

ORDINANCE #10-2023

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

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

SECTION 1. Article V – Zoning, Section 175-30D is amended as follows:

Add (in red):

1. (4) Single residential driveways shall be a maximum of 10 feet wide and limited to one per lot. **All lots less than 40 foot of frontage shall be limited to one (1) 10-foot-wide curb cut.**
2. **(a) All garage doors shall be a minimum of 18 feet from the right of way line, intersecting property line of easement line.**
3. (5) Double residential driveways shall be a maximum of 18 feet wide and must be continuous with no gaps. **Double wide (18 foot wide) shall only be permitted on lot frontage of 40 feet or greater.**
4. **(a) All garage doors shall be a minimum of 18 feet from the right of way line, intersecting property line of easement line.**
5. (6) Ribbon driveways:
6. **(d) May use artificial turf between the strips if area is constructed on a 12-inch-deep crushed stone based wrapped in filter fabric, has a sand base and is pervious. The turf must be of high-grade material with a minimum pile height of 3 inches. Artificial turf may only be used within the driveway wheel strips. This turf will count as landscaping by definition.**
7. **(e) Alternately, Porous pavers including travertine, with ½ gaps on a stone and sand base will count as 50% credit for landscaping.**

SECTION 2. §175-33 Accessory Structures and uses shall be amended as follows:

Add (in red):

1. D(11) Outdoor fire pits and fireplaces.
2. (b) All such **wood burning** 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.
3. (e) Said **wood burning** devices are prohibited from being used within 15 feet of any structure, **natural gas structures shall 5 feet or whichever the fire Marshall permits.** including but not limited to homes, garages, sheds, showers or other such structures.
4. (f) Such **wood burning** 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.
5. (g) Said **wood burning** devices are prohibited from being used underneath any cave, overhang, roof, wires, tree limbs, vegetation, gutter, downspouts or decks.
6. (h) No **wood burning** fireplace or fire pit shall be used other than during the hours between 9:00 a.m. and 12:00 midnight.

7. (i) No **wood burning** fireplace or fire pit shall be used for cooking.

SECTION 3. Article VII – Fees and Deposit, Section 175-42 Fee Schedule B. shall be amended as follows:

1. Add

C. In-house professional staff:

As permitted by Municipal Land Use Law 40:55D-53.2a – f:

In House professional staff	Hourly Rate
Professional Engineer	\$100
Professional Planner	\$100

SECTION 4.

Land Use Schedule A-2 Schedule of Uses Non-residential Districts, shall be amended as follows:

Permitted uses: Retail Sales, Retail Services, Restaurants (non-drive through) and Bars are added as permitted uses within the CBD, C-1, C-2 zones.

Conditional uses: Residential Upper Floors are amended to Conditional uses within the CBD, C-1, C-2 zones.

SECTION 5.

Land Use Schedule B-1 shall be amended as follows:

Maximum Building Height: S-25, S-30, S-40, S-50, S-60 and TF zoning districts:
add: **2 habitable floors over parking or 2 ½ habitable floors without parking and 30 feet above lowest floor for lots less than 40 feet wide. Clarifies Dormer area as 40%, not 15%.**

Maximum Building Height: S-25HD zoning districts:
Add: **Maximum height of 25 ft. from FF to ridge.**

Clarification of building height to supplement habitable attic definition.

Maximum Building Height: S-40WF, S-60WF zoning districts:
add: **2.5 habitable floors, 2.5 stories total. Dormers are permitted but are limited to 40% of the 3rd floor habitable floor area; maximum height 30' above BFE+4 or FF if parking below is provided.**

Any third-floor living space where the ceiling height is in excess of 5 feet shall be less than 50% of the floor area of the floor immediately below.

2 habitable floors over parking or 2 ½ habitable floors without parking and 30 feet above lowest floor for lots less than 40 feet wide.

Amend footnote as follows (remove what is struck out and add in red):

NOTES:

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

SECTION 6.

