Map as ~~GO (Government and Open space)~~ B (Beach) shall, upon termination of government ownership, be considered designated the same zone as the contiguous nongovernmental owned parcel. The adjacent zones are S-30, S-40, CBD, and MF. [Added 2-1-2018 by Ord. No. 03-2018]
- E. Schedule of permitted uses. The schedule of permitted, conditional and accessory uses is contained in Schedule A and is hereby made part of this chapter.
- F. Schedule of Area, Yard and Building Requirements. The Schedule of Area, Yard and Building Requirements is contained in Schedule B and is hereby made part of this chapter.
- G. Permitted uses. This zoning article shall be viewed as permissive. After the adoption of this chapter, no uses or structures shall be permitted in the City which are not listed as a permitted, accessory or conditional uses or unless permitted by the Zoning Board of Adjustment.
- H. Conditional uses. Notwithstanding compliance with specific conditional use standards hereinafter set forth, conditional uses shall require site plan approval by the appropriate board.
- I. (Reserved)
- J. All applicants for land use approvals and/or building permits are hereby advised that the City has used the best information available to it to provide owners/builders with guidance as to current FEMA requirements and standards but that development decisions are to be made by individual applicants based on their own due diligence. As such, applicants are advised that they proceed at their own risk. [Added 1-31-2013 by Ord. No. 01-2013; amended 8-15-2013 by Ord. No. 17-2013]

**Commented [15]:** Editor's Note: Schedule A, containing the Schedule of Uses for Residential Districts and the Schedule of Uses for Nonresidential Districts, is included as an attachment to this chapter.

**Commented [16]:** Editor's Note: Schedule B, containing schedules of standards for residential and nonresidential districts, the FEMA ABFE Overlay, and waterfront single-family development, is included as an attachment to this chapter.

**Commented [17]:** Editor's Note: Former Subsection I, Base zoning; FEMA ABFE Overlay, added 1-31-2013 by Ord. No. 01-2013, was repealed 8-15-2013 by Ord. No. 17-2013.

#### § 175-30 Supplementary regulations.

##### A. General.

- (1) No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used for any purpose or in any manner other than as specified among the uses listed as permitted, accessory or conditional in the district in which such building or land is located.
- (2) No building or structure shall be erected, reconstructed or structurally altered to exceed in height the limit designated in the district in which such building or structure is located.
- (3) No building or structure shall be erected, no existing buildings or structures shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot area and building location regulations hereinafter designated for the district in which such building or open space is located.
- (4) The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this article, and, if already less than the minimum required by this article, said area or dimension shall not be further reduced.

- (5) The provisions and restrictions contained in this article shall not apply to or be binding upon the City of Margate.
- (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. [Added 1-31-2013 by Ord. No. 01-2013]

B. Yard regulations.

- (1) Required yards.
  - (a) Every lot shall include front, side and rear yards having the areas and dimensions required within the particular zone in which said lot is located.
  - (b) No yard or other open space provided for any building for the purpose of complying with the provisions of this article shall be considered as providing a yard or other open space for any other building on any other lot.
  - (c) No land in a residential zone shall be used to fulfill open space, minimum areas, minimum yard and setback requirements, parking or other similar requirements for uses in nonresidential zones.
- (2) Front yards on corner lots. Where a lot is bounded by more than one street and is a corner lot as defined in this chapter, the front yard setback requirements for the zone shall be satisfied with respect to each abutting street. All other yards shall be considered side yards.
- (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. [Added 5-5-2016 by Ord. No. 09-2016]

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:

- (1) Windowsills, cornices, bay windows and other architectural window treatments may project into the front, rear or larger side yard by no more than two feet, provided that the sum of all projections on any building facade, combined with any projected features from Subsection C(2) below shall not exceed 15% of the total area of that facade. [Amended 4-3-2008 by Ord. No. 12-2008]
- (2) Chimneys and fireplaces may project into a rear or side yard by not more than two feet; provided, however, that no projection shall be permitted into a side yard of less than seven feet. The sum of all projections on any building facade by chimneys and flues combined with projected features from Subsection C(1) above shall not exceed 15% of the total area of that facade.
- (3) The sum of all projections from Subsection C(1) and (2) above shall not exceed 10% of the total area of all building facades.
- (4) Stairs, canopies and awnings. [Amended 1-31-2013 by Ord. No. 01-2013; 8-15-2013 by Ord. No. 17-2013]

- (a) Projections by stairs to the first floor (only) where not required pursuant to Subsection C(4)(b) below, 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 to the front property line.
- (b) Stairs, steps, ADA-compliant ramps and related elements providing access to the first floor (only), where necessary to conform with BFE lowest floor requirements, may project into any setback, up to but in no case beyond the property line.
- (5) Balconies, single-story porches, second-story porches and decks of any kind must meet the principal building setback standards, as set forth in Schedule B-1, under "Minimum front yard," except that stairs, steps, ADA-compliant ramps and related elements providing access to the first floor (only), where necessary to conform with BFE lowest floor requirements, may project into a yard in accordance with Subsection C(4) herein. [Amended 1-31-2013 by Ord. No. 01-2013; 8-15-2013 by Ord. No. 17-2013; 8-7-2014 by Ord. No. 28-2014]
- (6) Wheelchair ramps shall not be subject to any yard requirements.
- (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 water side to extend to the second floor level, but not above. [Amended 5-5-2016 by Ord. No. 09-2016]
- (8) Decorative masonry foundation walls up to the finished first floor and projecting no more than four inches are permitted. [Added 9-24-2006 by Ord. No. 2006-26]
- (9) Roofs may project beyond a building wall, provided no part of any roof shall be closer than three feet to any property line; this includes the overhang plus any associated leaders, gutters or other attachments. [Added 4-3-2008 by Ord. No. 12-2008]
- D. Driveways ~~on corner lots. Driveways shall be required to be located on north-south streets (i.e., generally parallel to Jerome Avenue) and a minimum of 10 feet from the corner. [Added 9-24-2006 by Ord. No. 2006-26]~~
  - 1. On corner lots. Driveways shall be required to be located on north-south streets (i.e., generally parallel to Jerome Avenue) and a minimum of 10 feet from the corner and one (1') foot from any side lot line. [Added 9-24-2006 by Ord. No. 2006-26]
  - 2. Other than corner lots: Driveways shall be setback a minimum of one (1') foot from the property line.
  - 3. On lots with alternate access (rear access): Driveways shall be located on the rear access only.
  - 4. Single residential driveways shall be a maximum of ten (10') feet wide.
  - 5. Double residential driveways shall be a maximum of twenty (20') feet wide.
  - 6. Ribbon Driveways:
    - a. shall only be permitted on private property and between the back of the sidewalk and property line within the right of way.

**Commented [18]:** Editor's Note: Said schedule is included as an attachment to this chapter.

- b. Each ribbon shall be two (2') wide and separated by a three (3') grass strip.
- c. Shall be constructed of N.J.D.O.T. Class "B" Concrete a minimum of six (6") inches thick or concrete pavers specifically designed for use with vehicles on a one (1") inch sand bedding on six (6") inches of dense graded aggregate base course (min.) or six (6") inches of N.J.D.O.T. Class "B" concrete (min.) .

**§ 175-31 Principal buildings.**

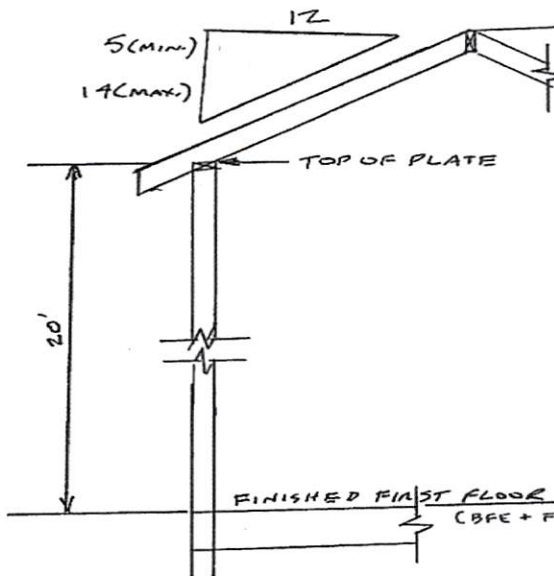
- A. Only one principal building may be erected on a lot except for related buildings forming one principal use in accordance with an approved plan and limited to the following:
  - (1) Public or institutional building complexes.
  - (2) Office or retail shopping complexes, or complexes involving mixed office and retail use.
  - (3) Multifamily dwelling complexes.

**§ 175-32 Height exceptions.**

- A. Appurtenances attached to principal structures other than one- and two-family residential buildings. Church spires, belfries, cupolas and similar architectural features, flues, penthouses (not for human occupancy), chimneys, ventilators, skylights, water tanks, bulkheads and necessary mechanical appurtenances usually carried above roof level shall not be considered when determining the height of the building and are not subject to height limitations, except that:
  - (1) Such features shall not exceed a height of 10 feet above the highest point of the roof.
  - (2) Mechanical equipment shall be screened from public view.
  - (3) The aggregate area covered by all such features shall not exceed 10% of the area of the roof measured in plan view.
  - (4) The above features shall not be used for human occupancy.
- B. Chimneys attached to one- and two-family residential buildings shall not extend five feet above the highest point of the roof.
- C. Water towers and radio and television antennas which are erected as freestanding structures may be erected to a height which can be demonstrated to the Board as necessary to accomplish their intended function. Federally licensed amateur radio facilities shall be subject to Federal Communications Commission (FCC) rules which govern the height of licensed amateur operator radio antennas. The height of the tower or antennae shall conform with U.S. Federal Communications Commission Regulations governing licensed amateur radio operators and, if required, Federal Aviation Administration (FAA) notification and FCC approval. All freestanding noncommercial accessory structures shall not be located within any required front, side or rear yard setback areas and shall be subject to the structural provisions of the New Jersey Uniform Construction Code.
- D. Flagpoles may be affixed to a principal structure with the uppermost component thereof not to exceed the maximum height permitted for principal structures in the district. Flagpoles may be attached to the side of principal structures or freestanding, no more than five feet from a principal

structure, with the uppermost component thereof not to exceed the maximum height permitted for principal structures in the district. Freestanding flagpoles which are greater than five feet from a principal structure shall be permitted, provided that the uppermost component thereof does not exceed the maximum height for accessory structures in the district. Flagpoles must comply with setback requirements for accessory structures in the district.

- E. Height exceptions for residential buildings. [Added 1-31-2013 by Ord. No. 01-2013; amended 8-15-2013 by Ord. No. 17-2013]
- (1) 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 lowest floor elevations.
  - (2) FEMA base flood elevations for the one-percent flood event increase the minimum lowest 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.
  - (3) Until such time as this chapter is amended to conform with final FIRM mapping and related regulations, determination of "minimum extent necessary to achieve proper crawl space clearance" shall be made by the ~~BFE Design Committee or~~ the Planning Board, ~~as the case may be, in accordance with § 175-10 herein.~~
  - (4) Elevator shafts may extend above the roof peak no more than two feet. Elevator shafts shall be architecturally pleasing and shall not be an extension of a room or inhabited space. Any roof on the elevator shaft shall comply with minimum roof pitches. [Added 11-2-2017 by Ord. No. 17-2017]
  - (5) Building heights in ~~Height Zones A and B, as indicated on the Single-Family and Two-Family Residential Height Regulating Map~~ the S-25, S-30 (north of Atlantic Avenue), S-40 (north of Ventnor Avenue), S-40 WF, S-50, S-60 (not abutting and north of Ventnor Avenue), S-60 WF, TF, MF (east of Decatur Avenue) Districts shall permit, for 30 feet of building height provided, that the distance from the finished first floor to the top plate of the second habitable floor does not exceed 20 feet. [Added 11-2-2017 by Ord. No. 17-2017]
  - (6) The maximum allowable roof pitch is 14:12 and the minimum roof pitch remains at 5:12. Dormer requirements and 1/2 story requirements remain the same. [Added 11-2-2017 by Ord. No. 17-2017]



§ 175-33 Accessory structures and uses.

A. General requirements.

- (1) No accessory building shall be constructed on any lot on which there is not a principal building structure.
- (2) Any accessory building attached to the principal building shall be considered part of the principal building.

