

**ORDINANCE NO. 12 – 2020**

**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.** Section 175-2 Definitions is amended as follows:

**1. Add: Deck, Roof**

**Shall mean a flat, open and uncovered platform above the highest habitable floor. Roof decks shall not be permitted.**

**2. DORMER.**

**Add the following sentence – Dormers may be permitted up to 40% of the floor area of the half story.**

**3. Add: PERGOLA**

**Shall mean a structure of regularly spaced posts or columns supporting of crossing rafters or trellis work. Pergolas shall not be considered as building coverage or impervious coverage.**

**4. Add: ROOF, EAVE**

**Shall mean the projecting lower edge of the roof that overhangs the wall of the building. In cases where the roof plane projects below the intersection of the roof eave and the top of the wall, this point of intersection shall be considered the eave height. For residential structures, the roof eave shall be no higher than 18” (eighteen inches) above the top plate of the wall.**

**5. Add: ROOF, GAMBEL**

**Shall mean a gabled barn-style roof with a change in slope partway up the roof with the lower slope steeper than the upper.**

**6. Add: ROOF, MANSARD**

**Shall mean a roof with two (2) slopes on each of four (4) sides, the lower steeper than the upper. For purposes of this Ordinance, mansard roofs shall be considered flat roofs.**

**7. Add: ROOF, PITCHED**

**Shall mean any roof with eighty percent (80%) or more of its projected horizontal planes (areas) constructed at slopes equal to or greater than five (5) in twelve (12). All other roofs shall be flat roofs.**

**8. STORY, HALF – Add the following language at the end:**

**The eave height of the half story shall be no more than 18” (eighteen inches) above the top plate of the second story wall below.**

**9. ADD: SUBDIVISION, “BY RIGHT”**

**Any minor subdivision not requiring any variances at the time of submission without any ne right of way or streets proposed.**

**10. ADD: SUBSIVISION COMMITTEE, “BY RIGHT”**

**A committee of at least three Planning Board members appointed by the Chairman of the Board for the purpose of reviewing subdivisions, along with the Planning Board Engineer and Planner, in accordance with the provisions of this chapter and for the purpose of performing such duties relating to land subdivision which may be conferred on this committee by the Board including approval without a Planning Board hearing. Approval without hearing is granted under 40:55D-47 – Minor Subdivision.**

**SECTION 2.** §175-26, Specific design standards shall be amended as follows:

1. D. Landscaping, (2) shall be revised to add the following:
  - a. The tree requirements shall include street trees be placed within the governor's strip or behind the sidewalk at the discretion of the Zoning Officer considering the existing width of the governor's strip and the location of utilities.
  - b. All street trees are to be maintained and replaced if removed at no cost to the City. Existing street trees with calipers greater than 12" shall not be removed unless in poor condition or pose a hazard to the welfare of the general public. The replacement tree shall be consistent with the City's Ordinance and the forestry management plan.
2. Section E – Fences or walls shall be revised as follows:
  - (a) New number 7 shall be added as follows:
    7. For single family or two family residential properties, no fences or gates are permitted to cross any driveway. For multi-family developments, no gates or fences are permitted to cross individual driveways.

All subsequent numbers shall be changed.

- (b) New number 12 shall be added as follows:

12. Arbors shall meet the same standards as trellis with a maximum permitted width of 8 linear feet and not exceed 8 feet in height.

All subsequent numbers shall be changed.

**SECTION 3.** Article V – Zoning shall be amended as follows:

- A. Section F – Schedule of Area, Yard and Building Requirements amended as follows:

Add the following to the end – Supplemental front yard setbacks for porches and principal structures for specific areas are listed later in this section.

- B. Section E (5) shall be amended as follows:

Building heights in the S-25, S-30, S-40, S-40WF, S-50, S-60, S-60WF, TF and MF Districts shall permit, for 30 feet of building height **regardless of plate height. Therefore, building heights of 30 feet shall be permitted in all zones other than S-25(HD) measured from Base Flood Elevation plus four feet of freeboard or if parking below is provided, 9 feet from grade. Grade shall have allowances for drainage towards the street.**

**SECTION 4.** §175-33 – Accessory structures and uses shall be amended as follows:

- A. Section [2] (e) shall be amended as follows:

Number [2] shall be added as follows: All beachfront lots may have third floor decks facing the beach or water that will not be required to be located within the building setbacks but shall comply with the setbacks for decks.

B. Section D (5) (b) shall be amended to read: 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 **if the hot tub/spa are one unit with the pool. Above grade hot tubs and spas with locking lids where not connected to a swimming pool may be setback 3 feet from a property line and may have two of the four sides against the principal or accessory structure such as a garage or shed.**

**SECTION 5.** Attachments.

Attachment 7 – Schedule B-5 Residential Uses Specific Front Yard Setbacks shall be added.

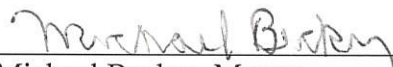
**SECTION 6.** Land Use Schedule B-1 shall be amended as follows:

Yards – Minimum Front Yard shall read: For front wall of house, prevailing setback of front walls of houses within 200 feet in the same block, **unless otherwise provided in Schedule B-5.** 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.