Land Use Schedule B-2 shall be amended as follows:

Front Yard Setback for CBD, C-1 and C-2 zoning districts as *6 foot to permit a secondary sidewalk for a higher ground floor elevation.*

Side Yard Setback for C-1 and C-2 zoning districts as *3 foot each side; 10 foot combined.*

Amend footnote as follows (remove what is struck out and add in red):

NOTES:

- * Residential projects in the WSD Zones shall comply with the MF standards. Mixed-use projects shall comply with the MF density standards and all other applicable standards in the *CBD, C-1, C-2 Zones.*
- ** Regardless of zone, any single-family or two family home in the City shall comply with Schedule B-1.
- *** Except where otherwise required by the Construction Code, in zones requiring ground floor commercial uses, the lowest floor of any such building shall be located within one foot of grade inside the sidewalk line *unless an ADA compliant ramp is provided. Higher ground floors in commercial zones are permitted for flood damage prevention purposes.*
- ⌘ *A. Mixed use is a conditional use and shall comply with the following conditions:*
 - (1) All mixed-use projects shall have a maximum aggregate residential to commercial floor area of 2:1.*
 - (2) Residential building coverage shall not exceed commercial building coverage by more than 20%.*

SECTION 7. All ordinances or parts of ordinances inconsistent with any terms of this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 8. This ordinance shall take effect upon its final passage and publication as required by law.



Michael Collins, Mayor



Maury Blumberg, Commissioner



Cathy Horn, Commissioner

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

Introduction: July 20, 2023

Published: July 25, 2023

Enactment: August 3, 2023

Published: August 10, 2023

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; 10-4-2018 by Ord. No. 24-2018]

	CBD	C-1	C-2	WSD	R	I	B
Residential ground floor	—	—	—	—	—	—	—
Residential upper floors	C	C	C	P	—	—	—
Retail sales	P	P	A P	P	—	—	—
Retail services	P	P	A P	P	—	—	—
Restaurants (non-drive thru)	P	P	P	P	—	—	—
Bars	P	P	P	P	—	—	—
Business/professional office	P ₁	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 ₂	—	—
Governmental and open space use	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	—
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 =

C = Conditional Use

A = Accessory Use

Principal Permitted Use

NOTES: ¹ 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, C-1, C-2 District. ² Only adjacent to WSD West of Decatur Avenue.

* Accessory to a conditional residential use. ** Accessory to a recreational marina

Land Use

Schedule B-1

City of Margate Schedule of Standards

Residential Standards

[Amended 9-24-2006 by Ord. No. 2006-26; 4-3-2008 by Ord. No. 12-2008;
1-31-2013 by Ord. No. 01-2013; 8-15-2013 by Ord. No. 17-2013; 5-5-2016 by Ord. No. 08-2016]

	S-60	S-50	S-40	S-30	S-25	TF	S-25 (HD	S-60-WF	S-40-WF	MF	WAPC
Minimum lot area (square feet)	6,000	5,000	4,000	3,000	2,500	3,200	2,500	6,000 (excluding riparian)	2,750 (excluding riparian)	4,400	Multi-Family/Townhouse/Garden Apartment Buildings: 4,400 All other uses: 3,200
Minimum lot width (feet)	50	50	50	40	40	40	40	60	50	40	50
Maximum principal building coverage**, ***	Lots of 5,000+ square feet: 30% Lots between 3,000 square feet and 4,999 square feet: The principal building coverage may be increased on a sliding scale, enlarging the 30% by multiplying the number of square feet less than 5,000 by .00005 and converting the result into a percentage figure Lots less than 3,000 square feet:40%							40%	50%	45%	50%
Yards											
Minimum front yard	For front wall of house, prevailing setback of front walls of houses within 200 feet in the same block. Eliminate the high and low values before the average is calculated, unless there are fewer than 3 houses. Regardless of the average, minimum setback of at least 5 feet shall be provided. Unless otherwise indicated in Schedule B-5. For front of porch, prevailing setback of front walls of porches within 200 feet in the same block. Eliminate the high and low values before the average is calculated, unless there are fewer than 3 porches. Regardless of the average, minimum setback of at least 5 feet shall be provided. Porches or decks behind the front wall of a house shall not be included in the calculation. Unless otherwise indicated in Schedule B-5.									For front wall of building 10% of the lot depth with a 10’ minimum. For front wall of porch 5% of the lot depth with a 5’ minimum	
Minimum rear yard	20 % of lot depth or 10 feet, whichever is greater							10 feet from bulkhead		20 feet, with minimum 10 foot Landscape Buffer	Multi-Family / Townhouse / Garden Apartment Buildings: 20 feet, with minimum 10 feet Landscape Buffer All other uses: The greater of 20% of Lot Depth or 10 feet