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

- (1) No accessory building shall be used for human habitation.
- (2) Except as specifically permitted elsewhere in this article, no accessory building or structure (except for detached garages) shall exceed nine feet in height above adjacent finished grade. [Amended 9-24-2006 by Ord. No. 2006-26]
- (3) No accessory building shall be located closer to a right-of-way line than the principal building. On corner lots, accessory buildings shall not be located closer to a street than the minimum front yard requirements for the district.
- (4) A one foot setback is required for an accessory building. The setback shall be measured to the face of the building or any roof overhang, whichever is closer to the property line. ~~No setbacks are required for an accessory building; however,~~ No encroachments or drainage on adjacent properties (e.g., roof overhangs or drainage) are permitted. [Amended 9-24-2006 by Ord. No. 2006-26]
- (5) There shall not be more than two accessory buildings on a lot; however, there shall not be more than

one storage shed on a single-family lot, nor more than two storage sheds on a duplex lot. [Amended 4-3-2008 by Ord. No. 12-2008]

- (6) No accessory building in a residential district shall have a floor area greater than 80 square feet.
- (7) Single-car detached garages shall be permitted in ~~Height Zones A and D~~ all residential districts with the exception of waterfront properties in the SF-60-WF and SF-40-WF districts. Single-car and two-car garages shall be permitted in ~~Height Zone C~~ the S-30 district (south of Atlantic Avenue), S-40 district (south of Ventnor Avenue), S-60 district (abutting Ventnor Avenue and south of Ventnor Avenue) and the MF district (west of Vendome Avenue). Where parking is provided under the building, no detached garages shall be permitted on the property. ~~(See Single and Two-Family Residential Height Regulating Map.)~~ The following standards shall apply. [Amended 9-24-2006 by Ord. No. 2006-26; 4-3-2008 by Ord. No. 12-2008]
  - (a) A maximum size of 250 square feet ~~in Height Zones A and D~~ for a single car garage; a maximum size of 450 square feet ~~in Height Zone C~~ for a two car garage.
  - (b) A maximum height of 14 feet to the highest point of the coping of a flat roof, or the highest gable of a pitched roof.
  - (c) No flat roof; maximum eave height of nine feet and a minimum roof pitch of 5 on 12.
  - (d) ~~No setbacks are required;~~ A one foot setback is required from the side and rear property lines. The setback shall be measured to the face of the building or any roof overhang, whichever is closer to the property line. ~~however;~~ No encroachments or drainage on adjacent properties (e.g., roof overhang or drainage onto adjacent properties) are permitted.
  - (e) The garage shall not count in principal building coverage unless the property utilizes the allowances for building height to provide parking below the principal structure. Detached garages will count as building coverage if parking is provided below the principal structure.
  - (f) Garages shall be located no further forward than 26 feet from the rear lot line. The twenty-six-foot dimension shall be measured from the rear lot line to the front wall of the garage. [Amended 5-5-2016 by Ord. No. 09-2016]
  - (g) No garage wall shall be closer than ~~five~~ three (3') feet to any adjacent principal structure on the same lot.
- C. The following requirements shall be complied with in all nonresidential zones:
  - (1) Except as specifically permitted elsewhere in this article, no accessory building or structure shall exceed eight feet or be more than one story in height above adjacent finished grade.
  - (2) No accessory building or structure shall be permitted in any front yard.
  - (3) Accessory buildings shall be set back a minimum of five feet from the rear lot line and four feet to a side lot line.
- D. Requirements for specific accessory structures and uses.

**Commented [19]:** Editor's Note: The Margate Single-Family and Two-Family Residential Height Regulating Map is on file in the City offices.

- (1) Home occupations. Home occupations shall be permitted as accessory uses in all single-family residential zones and shall be exempt from approval by the Planning Board or Zoning Board of Adjustment if the following standards are satisfied. A zoning permit is required.
  - (a) The practitioner must be the owner of the residence in which the home occupation is contained.
  - (b) The practitioner must reside in the home.
  - (c) There are no nonresident employees working on the premises.
  - (d) There is no external evidence of the home occupation.
  - (e) There are no retail sales or direct customer services conducted on the site.
  - (f) No clients will visit the site.
  - (g) There is no sign identifying the home occupation, and there is no identification of such home occupation upon any mailbox.
  - (h) There are no delivery vehicles other than those associated with the residential use on site.
  - (i) The home occupation is clearly incidental and subordinate to the principal use of the dwelling for residential purposes. The maximum area devoted to the home occupation shall be limited to not more than 25% of the total area of the floor where located, excluding space used for a private garage or 400 square feet, whichever is smaller.
  - (j) No equipment or process shall be used in such home occupation which creates noise, glare, fumes, odors, electrical interference, medical waste or other nuisance factors detectable to the normal sense or to radio, telephone or television equipment off the lot.
- (2) Outdoor storage. Outdoor storage of any kind is prohibited within the front yard or in a side yard adjoining a street.
- (3) Decks and patios. [Amended 9-18-2008 by Ord. No. 36-2008; 12-3-2009 by Ord. No. 32-2009; 5-5-2016 by Ord. No. 09-2016]
  - (a) All lots.
    - [1] Decks and patios 10 inches or less above existing, preconstruction grade may be located anywhere in the rear yard and side yards.
    - [2] Decks and patios and stairs above 10 inches and up to 18 inches above existing, preconstruction grade shall be set back a minimum of three feet from the property line in the rear yard and side yard.
  - (b) All nonwaterfront and nonbeachfront lots:
    - [1] Decks and patios over 18 inches above existing, preconstruction grade must meet the required yard setbacks for principal buildings.
  - (c) All lots on Beach Thoroughfare, Orient Canal, Sunset Canal and Bayshore Lagoon:

- [1] Decks and patios located in the rear yard are permitted at one foot eight inches above base flood elevation, per FEMA FIRM map dated May 30, 2014, or any more current update of this mapping.
- [2] Decks may extend waterward of the bulkhead with NJDEP approval.
- [3] Decks above 18 inches from existing adjacent grade are not permitted within the rear yard where the projected side yards and rear yards would coexist: [Added 10-6-2016 by Ord. No. 23-2016]
- [4] No rear yard decks above 18 inches from existing adjacent grade shall be permitted beyond the building envelope into any projected side yard. [Added 10-6-2016 by Ord. No. 23-2016]
- [5] Steps required to access the rear-yard decks are permitted to encroach within the projected side yard. One four-foot-by-four-foot landing is permitted to change direction on one side only. [Added 10-6-2016 by Ord. No. 23-2016]
- [6] Side yards shall be unoccupied and unobstructed from the ground upward, except as may be permitted elsewhere in this chapter. [Added 10-6-2016 by Ord. No. 23-2016]

(d) All beachfront lots:

- [1] Decks and patios located in the beachfront side yard are permitted at one foot eight inches above base flood elevation, as shown on FEMA Preliminary FIRM Maps dated May 30, 2014, or any more current update of this mapping.
- [2] Decks, patios and stairs over 18 inches above existing, preconstruction grade must meet the required rear yard setbacks for principal buildings.

(e) All lots oceanward of Atlantic Avenue

- [1] Third floor decks shall be permitted.

~~(e)~~(f) General design standards.

- [1] Fill is permitted, provided that stormwater runoff will not be directed to adjacent properties or that the flow of stormwater runoff from adjacent properties will not be impeded.
- [2] Fill will be permitted to a maximum height of the bulkhead and may be sloped from the building to the bulkhead at a 1/4 inch per foot (2.08%), unless otherwise required by the New Jersey Uniform Construction Code.
- [3] All decks and patios at or below finished floor elevations shall allow penetration of water.
- [4] 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.
- [5] 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.~~

- (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 NAVD 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.

(4) Outdoor showers. [Amended 10-4-2012 by Ord. No. 16-2012]

- (a) Outdoor showers shall be a permitted accessory use in all residential zones.
- (b) "Shower" shall be defined as consisting of a plumbing fixture containing a shower head to which water flows with a cold and/or hot water hookup for the purpose of rinsing.
- (c) All showers shall have drainage. ~~Runoff from showers shall not be permitted to discharge to adjacent properties~~
- (d) All showers and enclosures may be no greater than 9.0 feet in height as measured from the ground nor greater than 32 square feet in area. ~~4.0 feet of depth from the structure and 8.0 feet of width along the structure.~~
- (e) A shower enclosure shall be no closer than 3.0 feet to the side and rear lot boundary line.
- (f) No shower enclosure shall be situate in the front of the principal structure or in the front yard.

- (5) Swimming pools/hot tubs/spas.
- (a) Only one pool and one hot tub/spa shall be permitted per single-family residence.
  - (b) The water edge of the pool and hot tub/spa shall be a minimum of six feet from the side and rear lot lines and shall not be located in the front yard. **[Amended 2-5-2015 by Ord. No. 01-2015]**
  - (c) No fencing shall be located in the front yard.
  - (d) Machinery shall be housed in a noise-reducing structure and shall be set back at least five feet from the rear and 10 feet from the side property line. Pool equipment/machinery may be mounted within a detached garage and not be required to meet the setback requirements, provided that the parking space is maintained and the construction meets or exceeds all construction code requirements. The garage shall be considered a noise-reducing structure. **[Amended 11-16-2017 by Ord. No. 18-2017]**
  - (e) All private swimming pools shall only be located in a side or rear yard.
  - (f) On any corner lot, no part of any private swimming pool shall be constructed within the front yard area required to be provided on either street.
  - (g) Artificial lights used or maintained in connection with a private swimming pool shall be so located and shielded that the illumination is not directed upon any adjacent property.
  - (h) No private swimming pool shall be used other than as an accessory use of the premises whereon it is located.
  - (i) Any buildings or structures erected in conjunction with a swimming pool shall comply with the provisions of accessory structures.
  - (j) Private swimming pools and hot tubs/spas intended for use of building residents, provided that adequate fencing, with lock, shall be utilized to prevent unauthorized use and to prevent danger to neighborhood children. Such fencing shall surround the pool and hot tub/spa itself, the yard in which it is located or the entire property. The precise location of the fence shall be approved, prior to issuance of a building permit, by the Zoning Officer, based on satisfaction of the safety purposes of the fence as well as minimizing the visual impact of the fence on surrounding neighbors and from the street. In making this determination, the Zoning Officer may consider a legal principal or accessory building as part of the total enclosure of the pool area. **[Amended 12-3-2009 by Ord. No. 32-2009]**
  - (k) Swimming pools and hot tubs/spas as permitted herein must be located on the lot in such a way that no part of the fence required to surround it shall be located nearer the front lot line than the front setback requirement for principal structures established for the district or 10 feet, whichever is greater. All swimming pools shall maintain a minimum three-foot clearance from the water's edge outward from the pool to any vertical structure at or above grade. **[Amended 11-16-2017 by Ord. No. 18-2017]**
  - (l) The fence surrounding swimming pools and hot tubs/spas shall be no less than five feet and no more than six feet above finished grade. The fence must be structurally suitable to deter access to the pool, having no openings, holes or gaps larger than four inches in any direction, including gates, and designed so as not to permit an easy toe-hold to climb over it. The fence shall be constructed of

weather-resistive materials and shall be assembled or fabricated with sufficient rigidity to prevent substantial alteration or deformation of the lawful openings, holes or gaps. [Amended 9-24-2006 by Ord. No. 2006-26; 2-5-2015 by Ord. No. 01-2015; 11-16-2017 by Ord. No. 18-2017]