For front of porch, prevailing setback of front walls of porches within 200 feet in the same block **unless otherwise indicated in Schedule B-5.** Eliminate the high and low values before the average is calculated, unless there are fewer than 3 porches. Regardless of the average, a 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

**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 Becker, Mayor

  
John Amodeo, Commissioner

  
Maury Blumberg, Commissioner

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

Introduction: October 15, 2020

Enactment: November 5, 2020

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

[illegible]



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%

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. <b>Unless otherwise indicated in Schedule B-5.</b> 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. <b>Unless otherwise indicated in Schedule B-5.</b>						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					
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						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 Multi-Family / Townhouse / Garden Apartment Buildings:					

	Regardless of lot width, the maximum combined yard requirements shall not exceed 22 feet.			8 feet or 10 feet with driveway	8 feet each 20 feet overall
Maximum height	<p>2.5 habitable floors, 2.5 stories total. Dormers are permitted but are limited to 15% of the 3<sup>rd</sup> 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.</p>	<p>2 habitable floors, 2 stories total, lowest structural member is at elevation 12' (NAVD) +3' in Zone AE (E1 9) and elevation 13' (NAVD) + 3" in Zone AE (E1 10). Height is measured from BFE+4. Habitable attics, as per NJUCC 2006, International Residential Code, NJ Edition, shall not be permitted</p>	<p>2.5 habitable floors; 2.5 stories total, maximum height 28' above the first floor elevation or BFE+4. 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.</p>	<p>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 15% 40% of the 3<sup>rd</sup> 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</p>	<p>All other uses: 10' each</p> <p>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.</p> <p>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</p>

					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
<b>Landscaping</b>						
Front yard landscape requirements	<p>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.</p> <p>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</p>					
Minimum total landscaping coverage****	<p>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</p> <p>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.</p>					

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.
- \*\*\* 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 8’ 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

**City of Margate City**  
**Ordinance No. 12-2020**  
**Master Plan Consistency Report**

**October 15, 2020**

**Introduction.**

Ordinance 12-2020 “An ordinance amending Chapter 175 – Land Use, Definitions, Schedule B-1 , adding Schedule B-5, City of Margate schedule of standards, 175 Attachment 4:1” was introduced as an amendment to the Land Use Ordinance of the City of Margate, New Jersey on first reading; the City Clerk has provided a referral that the Ordinance has been advertised according to law and shall be scheduled to have a second reading and public hearing on the next available Commissioner meeting, November 5, 2020 and adopted.

The “Municipal Land Use Law” provides the Planning Board with thirty five (35) days from the referral date to prepare, review, adopt and transmit their consistency report regarding Ordinance 12-2020 to the City Board of Commissioners. NJS 40:55D-26 describes the Planning Board’s responsibility regarding the mast plan consistency review as follows:

*“...the planning board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning those inconsistencies and any other matters as the board deems appropriate.”*

The statute requires that every zoning ordinance must “either be substantially consistent with the land use plan element and the housing plan element of the master plan, or designed to effectuate such plan element.” NJSA 40:55D-62a. “The Master Plan” referred herein is the as The City of Margate Master Plan Update adopted May 12, 2017.

**Ordinance Summary:**

The primary objective of Ordinance No. 12-2020 is to add definitions so that terms used in the ordinance, both existing and proposed, have a tangible meaning. The proposed ordinance also adds clarifications to already existing ordinances. The proposed ordinance also now requires street trees to be maintained in perpetuity and replace any that are removed within the public right of way or were permitted to be located behind the sidewalk due to an undersized or unusable governor’s strip.

Also added are clarifications on fences crossing driveways with clearly not allowing them to cross with a gate or fence and reduce off street parking.

The ordinance will also permit third floor decks by definition and requires them to be within the building envelope unless on beachfront or waterfront properties where they will be permitted within the allowable deck setbacks.



A long talked about issue is providing an exact number for front yard setbacks, starting with 2 prominent streets in Margate City – Ventnor Avenue within the S-60 zone (Parkway Section) and Quincy Avenue. The intent of Schedule B-5 is to expand and get to the point where actual setbacks are known and remove the uncertainty and confusion of when to apply the default minimum of 5 feet.

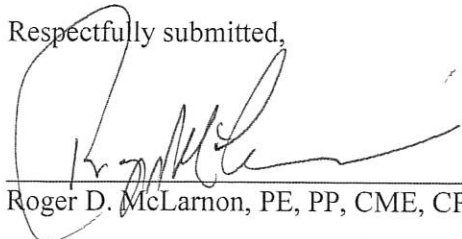
Ordinance 12-2020 advances the following objective from the Margate City Master Plan”

- *To review the City’s history, document progress towards prior goals and objectives, and develop plans and strategies for how the City can continue to adapt and thrive in the future.*
- *Secure safety from fire, flood, panic and other natural and man-made disasters.*
- *Provide adequate light, air and open space.*
- *From prior master plans, address concerns about bulk and mass that arose after adoption of the 2004 Plan. Prior planning goals were renewed, revised, abandoned, where appropriate.*
- *Upon review of the master plan efforts, it became evident that items that were priorities of prior plans are no longer concerns and items that are significant concerns now are not mentioned in prior planning efforts. This can be expected to some degree when reviewing prior master plan efforts in any community. However, the aftermath of Hurricane Sandy has shifted the discussion and priorities of many coastal communities. The steps that a coastal community such as Margate must take to ensure its long tem existence has been taken for granted until recently.*
- *Section 4.5.6 recommends several changes to the General Development Regulations.*

Consistent front yard setbacks that don’t rely on changing or varying setbacks, inconsistent measurements and interpretations and other factors will provide a consistent front yard setback that will provide and help meet the goals of the master plan and the zoning plan.

I have carefully reviewed and analyzed Ordinance 12 - 2020 and the Master Plan. Based on this review, it is my professional opinion that Ordinance 12-2020 is consistent with the Margate City Master Plan and will help strengthen the goals and Objectives as described above.

Respectfully submitted,



Roger D. McLarnon, PE, PP, CME, CPWM, CFM

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