Minimum side yard	Lots with 60 feet or more of frontage: total side yards: 37% of total lot width; minimum: 10 feet each Lots with less than 50 feet to 59.99 feet of frontage: total side yards: 37% of total lot width; minimum: 8 feet Lots with less than 50 feet of frontage: total side yards: 37% of total lot width; 5 feet minimum Regardless of lot width, the maximum combined yard requirements shall not exceed 22 feet.				8 feet or 10 feet with driveway	Multi-Family / Townhouse / Garden Apartment Buildings: 8 feet each 20 feet overall All other uses:10' each
Maximum height	2.5 habitable floors, 2.5 stories total. Dormers are permitted but are limited to 40% ±5% of the 3 rd floor habitable floor area; maximum height 30' above BFE+4 or FF if parking below is provided. Any third floor living space where the ceiling height is in excess of 5 feet shall be less than 50% of the floor area of the floor immediately below. 2 habitable floors over parking or 2 ½ habitable floors without parking and 30 feet above lowest floor for lots less than 40 feet wide.	2 habitable floors, 2 stories total, lowest structural member is at elevation 12' (NAVD) +3' in Zone AE (El 9) and elevation 13' (NAVD) + 3 ft. in Zone AE (El 10). Height is measured from BFE+4. Habitable attics, as per NJUCC 2006, International Residential Code, NJ Edition, shall not be permitted. Maximum height of 25 ft. from FF to ridge.	2.5 habitable floors, 2.5 stories total. Dormers are permitted but are limited to 40% of the 3rd floor habitable floor area; maximum height 30' above BFE+4 or FF if parking below is provided. Any third floor living space where the ceiling height is in excess of 5 feet shall be less than 50% of the floor area of the floor immediately below. 2 habitable floors over parking or 2 ½ habitable floors without parking and 30 feet above lowest floor for lots less than 40 feet wide	2 habitable floors over parking or 2 ½ habitable floors without parking and 30 feet above lowest floor for lots less than 40 feet wide. 2.5 habitable floors, 2.5 stories total. Dormers are permitted but are limited to 40% of the 3 rd floor habitable floor area; maximum height 30' above BFE+4 or FF if parking below is provided. Any third floor living space where the ceiling height is in excess of 5 feet shall be less than 50% of the floor	Multi-Family / Townhouse / Garden Apartment Buildings: 2 habitable floors over parking or 2½ habitable floors without parking and 30 feet above lowest floor or BFE+4. All other uses: Any third floor space where the ceiling height is in excess of 5' shall be less than 50% of the largest floor area immediately below and 30' feet above the lowest floor	

				area of the floor immediately below. For lots 40 feet wide or greater.	
Minimum roof pitch	5 on 12 required for roofs above first floor level	N/A	5 on 12 required for roofs above first floor level		
Maximum density	N/A			19.8 du/ac	Multi-Family / Townhouse / Garden Apartment Buildings: 19.8 du/ac All other uses: N/A
Maximum FAR	N/A			1.0	Multi-Family / Townhouse / Garden Apartment Buildings: 1.0 All other uses: N/A
Landscaping					
Front yard landscape requirements	No less than 60% of the front yard extending to the side property lines shall be landscaped with grass or other vegetative cover, shrubs and trees. This landscaped area shall not include paving, pavers, walkways, stones, wood, and any other nonvegetative cover or material. Such 60% landscaping minimum may be reduced to the extend required to accommodate front access stairs necessary to conform with lowest floor elevation requirements. In no case, however, shall such percentage be lower than 50% of the front yard. Until such a 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 Planning Board				
Minimum total landscaping coverage****	No less than 35% any residential lot shall be covered by grass or other vegetative ground cover, shrubs and trees. Areas under building projections, and cantilevers, except roof overhangs, shall not be counted toward meeting the landscape requirements Such 35% landscaping minimum may be reduced to the extend required to accommodate front access stairs necessary to conform with lowest floor elevation requirements. In no case, however, shall such percentage be lower than 30% of the lot. Until such a 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 Planning Board. Areas under projections permitted by§ 175-30C(4) and (6) shall not be counted toward meeting the landscape requirements.				