- (m) All outdoor gates or doors opening through the fence enclosure shall be equipped with a self-closing and self-latching device designed to keep and capable of keeping such door or gate securely closed at all times when not in actual use, and such outdoor gates or doors shall remain locked at all times the pool or hot tub/spa is not in use.
- (n) The sides of a pool or hot tub/spa constructed above or partly above grade level shall be considered in satisfaction of the fencing requirement herein only with the approval of the Construction Code Official who shall make such determination based on safety consideration and aesthetics.
- (o) In the construction of any pool and hot tub/spa and surrounding site work, whether said pool and hot tub/spa is in or above the ground, the elevation of the site may not be changed without approval of the Construction Code Official, who will confer with the City Engineer in making the decision to determine that the proposed elevation change is not detrimental to the adjoining properties or to the public right-of-way with regard to acceptable engineering standards for water runoff and drainage or with regard to land use impact on neighboring properties.
- (p) For beachfront and bayfront properties, no setback is required to the bulkhead. [Added 5-5-2016 by Ord. No. 09-2016]
- (6) Air conditioning compressors and standby emergency generators.
  - (a) Compressors and standby emergency generators shall not be located in the front yard.
  - (b) Compressors and standby emergency generators shall be set back a minimum of five feet from any property line.
- (7) Restricted vehicle use.
  - (a) Restricted vehicles hereinafter defined shall be prohibited from parking on private or public property in order to carry out the objectives of the Master Plan of the City of Margate City, specifically, to maximize the amount of on-street parking available to lessen congestion in the streets; to provide adequate air, light, circulation and open space on public and private properties; to provide for the maximum possible enhancement and preservation of the visual and aesthetic quality of the environment; and to regulate the temporary overcoverage of lot area and misuse of side areas and other open spaces in violation of the objectives of the Master Plan.
  - (b) Restricted vehicles defined. A "restricted vehicle" is defined as any motor vehicle which exceeds 850 cubic feet in size, measured as follows:
    - [1] Length: from the outside of the front bumper to the outside of the rear bumper.
    - [2] Width: from one side wall to the other, measured at the widest point.
    - [3] Height: from the street to the topmost point of the vehicle with tires fully inflated.
  - (c) Regulation of restricted vehicles. All restricted vehicles shall be prohibited from parking anywhere

in Margate City on private property, public property or public rights-of-way, at any time, except as follows:

- [1] Any restricted vehicle may be serviced at a legal service station, so long as said vehicle does not obstruct access by other vehicles into or within the site nor sight lines along streets and at intersections. All parts of restricted vehicles being serviced must be off of the public right-of-way. There shall be a limitation of outdoor storage at service stations of 72 hours. Restricted vehicles may be parked in said service station only for servicing.
- [2] Any restricted vehicle shall be permitted to be parked within a legal, totally enclosed garage structure.
- [3] Restricted vehicles providing delivery of goods or services may be parked in legal parking spaces only for the purpose of providing the service or delivery of goods and only as long as is necessary to complete the delivery. This would include the parking of vehicles of local business establishments during the normal business day on the street in a legal space during the course of the normal business day in accordance with time restrictions established by the City.
- [4] After business hours, restricted vehicles associated with a particular legal commercial business establishment in the commercial district of the City may park off of the street in a legal off-street parking space of the particular business establishment to which the vehicle belongs.
- [5] Public bus company vehicles are excepted from the restrictions hereof within legal turnaround areas and waiting zones.
- [6] Charter buses may pick up and discharge passengers, but in so doing may remain on a public street no more than one hour and may run a motor no more than 15 minutes. Pickup and discharge areas shall be only those areas where designated by the Margate City Police Department.
- [7] Police, fire and other municipal vehicles, as well as county, state and federal vehicles and vehicles of other public bodies and utility companies, shall be exempted from the restrictions hereof, provided that they are fulfilling legitimate governmental or public functions.
- [8] Construction vehicles and construction trailers shall be exempted from the restrictions hereof with written permission of the Zoning Officer or during daylight hours if operating at a job site.  
**[Amended 12-3-2009 by Ord. No. 32-2009]**
- [9] Any restricted vehicle may park on the public street near the home of the owner for no more than one hour in any twenty-four-hour period to remove money or for personal reasons but not for repair, changing oil, cleaning, washing, waxing or servicing said vehicle.
- [10] Recreational vehicles, campers, house trailers and mobile homes shall be permitted in legal on-street parking areas between the hours of 6:00 a.m. and 10:00 p.m.
- (d) Approval of curb cuts and driveways. No curb cut, driveway or other construction permitting the crossing of a sidewalk, pedestrian way or passage from a cartway onto any private property by a motor vehicle, motorcycle or self-propelled vehicle shall be permitted without first receiving written approval from each of the following City officials: the City Engineer, Building Inspector, Fire Chief and Police Chief. If any of the officials denies the application, no permit shall be issued. Appeals from a decision may be taken in accordance with N.J.S.A. 40:55D-70a.

- [1] Criteria to be used by the officials in making a decision shall include, but not be limited to, public safety; pedestrian and traffic safety; public nuisances, drainage and runoff problems on the site, the sidewalk, the cartway or neighboring property; interference with public utilities or transit; noise; fire safety; and administrative issues that are particular to the responsibilities of the officials.
- [2] Where a building permit will be issued without Zoning Board or Planning Board action, a permit for a curb cut/driveway shall be required in conjunction with the application for the building permit.
- [3] Where Zoning or Planning Board approval is necessary for the issuance of a building permit, a curb cut/driveway permit must also be obtained. Failure to obtain a curb cut/driveway permit will void any of the Board approvals.
- [4] The application of this section includes all curb cut driveways not in use at the time of this chapter.
- [5] Excluded from these requirements are single-family homes and duplex homes.
- [6] Trailers, mobile homes and recreational vehicles:
  - [a] Trailers, mobile homes, recreational vehicles and campers and similar forms of temporary and portable residency shall not be permitted to be stored out of doors anywhere in the City of Margate City due to the clear danger to life and property by virtue of potential stormwater impact, high winds and other elements of storms and floods. This provision is in accordance with 1985 reports of the New Jersey Department of Environmental Protection.
  - [b] No trailer, mobile home, recreational vehicle or camper, etc. shall be permitted anywhere in Margate City for the purpose of office space, commercial space, dwelling space or storage of supplies and materials.
  - [c] Trailer courts or parks for residential or commercial activities are prohibited.
  - [d] Contractors; trailers and equipment and portable toilets shall be permitted on construction sites for storage of construction equipment and for use as field offices only. The trailer and/or equipment may be placed on the site no earlier than the date a building permit is issued and must be removed before the certificate of occupancy is issued. In the event that the building permit is voided, canceled or in any way declared invalid, the trailer, equipment, etc., must be removed immediately. In addition, an application and permit must be obtained from the Construction Code Official for placement of the items for a period not to exceed six months. If equipment, etc., is to be placed in a public right-of-way, an additional permit from the Police Department must be obtained.
- (8) Parking and storage of motor vehicles.
  - (a) The outside storage of any vehicle which is unregistered, inoperable or dismantled shall be prohibited in any zone in the City of Margate City unless approval is obtained from the office of the Police Department. A motor vehicle shall be deemed to be stored if it has been on the property for a time period of at least 10 days. The approval by the Police Department shall be given only if it is for repairs of a resident, registered vehicle and not done in conjunction with a business venture.
  - (b) No motor vehicle which is on blocks, car campers or any type of lifting device shall be left unattended unless housed within a secure garage or a secure fenced area.

- (c) No motor vehicle shall be stored on any surface which is not paved, graveled or stoned unless parked a minimum of 10 feet from any property line.
- (9) Family day-care homes. Family day-care homes are permitted as accessory uses pursuant to statute in all single-family residential zones.
- (10) Dish antennas.
  - (a) A dish antenna shall not be installed as a sole structure on a lot and shall not be a permitted principal use or structure in any district in Margate City.
  - (b) Dish antennas, when located on the lot not attached to any building, shall be so installed that the portion of the antenna's dish closest to the ground may not exceed two feet from the ground upon which the dish antenna sits. The highest portion of such ground-mounted antennas or related structural elements of functional or other components and appurtenances shall not be more than 10 feet above the grade immediately surrounding the construction.
  - (c) The dish portion of a dish antenna shall not exceed the minimum diameter necessary to properly function.
  - (d) Dish antennas mounted on the roof of principal structures shall be so isolated that the highest portion of the dish antenna or related structural elements or functional or other components and appurtenances shall not exceed the maximum height for principal structures in the district. In addition, the maximum elevation of the dish antenna or components thereof shall not exceed 10 feet above the existing roofline, provided that said elevation does not exceed the height limitation of the district.
  - (e) Dish antennas shall not be permitted to be mounted on accessory structures.
  - (f) Dish antennas must comply with all setback requirements of the district in which they are located.
  - (g) No dish antenna shall be installed such that it is closer than 2 1/2 times the diameter of the dish portion of the antenna to any window of any neighboring residential structure.
  - (h) No dish antenna shall be located within the front yard setback of any property.
  - (i) If a usable signal is obtainable, a dish antenna shall be located in the rear of a structure on a property. If a usable signal cannot be obtained from such rear location, the dish antenna may be located on the side of a structure on a property. If a usable signal cannot be obtained from the rear or side locations, it may be placed on the roof of the structure.
  - (j) Regardless of location, dish antennas shall be installed only after issuance of a building permit.
  - (k) Not more than one dish antenna shall be permitted on any lot in Margate City.
  - (l) Antennas shall meet all manufacturer's specifications, be of noncombustible and corrosion-resistant material and be erected in a secure, wind-resistant manner to the satisfaction of the City's Construction Code Official. Every antenna must be adequately grounded for protection against lightning.

- (m) In all districts in Margate City, dish antennas shall be located and designed to reduce visual impact from surrounding properties at street level, from public streets and from windows, porches, decks and grounds of nearby houses.
- (n) Dish antennas placed at ground level shall be screened from adjacent roads and structures by an evergreen buffer, six feet in height at the time of planting, which shall be maintained at all times in such a way as to screen at least 75% of the visibility of the dish antenna.

(11) Outdoor Fire Pits and Fire Places

- A. Fire pits or other similar devices are authorized within the single family residential districts subject to the restrictions set forth in this chapter. For the purpose of this chapter, a fire pit shall be considered as any outdoor fireplace unit built after obtaining permits and approvals pursuant to the Uniform Construction Code.
- B. All such fireplaces or fire pits as set forth above shall be no larger than three feet in diameter and two feet in height and are required to have an approved screen or spark arrestor.
- C. Such fireplaces or fire pits may only be used at residential properties containing two or fewer units and are prohibited from being used at any commercial establishment or for any commercial use or at any multifamily dwelling in excess of two units.
- D. All such devices shall be kept at ground level and must be placed upon a noncombustible surface such as brick, masonry or concrete. No such devices shall be permitted on any type of elevated landing, surface, deck, stairway, roof or other elevated platform or portion of a structure.
- E. Said devices are prohibited from being used within 15 feet of any structure, including but not limited to homes, garages, sheds, showers or other such structures.
- F. Such devices are prohibited from being used within five feet of any other combustible surface, including but not limited to, bushes, fences, pools, plants, shrubs, houses used for feeding of sheltering animals or other combustible surfaces.
- G. Said devices are prohibited from being used underneath any cave, overhang, roof, wires, tree limbs, vegetation, gutter, downspouts or decks.
- H. No fireplace or fire pit shall be used other than during the hours between 9:00 a.m. and midnight.
- I. No fireplace or fire pit shall be used for cooking.

§ 175-34 **Certain permitted uses.**

- A. Child-care centers. Child-care centers are permitted uses in all nonresidential zones. The floor area occupied in any building or structure as a child-care center shall be excluded in calculating any parking requirement otherwise applicable to that number of units or amount of floor space, as appropriate, under state or local laws or regulations adopted thereunder and the permitted density allowable for that building or structure. New buildings shall comply with City parking standards.
- B. Essential services. Public utility lines for the transportation, distribution and/or control of water, electricity, gas, oil, and telephone communications, and their supporting members, other than buildings and structures, including pipes, shall not be required to be located on a lot, nor shall this chapter be interpreted to prohibit the use of a property in any zone for the above uses. For purposes

of this provision, wireless communications facilities shall not be deemed an essential service.

- C. Temporary offices. Trailers or mobile structures used as temporary offices, workshops or for the storage of equipment and materials in connection with permitted construction of new buildings or structures, may be temporarily permitted on the same site during the actual period of construction. The construction official shall issue a temporary permit. Such structure shall not be located so as to be detrimental to any adjoining property and shall be removed from the site prior to the issuance of a certificate of occupancy for the permitted construction project or building.
- D. Community residences. Community residences for ~~the developmentally disabled persons with developmental disabilities~~, community shelters for victims of domestic violence, community residences for ~~the terminally ill persons with terminal illnesses~~, and community residences for persons with head injuries, and adult family care homes for persons who are elderly and adults with physical disabilities shall be a permitted use in all residential districts, and the requirements shall be the same as for single-family dwelling units located within such districts.

**§ 175-35 Conditional uses.**

- A. Houses of worship. Houses of worship, as defined in this chapter, may be located, when approved as conditional uses, in the zones as specified in Schedule A, subject to the following:
  - (1) The property on which the structure or building is to be constructed or the activities conducted must contain a minimum of 20,000 square feet.
  - (2) No building shall be closer than 15 feet to the side or rear line of any adjacent property. These 15 feet shall be considered as a buffer strip and shall be landscaped in accordance with the standards set forth in this article.
  - (3) No building or structure shall be closer than 20 feet to any front street property line nor less than 25 feet from any other structure. Except as permitted in this article, no building or structure shall be higher than 2 1/2 stores and 34 feet above curb or 30 feet above finished first floor, whichever is greater.
  - (4) No parking shall be permitted between the front building line and the street right-of-way.
  - (5) Parking must be provided on site as required by this chapter.
- B. Schools.
  - (1) Principal and accessory buildings shall not exceed 30% coverage.
  - (2) The height shall not exceed 34 feet above curb or 30 feet above finished first floor, whichever is greater.
  - (3) No principal or accessory building shall be erected nearer than a distance equal to three times the height at the highest point of such existing or proposed structures to any adjacent property line.
  - (4) Off-street parking shall be satisfied in accordance with this article.

**Commented [20]:** Editor's Note: Schedule A is included as an attachment to this chapter.

§ 175-36 Off-street parking.

- A. Minimum required off-street parking schedule for nonresidential uses. The number of off-street parking spaces required for any nonresidential use shall be determined by reference to Parking Schedule I below. No on-site parking shall be required for existing nonresidential floor area within the Central Business District (CBD), C-1, C-2, Waterfront Special District (WSD) and Riparian (R) Zones. Parking for residential conversions and all building additions, however, shall be provided on site in the CBD, C-1, C-2, Waterfront Special District (WSD) and Riparian (R) Zones.
- (1) Combined uses. In the case of a combination of uses, the off-street parking requirement shall consist of the sum of the spaces required for each individual use unless it can be demonstrated that shared parking would permit modification. In cases of residential units on upper stories of commercial buildings, the garden apartment standards in RSIS shall apply.
- (2) Fractional spaces. Whenever the application of Parking Schedule I standards results in the requirements of a major fraction of a space of 0.5 or more, a full space shall be required.
- B. Off-street loading spaces shall be required at the discretion of the Board with location and dimensions to be determined by the Board.

**Parking Schedule I**

**Parking Requirements for Nonresidential Uses<sup>1</sup>**

Use	Required Parking Spaces
Bar, nightclub	1 per 10 occupants at capacity
Banks and financial institutions	1 for each 300 square feet of building area or 5 spaces per teller, whichever is greater
Office, dental or medical	1 per 200 square feet of building area
Office, other	1 per 300 square feet of building area
Houses of worship; community buildings; social halls and places of indoor public assembly	1 for each 3 seats (60 inches of seating). Where the specific amount of seating is undetermined, then 1 parking space shall be required for each 75 square feet of assemblage area
Restaurant <sup>2</sup>	1 for each 10 seats
Retail sales and service uses not separately listed <sup>3</sup>	1 per 200 square feet of building area
Real estate office	1 per 200 square feet of building area

Educational facility:

### **Parking Schedule I**

#### **Parking Requirements for Nonresidential Uses<sup>1</sup>**

<b>Use</b>	<b>Required Parking Spaces</b>
Elementary and intermediate school	1 per employee
Secondary School	1 per employee plus 1 per each 5 students in grades 11 and 12
Post-secondary and other educational facility	2 per each 3 full-time students and 1 for each 5 part-time students
Marinas	0.5 unobstructed spaces for each boat docking space in the marina
Marine service facilities and waterfront recreational uses	1 per 175 feet of space, inside or outside of buildings, utilized for commercial activity; outside space shall not include accessways and circulation areas

#### **NOTES:**

<sup>1</sup> New or expanded portion of existing building/use.

<sup>2</sup> Take-out components of restaurants shall add one additional space for each 25 square feet of take-out service area.

<sup>3</sup> Retail uses such as delis, bakeries and coffee shops with on-site seating shall add one additional space for every three seats.

- C. Minimum required off-street parking schedule for residential uses. The number of off-street parking spaces required for residential uses shall be determined pursuant to N.J.A.C. 5:21, as amended, and by reference to Parking Schedule II below.

### **Parking Schedule II**

#### **Parking Requirements for Residential Land Uses**

<b>Housing Unit Type/Size</b>	<b>Parking Requirement (spaces)</b>
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Single-family detached

**Parking Schedule II**

**Parking Requirements for Residential Land Uses**

<b>Housing Unit Type/Size</b>	<b>Parking Requirement (spaces)</b>
2 bedroom	1.5
3 bedroom	2.0
4 bedroom	2.5
5 bedroom	3.0
6 bedroom	4.0
Two-family (duplex)	Single-family detached values shall apply to each unit
Garden apartment	
1 bedroom	1.8
2 bedroom	2.0
3 bedroom	2.1
4 bedroom	3.0
Townhouse	
1 bedroom	1.8
2 bedroom	2.3
3 bedroom	2.4
4 bedroom	3.0
High-rise	
1 bedroom	0.8

## **Parking Schedule II**

### **Parking Requirements for Residential Land Uses**

<b>Housing Unit Type/Size</b>	<b>Parking Requirement (spaces)</b>
2 bedroom	1.3
3 bedroom	1.9
Retirement community	Values shall be commensurate with the most appropriate housing unit type and size noted above that the retirement community resembles
Recreational homes (owner-occupied)	Values shall be commensurate with the most appropriate housing type and size noted above that the recreational homes (owner-occupied) resemble
Mid-rise apartment	Garden apartment values shall apply
Assisted living	0.5

- (1) A one-car garage and driveway combination shall count as two off-street parking spaces, provided the driveway measures a minimum of 18 feet in length between the face of the garage door and the right-of-way. A two-car garage and driveway combination shall count as 3.5 off-street parking spaces, provided the driveway measures a minimum of 18 feet in length between the face of the garage door and the right-of-way.
- (2) When housing is included in mixed-use development, a shared parking approach to the provision of parking may be permitted.
- (3) The minimum dimension of a parking space shall be nine feet by 18 feet.
- (4) For projects containing dwelling units required by the New Jersey Uniform Construction Code's Barrier Free Subcode (N.J.A.C. 5:23-7) to be accessible, parking spaces for people with disabilities shall be provided in accordance with the requirements of the Barrier Free Subcode and shall be considered part of the total number of required spaces.

#### **§ 175-37 Nonconforming uses, structures and lots.**

- A. Continuance of existing nonconforming uses and structures. Any nonconforming use or structure which lawfully existed at the time of the passage of this article may be continued, and any existing legally nonconforming building or structure may be reconstructed or structurally altered, but only in accordance with the requirements of this article.

- B. Discontinuance of abandoned nonconforming uses. Any nonconforming use which has not been used for a continuous period of one year or more shall not thereafter be revived.
- C. Alteration, extension or enlargement of nonconforming use or structure. **[Amended 1-31-2013 by Ord. No. 01-2013]**
- (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 C(2) notwithstanding, structural alterations intended solely to conform with BFE-related changes in minimum lowest floor elevation shall not be considered an expansion of a nonconforming use or structure and shall therefore be permitted without variance relief. **[Amended 8-15-2013 by Ord. No. 17-2013]**
  - (3) 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, except that structural alterations intended solely to conform with BFE-related changes in minimum lowest floor elevation, stairs, steps, ADA-compliant ramps and related elements providing access to the first floor pursuant to § 175-30C(4) and (6), minimum landscaping requirements pursuant to § 175-26D(1) and (4) and building height and roof pitch exceptions pursuant to § 175-32E 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-70d(2). **[Amended 8-15-2013 by Ord. No. 17-2013]**
  - (4) A nonconforming use changed or altered to a conforming use may not thereafter be changed back to a nonconforming use.
- D. Restoration of existing building or structures nonconforming because of use. Whenever a building or structure is nonconforming by reason of its use, such building or structure may be restored or repaired in the event of partial destruction thereof. **[Amended 11-20-2012 by Ord. No. 20-2012; 4-4-2013 by Ord. No. 08-2013]**
- E. Restoration of existing buildings or structures nonconforming for reasons other than use. Whenever a building is nonconforming because it fails to comply with any height, area, yard, off-street parking

or other like requirements of this article, other than use, and such building is partially destroyed, such building may be restored to its prior condition; provided, however, that such restoration shall not enlarge the previously existing nonconformance. [Amended 11-20-2012 by Ord. No. 20-2012; 4-4-2013 by Ord. No. 08-2013]

- 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: [Amended 1-31-2013 by Ord. No. 01-2013]
- (1) The number of dwelling units shall not be increased even if such increased number of dwelling units is 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 construction of stairs, steps, ADA-compliant ramps and related elements providing access to the first floor may project into setbacks in accordance with § 175-30C(4) and (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. [Amended 8-15-2013 by Ord. No. 17-2013]
  - (3) Any existing and proposed improvement on the nonconforming improved lot shall not exceed the percentage of maximum building coverage set forth in Schedule B.
  - (4) The Construction Official of the City of Margate is hereby authorized and empowered to issue any necessary construction permits in accordance with the provisions of this subsection.
  - (5) Nonconforming unimproved lot. Notwithstanding any other provisions of this article, any isolated, undersized lot of 40 feet or more in width may be developed with a single-family home without the need for a variance, provided that the building coverage, building height and all yard requirements are met.

**Commented [21]:** Editor's Note: Schedule B, containing schedules of standards, is included as an attachment to this chapter.

## Article VI

### Performance Guarantees and Improvement Costs

#### § 175-38 Performance guarantees.

- A. Performance guaranties shall be posted prior to the granting of final developmental approval.
- B. Performance guaranties shall be submitted in the form of 20% cash deposited with the City Clerk and 80% in a form acceptable to the City Solicitor. The amount of guaranty shall be 120% of the approved estimate of the cost of improvements. They may be usable at any point by the City for the nonperformance of the subdivider. Such guaranties shall run for a term of 18 months, subject to extension by the Board of Commissioners for an additional period of 18 months.
- C. If required improvements have not been installed in accordance with required standards and specifications of the City within the time limit or extension, the obligor and surety shall be liable thereon to the City for all reasonable costs of improvements not installed, and, upon receipt of the proceeds thereof, the City shall install such improvements.
- D. Prior to acceptance of a performance bond by the Board of Commissioners, the Board shall receive

the following:

- (1) A letter from the City Engineer stating that the proposed bond covers all items required.
  - (2) A list of the items covered and their cost.
  - (3) A letter of approval from the City Solicitor as to bond form.
  - (4) A letter from the City Engineer and Planning Board stating that the plans meet all specifications.
- E. Following acceptance of a performance guaranty by the Board of Commissioners, a letter so stating shall be sent to the Planning Board prior to signing of final plats for the development.
- F. Prior to release of a performance guaranty in full or part, in accordance with New Jersey law, the Board of Commissioners shall receive the following:
- (1) A recommendation from the Planning Board.
  - (2) As-built plans of all utilities and roads approved by the City Engineer.
  - (3) A statement from the developer or subdivider that there are no liens or other legal encumbrances on any of the improvements or utilities to be deeded.
  - (4) Deeds, free and clear from all encumbrances, for all streets, public easements, drainage easements or other dedicated lands.
  - (5) An acceptable maintenance guaranty.

**§ 175-39 Maintenance bond.**

All improvements required by the Planning Board shall, prior to the release of performance guaranties, be covered by a maintenance bond running in favor of the City in the amount of 15% of the estimated cost of improvements, as determined by the City Engineer. Said bond shall run for a period of two years following acceptance by the City and shall provide for proper repair and/or replacement during this period. In the event that all improvements have been completed prior to granting of final approval by the Planning Board, the maintenance bond shall be posted before final plat approval. Maintenance bonds will be approved as to form by the City Solicitor.

**§ 175-40 Acceptance of improvements.**

- A. The Board of Commissioners shall not accept any roadway or other improvement until the maintenance bond has been posted and all deficiencies corrected or repaired. The City may, however, agree to perform limited services, if requested in writing by the subdivision developer and if held harmless for any damages resulting from such action.
- B. A deed for any roadway or improvement shall be submitted to the Board of Commissioners prior to being recorded, after the twenty-four-month period and upon certification from the City Engineer that no further maintenance is required. The deed will be approved by the City Solicitor and recorded at the expense of the subdivider.

**§ 175-41 Off-site improvements.**

- A. Any subdivision requiring off-site improvements, as defined below, shall comply with the provisions

of this section.