NOTES:

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

*** Beachfront property building coverage shall be measured from the property line. This shall include areas where the bulkhead line may be located inside the property line.

**** Landscape coverage for beachfront properties shall be measured from the property line. The area of beach lying between the bulkhead and property line shall be considered landscape coverage.

**** The maximum height above existing grade of a building may include an uninhabitable ground floor 9' in height above existing grade (only if used for garage parking to meet off street parking requirements, Face of garage doors must be setback 18 feet from the property line) to the lowest structural member of the first floor which shall not be counted in building height, with the exception of buildings in the S-25(HD) District. Buildings within the S-25 (HD) District are allowed to be raised such that the lowest structural member is at elevation 12.0' (NAVD 88) + 3' in Zone AE (El 9) and 13.0' (NAVD 88) + 3' in Zone AE (El 10).

Land Use

Schedule B-2
City of Margate Schedule of Standards
Nonresidential Standards**

	CBD **	C-1 **	C-2 **	WSD*	R	B	I
Minimum lot area (square feet)	4,000	4,000	4,000	4,400	5,000	N/A	The Lot / Tract created by the rights-of-Way bounding the Block in which the Lot / Tract is located.
Minimum lot width (feet)	50	50	50	50	50	N/A	
Maximum principal building coverage	60%	60%	60%	50%	-	N/A	Where Institutional Buildings or Structures exist, the existing Coverage of such existing Buildings or Structures. Where Institutional Buildings or Structures do not exist, the Coverage Requirements of the Most Restrictive Zoning nearest to the particular Institutional Zone in which the Property is Located.
Yards							
Minimum front (feet)	0 6 <i>To permit a secondary sidewalk for a higher ground floor elevation</i>	0 6 <i>To permit a secondary sidewalk for a higher ground floor elevation</i>	0 6 <i>To permit a secondary sidewalk for a higher ground floor elevation</i>	The lesser of the prevailing setback within 200 feet in same block or 10 feet minimum	-	N/A	Where Institutional Buildings or Structures exist, the existing Yard Requirements of such existing Buildings or Structures. Where Institutional Buildings or Structures do not exist, the Yard Requirements of the Most Restrictive Zoning District nearest to the particular Institutional Zone in which the Property is Located.
Minimum rear (feet)	5	5	5	10	-	N/A	
Minimum side (feet)	3 each; 10 combined	0 3 each; 10 combined	0 3 each; 10 combined	8 each; 20 combined			
Maximum height***	34 feet above curb or 30 feet above lowest floor, whichever is greater						Where Institutional Buildings or Structures exist, the existing Height of such existing Buildings or Structures. Where Institutional Buildings or Structures do not exist, the Height Requirements of the Most Restrictive Zoning District (as defined in §175-10) nearest to the particular Institutional Zone in which the Property is Located.

NOTES:

- * Residential projects in the WSD Zones shall comply with the MF standards. Mixed-use projects shall comply with the MF density standards and all other applicable standards in the *CBD, C-1, C-2 Zones*.
- ** Regardless of zone, any single-family or two family home in the City shall comply with Schedule B-1.
- *** Except where otherwise required by the Construction Code, in zones requiring ground floor commercial uses, the lowest floor of any such building shall be located within one foot of grade inside the sidewalk line *unless an ADA compliant ramp is provided. Higher ground floors in commercial zones are permitted for flood damage prevention purposes.*
- ⌘ *A. Mixed use is a conditional use and shall comply with the following conditions:*
 - (1) All mixed-use projects shall have a maximum aggregate residential to commercial floor area of 2:1.*
 - (2) Residential building coverage shall not exceed commercial building coverage by more than 20%.*

Land Use
Schedule B-5
City of Margate Schedule of Standards
Residential Standards
Specific Front Yard Setbacks in Residential Zones

Street	S-60	S-50	S-40	S-30	S-25	TF	S-25 (HD	S-60-WF	S-40-WF	MF	WAPC
Quincy Avenue Porch Principal Structure	12 feet 18 feet	N/A	12 feet 18 feet	12 10 feet 18 16 feet	12 10 feet 16 feet	N/A	N/A	N/A	N/A	N/A	N/A
Ventnor Avenue Porch Principal Structure	12 feet 25 feet										