B. Definition. An off-site improvement shall be one or more required improvement(s) necessary for successful completion of a development in the interest of furthering public health, safety and general welfare and located outside the bounds of the owner's or subdivider's property. Off-site improvements shall be required where:

- (1) The existing service serving the geographic area or subarea is already operating at a deficient level.
- (2) The new development will make such present level of service deficient according to engineering and professional standards.

C. The proportionate contribution of any such off-site improvement to the owner or subdivider shall be reasonably related to the relative benefit or use of the total area served in line with the following formulas:

- (1) For street widening, alignment, corrections, channelization of intersections, construction of barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements not covered elsewhere, the construction of new streets and other similar street or traffic improvements, the owner's or subdivider's proportionate cost shall be the ratio of the estimated peak-hour traffic generated by the proposed property or properties to the sum of the present deficiency in peak-hour traffic capacity of the present facility and the estimated peak-hour traffic generated by the proposed development. The ratio thus calculated shall be increased by 10% for contingencies.
- (2) For water distribution facilities, including the installation of new water mains, the extension of existing water mains, the relocation of such facilities and the installation of other appurtenances associated therewith, the owner's or subdivider's proportionate cost shall be the ratio of the estimated daily use of water from the property or properties, in gallons, to the sum of the deficiency, in gallons per day, for the existing system or subsystem and the estimated daily use of water for the proposed development. The ratio thus calculated shall be increased by 10% for contingencies.
- (3) For sanitary sewage distribution facilities, including the installation, relocation or replacement of collector and interceptor sewers and the installation, relocation or replacement of other appurtenances associated therewith, the owner's or subdivider's proportionate cost shall be the ratio of the estimated daily flow, in gallons, to the sum of the present deficient capacity for the existing system or subsystem and the estimated daily flow from the proposed project or development. In the case where the peak flow from the proposed development may occur during the peak-flow period for the existing system, the ratio shall be the estimated peak-flow rate from the proposed development, in gallons per minute, to the sum of the present peak-flow deficiency in the existing system or subsystem and the estimated peak-flow rate from the proposed development. The greater of the two ratios thus calculated shall be increased by 10% for contingencies and shall be the ratio used to determine the cost to the owner or subdivider.
- (4) Drainage facility improvements shall be based upon the percentage relationship between the subdivision acreage and the total acreage of the drainage basins imparted upon, plus 10% for contingencies.
- (5) Other facilities or services shall be determined by the Planning Board with advice from the City Engineer by the use of equitable formulas.

- D. Planning Board determination of required off-site improvements shall be guided by the articles in this chapter dealing with zoning districting and such professional advice as it may deem necessary for the specific project. Once it has determined that one or more off-tract improvements are necessary, the Planning Board shall notify the Board of Commissioners, via resolution, of its findings and shall provide an estimate of cost, a suggested prorated share for the development in question and the suggested means of payment. The Planning Board shall not take final action on a preliminary subdivision until all aspects of such agreements have been mutually agreed to by the developer or subdivider and the Board of Commissioners has been advised, in writing, by the Planning Board.
- E. Implementation. Where a performance or maintenance guaranty is required in connection with an off-site improvement, the procedures outlined in this article shall be followed. Cash contributions, where required by agreement, shall be deposited with the City Clerk, who shall place them in an escrow account for the purposes outlined. If improvements are not completed within 10 years, the funds shall be returned to the subdivider or developer under terms outlined by the City Solicitor. Cash contributions shall not be required where county or state agencies have jurisdiction over a subject improvement and where those units require a guaranty that would represent a duplication.

## Article VII Fees and Deposits

### § 175-42 Fee schedule.

[Amended 3-2-2006 by Ord. No. 2006-3; 9-18-2008 by Ord. No. 36-2008; 5-5-2016 by Ord. No. 08-2016]

- A. At the time of filing any application with the Planning Board or Board of Adjustment, including any application for amendment to or extension of any development approval, any request for a zone change or recommendation of a zone change, any request for amendment of the Master Plan, and/or any request for concept review of a development proposal, each applicant shall pay to the City of Margate a nonrefundable application fee and technical review fee deposit in accordance with the following schedule. The applicant shall pay the fee required for each application which is submitted. Where more than one hardship variance is required pursuant to N.J.S.A. 40:D-70(c), the applicant shall escrow the base escrow fee plus \$100 for each additional "c" variance up to 4. No additional escrow to be posted for more than 4 "c" variances.
- B. In addition, a performance guarantee of \$2,000 is to be placed in escrow, which will be released upon submittal of an as-built survey prepared by a licensed professional land surveyor and approved by the building official prior to release.

Action	Application Fee	Escrow Fee
Staff Committee application	\$25	--
<b>Site plan application</b>		
Land area under 10,000 square feet	\$350	\$500

Action	Application Fee	Escrow Fee
<del>Land area 10,000 square feet or more</del>	<del>\$500</del>	<del>\$1,000</del>
<del>Site plan application for commercial changes with no physical alteration except redecorating and conforming sign</del>	<del>\$50</del>	<del>\$50</del>
<del>Site plan application for commercial changes other than above</del>	<del>\$100</del>	<del>\$100</del>
Major Site Plan		
Preliminary	\$500	\$1,000
Final	\$250	\$500
Minor Site Plan	\$350	\$700
Minor subdivision	\$100 plus \$10 per lot after subdivision	<del>\$300</del> \$700 (By-Right) \$1,000 (with variances)
Major subdivision		
Sketch plat classification	\$50 plus \$10 per lot	<del>\$100</del> \$500
Preliminary plat review	\$200 plus \$25 per lot	<del>\$25 per lot (minimum of \$500)</del> \$1,000 plus \$200 per lot
Final plat review	\$500 plus \$20 per lot	<del>\$25 per lot (minimum of \$500)</del> ½ preliminary escrow fee
Conditional use permits		
Principal use, for each such use	\$100	\$125
Resubmission of any application deemed to be technically incomplete	1/2 of original	Same as original, if original has been returned, or none, if original has been retained
Certificate of land use compliance	\$60	--

Action	Application Fee	Escrow Fee
Certificate of Non-conformity	\$60	--
Appeals <del>and interpretations pursuant to N.J.S.A. 40:55D-70(a)</del>	<del>To be determined by the Board Administrator</del> \$200	<del>To be determined by the Board Administrator; amount may be required upon determination that consultants and technical staff are necessary to make a determination</del> \$600
Court reporter fee	To be established from time to time by the Planning and Zoning Board Administrators	--
Notices of publication of hearings required	Published by applicant at applicant's cost	--
Publication of final decision	Shall be the responsibility of the Board involved, to be paid for out of application fees	--
Transcripts of record of proceedings	Cost to be borne by applicant if applicant requests a transcript	--
Extension of any approval having a time limitation	Same as original	Same as original
<del>Engineering inspection fee for site plans wherein land area is 10,000 square feet or more</del>	--	<del>\$150</del>
Engineering inspection fee for major subdivisions <del>and site plans</del>	-	5% of improvement costs, as determined by the City Engineer, to be deposited prior to final subdivision approval by the Planning Board. If engineering inspection costs exceed the deposit, the excess shall be paid to the City by the subdivider prior to acceptance of the improvements by the City

Action	Application Fee	Escrow Fee
Site plans or subdivisions amended prior to final action	1/2 of original	1/2 of original
Tax Map Revision	\$200.00	
Use and density (D) variances		
Single-family dwellings	\$500	\$100
Duplex, triplex or quadruplex	\$500	\$175
Multiple dwellings	\$500	\$200
Commercial/office	\$500	\$250
Commercial/residential mixed	\$500	\$350
Maritime use or related	\$500	\$500
<del>All other variances, including Zoning Board interpretation</del>		
Hardship Variance pursuant to N.J.S.A. 40:55-70(c)		
Single-family dwellings	\$250	\$200
Duplex, triplex or quadruplex	\$200	\$200
Multiple dwelling	\$350	\$300
Commercial/office	\$300	\$300
Commercial/residential mixed	\$300	\$350
Maritime use or related	\$250	\$500
Deck/bulkhead application	\$25	\$2,000 (includes application review and as-built review)
Zoning Interpretation pursuant to N.J.S.A. 40:55-70(b)	\$200	\$600

Action	Application Fee	Escrow Fee
Zoning Permit		
New Construction Plan Review	\$300	
All others (fences, sheds, signs, additions, etc.)	\$50	

**§ 175-43 Technical review fees.**

A. Components of fee. The technical review fee shall be equal to the sum of the following two components.

- (1) The dollar amount of all charges by outside professionals (as defined herein) for professional services rendered to the City and/or the reviewing board in connection with the application, plus all actual out-of-pocket disbursements incurred in regard to such services. All charges for services by each outside professional shall be billed at the same rate as all other work of the same nature performed by such professional for the City when fees are not reimbursed or otherwise imposed on an applicant. Charges for professional services of outside professionals shall be based upon a schedule of fees established by resolution of the reviewing board, in the case of professionals retained by the Board, and by resolution of the City Commissioners, in the case of professionals retained by the City. Such schedules shall be subject to revision from time to time in the discretion of the City Commissioners; and
- (2) The dollar amount of the hourly base salary of each in-house professional (as defined herein) who has rendered professional services to the City and/or the reviewing board in connection with the application, multiplied by both a) the total number of hours of professional services spent by each in-house professional in connection with the application and b) 200%. The hourly base salary of each in-house professional shall be established by ordinance annually.

B. Definitions.

- (1) "Outside professionals" shall mean engineers, planners, attorneys and other professionals whose salary, staff support, and overhead are not provided by the City of Margate. Outside professionals shall include, without limitation, consultants who are not normally utilized by the City or the reviewing board when an application presents issues which are beyond the scope of the expertise of the professionals who normally serve the reviewing board or the City.
- (2) "In-house professionals" shall mean engineers, planners, attorneys and other professionals whose salary, staff support and overhead are provided by the City of Margate.
- (3) "Professional services" shall mean time spent by a professional engineer, professional planner, attorney, traffic expert or other professional in connection with review of an application, and/or review and preparation of documents in regard to such application. In appropriate cases, such services shall include, without limitation, review of plans, reports, relevant ordinance provisions, statutory law, case law, and prior approvals for the same parcel; site inspections; and preparation of resolutions, developer's agreements, and other documents.

- C. Limitations on scope of charges for professional services. All charges for professional services shall be reasonable and necessary given the status and progress of the application. Such charges shall be made only in connection with an application which is presently pending before a reviewing board; review of an applicant's compliance with conditions of approval; and/or review of an applicant's request for modification or amendment of an application or approval.
- (1) A professional shall not review items which are subject to approval by a state governmental agency and which are not under municipal jurisdiction, except to the extent that consultation with a state agency is necessary due to the effect of a state approval on the applicant's application.
  - (2) If the City or the reviewing board shall retain a different professional in place of the professional originally responsible for review of an application, the City or the reviewing board, as the case may be, shall be responsible for all time and expenses of the new professional to become familiar with the application. Neither the City nor the reviewing board shall charge the applicant or the applicant's technical review fee deposit for such services.
  - (3) Neither the City nor the reviewing board shall bill an applicant, or charge the applicant's technical review fee deposit, for any municipal clerical or administrative functions, overhead expenses, meeting room charges, or other municipal costs and expenses, except as provided for in this subsection, nor shall any professional add any such charges to his or her bill.
- D. Custody of deposits; procedure for payments against deposits; submission of vouchers; monthly statements. All technical review fee deposits shall be placed into an escrow account, which account shall be maintained by the Chief Financial Officer of the City of Margate. The Chief Financial Officer shall make all payments for the escrow account.
- (1) All payments charged to an applicant's technical review fee deposit shall be pursuant to vouchers from the professionals performing professional services in connection with the application. All vouchers shall identify the professional performing the services, the dates when services were performed, the hours spent to one-quarter-hour increments, the hourly rate, and the expenses incurred.
  - (2) All outside professionals shall submit vouchers to the Chief Financial Officer on a monthly basis. A copy of the voucher shall be sent to the applicant simultaneously. All in-house professionals shall submit to the Chief Financial Officer on a monthly basis a statement containing the same information as the voucher of an outside professional. A copy of the statement shall be sent to the applicant simultaneously.
  - (3) The Chief Financial Officer shall prepare and send to the applicant on a monthly basis a statement providing an accounting of the applicant's technical review fee deposits. The accounting shall include all deposits made, interest earned, disbursements made, and cumulative deposit balance. Notwithstanding the foregoing, if monthly charges to an applicant's deposit are \$1,000 or less, such statement may be provided by the Chief Financial Officer on a quarterly basis.
- E. Replenishing of deposit. If a technical review deposit shall be insufficient to enable the City or the reviewing board to perform required application reviews, the Chief Financial Officer shall notify the applicant (this notice is referred to herein as an "insufficiency notice") of both the insufficient deposit balance and the amount of additional funds required, in the judgment of the Chief Financial Officer, to cure the insufficiency. In order for work to continue on the application, the applicant shall within a reasonable time period post additional funds to the escrow account in an amount to be

agreed upon by the City (acting through its Chief Financial Officer) and the applicant.

- (1) The determination of insufficiency shall be made by the Chief Financial Officer in his or her reasonable discretion. Furthermore, as used herein, a "reasonable time period" for the posting of additional funds to the escrow account shall be not longer than 15 days after the date of the Chief Financial Officer's insufficiency notice. The applicant shall be deemed to agree to the terms of the insufficiency notice, unless within 15 days after the date of such notice, the applicant shall deliver to the Chief Financial Officer a written notice of objection.
  - (2) If the applicant timely files such an objection, the applicant shall have the right to pay the amount requested under protest, and the right to challenge same in the Superior Court, Law Division, in an action in lieu of prerogative writs filed within 45 days after the applicant's receipt of the Chief Financial Officer's final accounting with respect to the applicant's technical review fee deposit.
  - (3) If the applicant fails to timely pay (under protest or otherwise) the amount requested, the City, the reviewing board, and all professionals shall have right to cease all further work on the application immediately, and the reviewing board shall have the right to deny without prejudice any pending application, because of the applicant's failure to post additional technical review fees needed for the proper review of such application. In no event shall any approved plans be signed or delivered to the applicant, nor shall any construction permits, certificates of occupancy, or other approvals or authorizations be issued to an applicant, when there exists any deficiency in the applicant's technical review fee deposit.
- F. Final accounting; return of unused balance of deposit. After the reviewing board has granted final approval and signed the approved subdivision plat or site plan, or otherwise taken final action on the application, the applicant shall provide written notice of same, by certified mail, return receipt requested, or by personal delivery, to the Chief Financial Officer, the reviewing board, and all professionals who have rendered services in connection with the application. Within 30 days after receipt of such notice, each professional shall submit a final bill (or a statement in lieu of bill in the case of in-house professionals) to the Chief Financial Officer with a copy to the applicant. The Chief Financial Officer shall render to the applicant a final accounting within 45 days after receipt of all final bills and/or statements. The Chief Financial Officer shall return to the applicant with the final accounting any unused balance of the deposit, including any interest earned thereon in accordance with this section.

**§ 175-44 Special meeting fees.**

A fee of shall be charged to the applicant for any special meeting of the Planning Board or Board of Adjustment held at the request of the applicant to hear and/or decide any site plan application, major subdivision application, application for amendment of the Master Plan, or any other matter. Nothing herein shall obligate any board to hold a special meeting on any application for development.

**§ 175-45 Deposits with the City; escrow accounts; interest.**

- A. Whenever an amount of money in excess of the required amount shall be deposited by an applicant with the City for technical review fee deposits, for inspection fees, or to satisfy the requirement for any performance guaranty or the requirement for any maintenance guaranty pursuant to this chapter, such money, until repaid or applied for the purposes for which it was deposited, including the applicant's portion of the interest earned thereon, shall continue to be the property of the applicant and shall be held in trust by the City, except as otherwise provided for in this section.
- B. The City shall deposit such money in a banking institution or savings and loan association located in

the State of New Jersey and insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the State of New Jersey. Such monies shall be maintained in an account bearing interest at the minimum rate currently paid by such institution or depository on time or savings deposits.

- C. The City shall notify the applicant in writing of the name and address of the institution or depository in which such deposit is made and the amount of the deposit. The City shall not be required to refund an amount of interest paid on a deposit which does not exceed \$100 for the year. If the amount of interest exceeds \$100 for any year, that entire amount shall belong to the applicant and shall be refunded to the applicant by the City annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be. Notwithstanding anything to the contrary above, the City may retain for administrative expenses a sum equal to 33 1/3% of the annual interest earned by such deposit. The amount so retained shall be in lieu of all other administrative and custodial expenses charged by the City in connection with the deposit.

## Article VIII

### Administration and Enforcement

#### § 175-46 Enforcement.

- A. The City Commissioners shall enforce this chapter. A zoning permit, or other permit, certificate or authorization as provided in this chapter and as may be appropriate, shall be required as a condition precedent to the erection, construction, alteration, repair, remodeling, conversion, removal or destruction or resubdivision of any land. The Zoning Officer, Code Enforcement Officer or such other administrative officer and office as shall be established by the City Commissioners shall be responsible for the issuance of such permits, certificates and authorizations upon the submission of such data, materials, plans, plats and information as is authorized under this chapter and upon the express approval of the appropriate state, county or City agencies. The fees to cover administrative costs for the issuance of such permits, certificates and authorizations are provided in this chapter.
- B. In case any building or structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this chapter, any proper City authority or any interested party may, in addition to any other remedies, institute an appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such premises.

#### § 175-47 Selling before approval; penalty; suit by City.

- A. If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which City approval is required by ordinance pursuant to this Act, such person shall be subject to a penalty not to exceed \$1,000, and each lot disposition so made may be deemed a separate violation.
- B. In addition to the foregoing, the City may institute and maintain a civil action:
  - (1) For injunctive relief; and

- (2) To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with this chapter.
- C. In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the developer or his assigns or successors to secure the return of any deposits made or purchase price paid, and also, a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two years after the date of the recording of the instrument of transfer, sale or conveyance of said land or within six years, if unrecorded.

**§ 175-48 Certificates showing approval; contents.**

- A. The prospective purchaser, prospective mortgagee, or any other person interested in any land which forms part of a subdivision, or which formed part of such a subdivision three years preceding the effective date of this Act, may apply in writing to the Zoning Officer for the issuance of a certificate certifying whether or not such subdivision has been approved by the Planning Board. Such application shall contain a diagram showing the location and dimension of the land to be covered by the certificate and the name of the owner thereof.
- B. The Zoning Officer shall make and issue such certificate within 15 days after the receipt of such written application and the fees therefore. Said Officer shall keep a duplicate copy of each certificate, consecutively numbered, including a statement of the fee charged, in a binder as a permanent record of his office.
- C. Each such certificate shall be designated a "certificate as to approval of subdivision of land," and shall certify:
  - (1) That there exists in the City a duly established Planning Board and that there is an ordinance controlling subdivision of land adopted under the authority of this Act.
  - (2) Whether the subdivision, as it relates to the land shown in said application, has been approved by the Planning Board and, if so, the date of such approval and any extensions and terms thereof, showing that subdivision of which the lands are a part is a validly existing subdivision.
  - (3) Whether such subdivision, if the same has not been approved, is statutorily exempt from the requirement of approval as provided in this Act.

**§ 175-49 Right of owner of land covered by certificate.**

- A. Any person who shall acquire for a valuable consideration an interest in the lands covered by any such certificate of approval of a subdivision in reliance upon the information therein contained shall hold such interest free of any right, remedy or action which could be prosecuted or maintained by the City pursuant to the provisions of this article.
- B. If the Zoning Officer designated to issue any such certificate fails to issue the same within 15 days after receipt of an application and the fees therefor, any person acquiring an interest in the lands described in such application shall hold such interest free of any right, remedy or action which could be prosecuted or maintained by the municipality pursuant to this article.
- C. Any such application addressed to the City Clerk shall be deemed to be addressed to the proper designated officer and the municipality shall be bound thereby to the same extent as though the same was addressed to the designated official.

**§ 175-50 Violations and penalties.**

- A. Any person who shall violate any of the provisions of this chapter or fail to comply therewith, or with any of the requirements thereof, or who shall erect, structurally alter, enlarge, rebuild or move any building or buildings or any structure, or who shall put into use any lot or land in violation of any detailed statement or plan submitted hereunder, or who shall refuse reasonable opportunity to inspect any premises, shall be liable for a fine of not more than \$1,000 or to imprisonment for not more than 90 days, or both such fine and imprisonment. Each and every day such violation continues shall be deemed a separate and distinct violation.
- B. The owner of any building or structure, lot or land, or part thereof, where anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection thereof and who assists in the commission of such violation shall each be guilty of a separate offense and upon conviction thereof each shall be liable to the fine or imprisonment, or both, specified in Subsection A above.
- C. Nothing in this article shall be construed to limit the City of Margate's right to institute and maintain a civil action, from seeking active injunctive relief, or to set aside or invalidate any consequence made pursuant to a contract of sale.

**Attachments:**

[Attachment 1 - APPENDIX A Checklists for Applications](#)

[Attachment 2 - APPENDIX B Plant Species List](#)

[Attachment 3 - SCHEDULE A-1 Residential Uses](#)

[Attachment 4 - SCHEDULE B-1 Residential Standards](#)

[Attachment 5 – APPENDIX C Streetscape Standards Construction Details](#)

# LAND USE

175 Attachment 1

City of Margate City

## Appendix A Checklists for Applications

GENERAL REQUIREMENTS		Submitted	Waiver Requested	Reviewed <sup>1</sup>
1.	The appropriate application form (original and 10 photocopies). If any item is not applicable to the applicant, it should so be indicated on the application form(s).			
2.	Affidavit of ownership. If applicant is not the owner, the applicant's interest in the land; e.g., tenant, contract/purchaser, lienholder, etc.			
3.	If a corporation or partnership, list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class as required by N.J.S.A. 40:55D-48.1 et seq.			
4.	Number of witnesses proposed to be presented and their expertise, if any.			
5.	Statement as to any requirements for which waiver is sought, together with a statement of reasons why waivers should be granted.			
6.	Four photographs of the site and buildings, plus 10 photocopies of same.			
7.	10 copies of general requirements			
<p>Checklist prepared by: _____ Date: _____</p> <p>Checklist reviewed by Board: _____ Date: _____</p> <p>Application found complete on: _____</p> <p>Application found incomplete on: _____</p>				

(1) For city use only

# MARGATE CITY CODE

## Minor Subdivision and Minor Site Plan Checklist

APPLICATION FOR APPROVAL OF MINOR SUBDIVISIONS AND MINOR SITE PLANS (Page 1 of 2)		Submitted	Waiver Requested	Reviewed <sup>1</sup>
	If waiver is requested, reasons shall be indicated in separate submission.			
1.	Plat or plan drawn and sealed by a P.E., L.S., P.P. or R.A. as permitted by law and based on a current survey.			
2.	Scale: 1" = 50' or as approved by Board Engineer.			
3.	Current survey upon which plat or plan is based.			
4.	Map size: 24" x 36"			
5.	Key map: 1,000-foot radius, street names, zoning districts.			
6.	Title block and basic information:			
	a. Title.			
	b. Date of original preparation and date(s) of revision.			
	c. North arrow and reference meridian.			
	d. Ratio scale and graphic scale.			
	e. Tax map block, lot numbers and zone.			
	f. Name, address and license number of person preparing plat or plan, signed and sealed.			
	g. Name and address of owner of record and applicant, if different from the owner.			
7.	Signature of the applicant, and, if the applicant is not the owner, the signed consent of the owner.			
8.	A map of the entire tract or property showing the location of that portion to be divided therefrom, giving all distances and showing all roads abutting or transversing the property. Development boundaries shall be clearly delineated.			
9.	The name of all adjoining property owners as disclosed by the most recent City tax records.			
10.	Names of adjoining municipalities within 200 feet.			
11.	The location of existing and proposed, including details:			
	a. Property lines.			
	b. Streets (with right-of-way widths).			
	c. Buildings (with an indication as to whether existing buildings will be retained or removed).			
	d. Buildings within 200 feet of the site.			
	e. Parking spaces and loading areas.			
	f. Roadways, driveways and curbs.			
	g. Watercourses.			
	h. Bridges.			
	i. Drainage pipes and other improvements.			
	j. Natural features and treed areas, both on the tract and within two hundred (200) feet of its boundary.			
	k. Sewer, water and other utilities.			
	l. Lighting including photometrics and landscaping.			
	m. Signage including details.			
	n. Refuse areas.			
	o. Soil erosion and sediment control plan.			

(1) For city use only

## LAND USE

### Minor Subdivisions and Minor Site Plan Checklist (Cont'd)

APPLICATION FOR APPROVAL OF MINOR SUBDIVISIONS AND MINOR SITE PLANS (Page 2 of 2)		Submitted	Waiver Requested	Reviewed <sup>1</sup>
12.	Area in square feet of all existing and proposed lots; number of new lots created.			
13.	Bearings and distances of all existing and proposed property lines with any existing lot lines to be eliminated by the proposed subdivision clearly indicated.			
14.	Sufficient elevations or contours at <del>two</del> one-foot intervals, including finished grades and finished floor elevations.			
15.	The location and width of all existing and proposed utility, drainage and other easements, including but not limited to, sight triangle easements.			
16.	Front, side, and rear setback lines.			
17.	Chart of the zoning requirements for the zone, what is proposed, and variances indicated.			
18.	Delineation of flood plain and wetlands areas.			
19.	A copy of any protective covenants or deed restrictions applying to the lands being subdivided or developed.			
20.	Ten (10) sets of folded plans.			
21.	For subdivisions, if the applicant intends to file the approved subdivision with the County, the plat shall be prepared in compliance with the "Map Filing Act," P.L. 1960, c.141 (C.46.2309.9 et seq.) and bear the signature block.			
<div style="margin-bottom: 10px;">Checklist prepared by: _____ Date: _____</div> <div style="margin-bottom: 10px;">Checklist reviewed by Board: _____ Date: _____</div> <div style="margin-bottom: 10px;">Application found complete on: _____</div> <div style="margin-bottom: 10px;">Application found incomplete on: _____</div>				

(1) For City Use Only

# MARGATE CITY CODE

## Preliminary Major Subdivision and Site Plan Checklist

APPLICATION FOR PRELIMINARY APPROVAL OF MAJOR SUBDIVISIONS AND SITE PLANS (Page 1 of 3)		Submitted	Waiver Requested	Reviewed <sup>1</sup>
	If waiver is requested, reasons shall be indicated in separate submission.			
1.	Plat or plan drawn and sealed by a P.E., L.S., P.P. or R.A. as permitted by law and based on a current survey.			
2.	Scale: 1" = 50' or as approved by Board Engineer.			
3.	Current survey upon which plat or plan is based, signed and sealed.			
4.	Map size: 24" x 36"			
5.	Title block and basic information:			
	a. Title.			
	b. Date of original preparation and date(s) of revision.			
	c. North arrow and reference meridian.			
	d. Ratio scale and graphic scale.			
	e. Tax map block, lot numbers and zone.			
	f. Name, address and license number of person preparing plat or plan.			
	g. Name and address of owner of record and applicant, if different from the owner.			
	(Where more than one sheet is required, the above information shall appear on each sheet and all sheets shall be appropriately labeled, numbered and bound.)			
6.	The first sheet of a series of plats or plans submitted for preliminary approval shall contain, in addition to the above, the following:			
	a. A key map at a scale of 1" = 400' or less showing zone boundaries.			
	b. The names and addresses, lot and block numbers of all property owners within 200' of the tract boundary line			
	c. Signature blocks for the Board Chairperson, Board Administrator and Board Engineer.			
	d. Chart of the zoning requirements for the zone, what is proposed, and variances indicated.			
7.	Existing and proposed contours at one-foot intervals.			
8.	For site plans, a grading plan showing, at one-foot contour intervals, existing and proposed contours and elevations.			
9.	The location of existing watercourses and any natural features, including floodplains and wetlands on the site and within 50 feet.			
10.	The area of the tract to be subdivided or developed in square footage and the location, lot area, width and depth of any existing lot or lots proposed to be subdivided.			

(1) For City Use Only

# MARGATE CITY CODE

## Preliminary Major Subdivision and Site Plan Checklist (Cont'd)

APPLICATION FOR PRELIMINARY APPROVAL OF MAJOR SUBDIVISIONS AND SITE PLANS (Page 2 of 3)		Submitted	Waiver Requested	Reviewed <sup>1</sup>
11.	Location of all existing and proposed buildings and subsurface structures, with building setbacks, front, side and rear yard distances.			
12.	Location of all structures within 200 feet of the property.			
13.	A stormwater management plan including construction details showing the location, type and size of any existing and proposed bridges, culverts, drainpipes, catch basins and other storm drainage facilities, including Stormwater Analysis Report.			
14.	A soil erosion and sediment control plan.			
15.	A circulation plan showing proposed vehicle, bicycle and pedestrian circulation systems. The plan shall include the locations, typical cross-sections, center line profiles, width of right-of-way, edge of pavement, curbs, sidewalks and type of paving for all proposed new streets and paths. Road crosssections shall be every 50 feet along center line. Profile shall be at a scale of one inch equals five feet vertical; one inch equals 50 feet horizontal.			
16.	Plans of proposed potable water, sanitary sewer utility systems showing feasible connections to existing or any proposed system.			
17.	Location of any proposed off-street parking areas and driveways with sight distance profiles, with dimensions showing parking spaces, loading docks and access drives and a traffic circulation pattern showing all ingress and egress to the site.			
18.	Location and description of all proposed signs and exterior lighting, including details.			
19.	Provision for storage and disposal of solid wastes.			
20.	For site plans, the preliminary floor plans and preliminary building elevation drawings showing all sides of any proposed building or buildings.			
21.	All proposed buffers, landscaping, fences, walls, hedges or similar facilities. The landscaping plan shall show in detail the location, size and type of all plant material, including ground cover, to be used on the site. Common names of all landscaping material shall be indicated.			
22.	A copy of any protective covenants or deed restrictions applying to the land and being subdivided or developed and a notation on the plat or plan of any easements required by the Board, such as but not limited to sight triangle easements. Said easements may also include utility lines, public improvements and ingress and egress for emergency vehicles.			
23.	A copy of such guarantees, covenants, master deed or other document which shall satisfy the requirements of the Board for the construction and maintenance of any proposed common areas, landscaping, recreational areas, public improvements and buildings.			

(1) For City Use Only

## LAND USE

### Preliminary Major Subdivision and Site Plan Checklist (Cont'd)

APPLICATION FOR PRELIMINARY APPROVAL OF MAJOR SUBDIVISIONS AND SITE PLANS (Page 3 of 3)		Submitted	Waiver Requested	Reviewed <sup>1</sup>
24.	A list of all licenses, permits or other approvals required by law, including proof of service.			
25.	A letter of intent stating the following: type of structures to be erected, nature of nonresidential use, if any, approximate date of construction start and estimated number of lots on which final approval will be requested.			
26.	The Board may require the applicant to submit a traffic impact statement as part of preliminary approval if, in the opinion of the Board, the development could have an adverse effect on off-site traffic and circulation.			
31.	Applicant shall submit ten (10) sets of folded plans.			
<div style="margin-bottom: 10px;">Checklist prepared by: _____ Date: _____</div> <div style="margin-bottom: 10px;">Checklist reviewed by Board: _____ Date: _____</div> <div style="margin-bottom: 10px;">Application found complete on: _____</div> <div style="margin-bottom: 10px;">Application found incomplete on: _____</div> <div style="margin-bottom: 10px;">Applicant notified on: _____</div>				

(1) For City Use Only

# MARGATE CITY CODE

## Final Major Subdivision and Site Plan Checklist

APPLICATION FOR FINAL APPROVAL OF MAJOR SUBDIVISIONS AND SITE PLANS (Page 1 of 2)		Submitted	Waiver Requested	Reviewed <sup>1</sup>
	If waiver is requested, reasons shall be indicated in separate submission.			
1.	Plat or plan drawn and sealed by a P.E., L.S., P.P. or R.A. as permitted by law and based on a current survey.			
2.	Scale: 1" = 50' or as approved by Board Engineer.			
3.	Current survey upon which plat or plan is based, signed and sealed.			
4.	Map size: 24" x 36"			
5.	Title block and basic information:			
	a. Title.			
	b. Date of original preparation and date(s) of revision.			
	c. North arrow and reference meridian.			
	d. Ratio scale and graphic scale.			
	e. Tax map block, lot numbers and zone.			
	f. Name, address and license number of person preparing plat or plan.			
	g. Name and address of owner of record and applicant, if different from the owner.			
	(Where more than one sheet is required, the above information shall appear on each sheet and all sheets shall be appropriately labeled, numbered and bound.)			
6.	Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land to be reserved or dedicated to public use, all lot lines and other site lines, with accurate dimensions, bearings or deflection angles, radii arcs and central angles of all curves, or as required by the Map Filing Act.			
7.	The purpose of any easement or land reserved or dedicated to public use, such as but not limited to sight triangle easements, and the proposed use of sites other than residential.			
8.	The front, side and rear building setback lines			
9.	Improvement plans in accordance with the City standards for roads and utilities.			
10.	Statement that the final plan is consistent with preliminary plan, and if not, how and why they differ.			
11.	All additional information, changes or modifications required by the Board at the time of preliminary approval.			

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## LAND USE

### Final Major Subdivision and Site Plan Checklist (Cont'd)

APPLICATION FOR FINAL APPROVAL OF MAJOR SUBDIVISIONS AND SITE PLANS (Page 2 of 2)		Submitted	Waiver Requested	Reviewed <sup>1</sup>
12.	A statement from the City Engineer that all improvements required by the Board for preliminary approval have been installed in compliance with all applicable laws.			
13.	If improvements have not been installed, then a statement from the City Clerk shall accompany the application for final approval stating that:			
	a. A recordable developer's agreement with the City has been executed.			
	b. A satisfactory performance guarantee has been posted.			
	c. That the City has received all escrow and inspection fees.			
14.	Proof that all taxes and assessments for local improvements on the property have been paid.			
15.	If the requirement improvements have been installed, the application for final approval shall be accompanied by a statement from the City Clerk that a satisfactory maintenance bond has been posted.			
16.	Applicant shall submit ten (10) sets of folded plans.			
17.	A letter from the Fire Department, signed by the Chief, stating that waterlines and fire hydrants are adequate for fire protection.			
<div style="margin-bottom: 10px;">Checklist prepared by: _____ Date: _____</div> <div style="margin-bottom: 10px;">Checklist reviewed by Board: _____ Date: _____</div> <div style="margin-bottom: 10px;">Application found complete on: _____</div> <div style="margin-bottom: 10px;">Application found incomplete on: _____</div>				

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# MARGATE CITY CODE

## Variance Application Checklist

VARIANCE CHECKLIST (Page 1 of 1)		Submitted	Waiver Requested	Reviewed <sup>1</sup>
1	Submit the following documents with the Standard Development Application:			
	a. Copy of an area map showing all lots within 200 feet of the property.			
	b. List of names, addresses, lot and block numbers, as they appear on the official tax records of the City, of all owners of property within 200 feet of the property affected by the application and upon whom the notice must be served in the manner provided by law.			
	c. Copy of professional survey at a scale not smaller than 1" = 100' nor larger than 1/8" = 1'; clearly indicating the buildings and improvements thereon with all front, side and rear yard dimensions and setbacks from the property lines.			
	d. Copies of subdivision, site plan or conditional use applications when applicable.			
	e. Certification that taxes are paid.			
2	If the survey is more than one year old, attach certification of the applicant or owner that the survey accurately represents the status of the premises and all improvements at the time of filing for the variance, and show any proposed changes with all dimensions including enlargement of existing footprint, if applicable.			
3	A statement containing the following information:			
	a. Date of acquisition of property and from whom.			
	b. The number of dwelling units in existing building(s).			
	c. State whether the applicant or owners own or are under contract to purchase any adjoining lands. Set forth lot and block number(s).			
	d. State whether the application is or is not to be accompanied by a separate application for subdivision, site plan or conditional use approval.			
4	Ten (10) folded copies of a plot plan, map or survey.			
<p>Checklist prepared by: _____ Date: _____</p> <p>Checklist reviewed by Board: _____ Date: _____</p> <p>Application found complete on: _____</p> <p>Application found incomplete on: _____</p>				

(1) For City Use Only

## LAND USE

### *175 Attachment 2*

#### **City of Margate City**

#### **Appendix B Plant Species List**

The following is a list of recommended plant materials. Many of these plants have proved to be durable selections under the most adverse urban conditions in the northeast regions. Consequently, they have been assembled in an effort to provide the property owner with a flexible plant palette. This palette can in most situations include various combinations of the subsequently listed categories of plants (e.g., Red Maples as street trees with Sweetbay Magnolia, P.J.M. Rhododendron, English Yew and Pachysandra as immediate foundation plantings around the building).

#### **Large Trees (Deciduous)**

Red Maple species and cultivars (e.g., October Glory, Autumn Sunset), a native, wet-site-tolerant fast-growing tree with very small but profuse flowers in early spring and brilliant red fall color.

Green Ash "Patmore", an extremely hardy tree that will withstand some of the most difficult planting sites. Dark green foliage, strong central leader and seedless.

Aristocrat Pear, more open and angled branching than other selections, with strong central leader, white flowers, purple or red to orange fall color.

Greenspire Littleleaf Linden, a highly valued street tree with slightly heart-shaped leaves, with small inconspicuous but fragrant flowers in early summer. They grab into a regular narrow oval form.

Halka Honeylocust, full rounded head, finely textured leaves and excellent yellow fall color.

Japanese Pagoda Tree, thrives under exceptionally harsh city conditions developing a large oval crown of glossy dark green foliage bearing large pyramidal trusses of fragrant white pea-shaped flowers in July and August.

Chinese Elm, grows well in unfavorable urban sites, vigorous growing with broad spreading head and uniform vase shape.

Bloodgood Variety London Planetree, a hardy street tree with peeling, flaking bark and ball-like fruit.

Poplar Hybrids (White and Silver), fast growing and tolerant of severe urban conditions with silvery undersides of leaves.

Sweetgum, a pyramidal-shaped tree with brilliant colorful star-shaped leaves in the fall and unusual shaped fruit.

#### **Smaller Trees (Under utility wires) (Deciduous)**

Kwanzan Cherry, a hardy flowering cherry with a straight trunk and good top. Branches begin at five or six feet from ground with pink flowers.

Fruitless Mulberry, fruitless variety of the mulberry with wide dark leaves withstanding the severest of urban conditions.

## MARGATE CITY CODE

### **Smaller Trees (Under utility wires) (Deciduous) (cont'd)**

Village Green Zelkova, a rapidly growing tree with the vase shaped branching habit of our native American Elm.

Hedge Maple, a compact, low-growing tree with corky bark and distinctive, fine-textured foliage.

Hophornbeam, versatile native small tree, good for urban sites in sun or shade. Fall color varies from yellow or orange and bright red.

### **Ornamental Trees (Deciduous)**

Sweetbay Magnolia, fragrant creamy white flowers in May. Nearly evergreen.

Shadblow Serviceberry, early white flowers, edible small red fruit. Very popular as a flowering clump tree. Fall color varies from orange to red.

River Birch, large triangular dark green leaves and showy pinkish-white peeling bark. Low branched, singly or multi-stemmed.

Crabapple Species, small flowering ornamental tree with apple-like fruits.

Lilac, heart-shaped leaves with fragrant flowers and brown fruit capsules, really a shrub.

Washington Hawthorne, glossy green foliage and long-lasting scarlet fruit, with white flowers in June.

### **Evergreen Trees**

Eastern Red Cedar, a very versatile native evergreen; tolerates drought, poor soils and seashore conditions.

American Holly, smooth gray bark, red fruits and dull green foliage; protect from prevailing winds.

Japanese Black Pine, a dark green pine of irregular, open habit. The best seashore conifer for its remarkable salt tolerance and picturesque form.

Colorado Spruce, grayish blue needles developing into a dense narrow pyramid-shaped evergreen.

Nellie Stevens Holly, dark green glossy evergreen foliage with large red fruit; very hardy.

American Arborvitae, dark green, compact and symmetrical in form. The best of the taller arborvitae.

Leyland Cypress, fast-growing, soft-textured feathery foliage, grayish-green color.

Hollywood Juniper, light-green-colored foliage, columnar-shaped and extremely salt tolerant.

### **Shrubs (Large/Deciduous)**

Bayberry, a widely adaptable plant with decorative gray berries and glossy aromatic foliage; highly salt tolerant and native to coastal and seashore areas.

Sand Cherry, beautiful deep burgundy leaves all summer. White flowers in spring. Very hardy.

## LAND USE

### **Shrubs (Large/Deciduous) (cont'd)**

Beach Plum, excellent native seashore plant with blue fruits in the fall.

#### **Hydrangea**

Peegee, bears enormous trusses of white flowers in August, which later turn to deep pink.

Oakleaf, leaves turn a deep red-bronze.

Rugosa Rose, rich green foliage, large red fruits, pink flowers June to September; good seaside plant.

Blackhaw Viburnum, white flowers, blue-black fruits. One of the best of all native plants for a dense hedge.

Arrow Wood Viburnum, excellent in wet soil on roadside and in shore areas. Purple and red during autumn.

Compact Winged Euonymus, excellent hedge with corky bark and extraordinary crimson red fall color.

Chockberry, native plant with clusters of small white flowers in May, glossy red berries persisting into winter. Brilliant red fall color.

Fragrant Sumac, clusters of small yellow flowers in April and May followed by coral-red fruits in June. Aromatic foliage, colorful in fall.

Witchhazel, a native shrub with pale yellow to orange fragrant flowers blooming in late fall.

Clethera, a native shrub with fragrant white flowers from July to September. Fall color is buttery yellow; growing well in partial to full shade.

### **Shrubs (Small/Deciduous)**

Memorial Rose (Wichuraiana), prostrate trailing plant. Rich shiny foliage, almost evergreen. White flowers, late blooming. Excellent ground cover.

Cotoneaster Species, rich small box-like foliage, abundant bright red fruit.

Anthony Waterer Spirea, rose red flowers all summer, good fall foliage color.

Bush Cinquefoil, large pure white flowers standing out against blue-green foliage.

Glossy Abelia, evergreen. Flowers white-tinted lilac. Blooms all summer.

### **Shrubs (Large/Evergreen)**

Inkberry Holly, native seashore planting with evergreen dark shiny leaves which become purplish in the winter.

Japanese Holly, convexed foliage, dark glossy green, growing rapidly broader than taller.

## MARGATE CITY CODE

### **Shrubs (Large/Evergreen) (cont'd)**

Densiformis Yew, the finest dense spreading yew. Fast-growing and compact.

P.J.M. Rhododendron, the most reliable, cold-hardy evergreen rhododendron, with dark green foliage and small bright lavender to pink flowers in mid to late April.

Chinese Holly, dark green glossy evergreen foliage with large red fruit; very hardy.

Blue Hollies, dark blue-green foliage, good berries.

Cherry Laurel, vigorous shrub with shiny, evergreen leaves, leathery in texture and able to withstand heavy pruning.

Mountain Laurel, a beautiful native broadleaf evergreen with large clusters of pink and white flowers in mid-June.

### **Shrubs (Small/Evergreen)**

Kurume Azaleas, highly popular evergreen spring-flowering shrubs with a profusion of blooms from April to June.

Leucothoe, useful native broadleaf evergreen; lower spreading habit; tolerant of shade. A perfect companion plant for azaleas and rhododendrons.

Mugho Pine, dwarf and slow growing. Forms a round-topped clump. Useful for rock garden plantings.

Bayberry, rugged low hedge plant.

Skimmia, thick and heavy spreading, bright yellow green foliage requiring shade for growth.

Gaultheria, lustrous evergreen leaves with bell-shaped white flowers growing as a ground cover.

English Yew, a very low-growing dense-spreading variety, useful for foundation planting. Will thrive in shade.

### **Ground covers**

Hardy English Ivy, a hardy clone of English Ivy.

Purpleleaf Wintercreeper, foliage is narrow and long, becoming rich reddish-purple in the fall. Good in low foundation plantings and under low windows. Desirable for winter contrast with other evergreens.

Periwinkle, trailing evergreen. Glossy foliage. Blue flowers in spring. Excellent ground cover in sun and shade.

Pachysandra, evergreen, good ground cover for shady places.

Fern Species: Sweet Fern, an aromatic fernlike woody plant.

## LAND USE

### Perennials

Black-eyed Susans, highly decorative, golden yellow flowering perennial. Blooms from July to the first frost.

Lily turf, evergreen, grass-like perennial is quite attractive grouped in mass or as a ground cover.

Coreopsis, low, fine-textured perennial that produces yellow-orange flowers. Drought tolerant once established.

Hostas, handsome, broad-leafed, with a variety of colorations. Prefers moist location in full or partial shade.

Asters, brightly colored classic companion plant to many perennial varieties.

Astilbe, rugged, yet beautiful plants that throw long, colorful spikes over shiny and decorative foliage.

# Land Use

175 Attachment 3

## Schedule A-1

### City of Margate Schedule of Uses Residential Districts

	S-60	S-60 WF	S-50	S-40	S-40 WF	S-30	S-25	S-25 (HD)	TF	MF	WAPC
Single-family detached dwellings	P	P	P	P	P	P	P	P	P	P	P
Two-family dwellings	-	-	-	-	-	-	-	-	P	P	P
Multifamily dwellings	-	-	-	-	-	-	-	-	-	P	P
Municipal Use	P	P	P	P	P	P	P	P	P	P	P
Parks, playgrounds and other public operated recreation uses	P	P	P	P	P	P	P	P	P	P	P
Community residences	P	P	P	P	P	P	P	P	P	P	P
Family day-care homes	P	P	P	P	P	P	P	P	P	P	P
Child care centers	P	P	P	P	P	P	P	P	P	P	P
Schools	C	C	C	C	C	C	C	C	C	C	C
Houses of worship	C	C	C	C	C	C	C	C	C	C	C
Home occupations	A	A	A	A	A	A	A	A	A	A	A
Swimming Pools	A	A	A	A	A	A	A	A	A	A	A
Outdoor showers	A	A	A	A	A	A	A	A	A	A	A
Spas/hot tubs	A	A	A	A	A	A	A	A	A	A	A
Fences/walls	A	A	A	A	A	A	A	A	A	A	A
Sheds	A	A	A	A	A	A	A	A	A	-	-
Flagpoles, TV and radio towers and antennas (excluding satellite dish antennas), ham radio receiving and transmitting antennas	A	A	A	A	A	A	A	A	A	-	-
Greenhouses	A	A	A	A	A	A	A	A	A	A	A
Gazebos/garden houses	A	A	A	A	A	A	A	A	A	A	A
Tennis courts	A	A	-	-	-	-	-	-	-	-	-
Pool houses/cabanas	A	A	A	A	A	A	A	A	A	A	A
Outdoor Fire Pits and Fireplaces	A	A	A	A	A	A	A	A	-	-	-

- = Not Permitted

P = Principal Permitted Use

C = Conditional Use

A = Accessory Use

# Margate City Code

## Schedule A-2 City of Margate Schedule of Uses Nonresidential Districts

[Amended 9-24-2006 by Ord. No. 2006-26; 4-3-2008 by Ord. No. 12-2008]

	CBD	C-1	C-2	WSD	GO*	R	I	B
Residential ground floor	-	P-	-	P-	-	-	-	-
Residential upper <del>stores</del> -floors	P	P	P	P	-	-	-	-
Retail sales	P	P	P A	P	-	-	-	-
Retail services	P	P	P A	P	-	-	-	-
Restaurants (non-drive thru)	P	P	-	P	-	-	-	-
Bars	P	P	-	P	-	-	-	-
Business/professional office	p <sup>1</sup>	P	P	P	-	-	-	-
Banks financial institutions (drive-thru)	P	P	P	-	-	-	-	-
Banks financial institutions (non drive-thru)	P	P	P	P	-	-	-	-
Marinas/marine service facilities	-	-	-	P	-	p <sup>2</sup>	-	-
Governmental and open space use	P	P	P	P	P	P	P	P
Water dependent uses consistent with CAFRA	-	-	-	P	-	P		P
Senior citizen housing operated by a nonprofit entity	-	-	-	-	P	-	P	-
Rest room facilities	A	A	A	A	-	-	A	-
Harbormaster structures	-	-	-	A	-	A	-	-
Home occupations *	A	A	A	A	-	-	-	-
Watercraft rental and sales **	-	-	-	A	-	A	-	-
Commercial Parking Lots	P	P	P	P				
Schools							C	
Houses of Worship							C	
Child Care Center	P	P	P	P		-	-	-

P = Principal Permitted Use

C = Conditional Use

A = Accessory Use

### NOTES:

<sup>1</sup> Business/professional offices, for new multifamily or mixed-use buildings, are not permitted as a principal permitted use on the ground floor in the CBD District.

<sup>2</sup> Only adjacent to WSD West of Decatur Avenue.

\*Accessory to a conditional residential use.

\*\*Accessory to a recreational marina