

**BOROUGH OF LONGPORT
COUNTY OF ATLANTIC
ORDINANCE 2023-09**

**AN ORDINANCE OF THE BOROUGH OF LONGPORT, COUNTY OF
ATLANTIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 167 –
ZONING AND CHAPTER 15 – DEVELOPMENT PROCEDURES, RELATING
TO BUILDING HEIGHT REQUIREMENTS**

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

SECTION 1. Delete and Replace Section 167-7 as follows:

167-7 Building height and height exceptions.

- A. Maximum building height shall be determined in accordance with the following:
- (1) Maximum building height shall be 29 feet 6 inches above the finished first floor of the structure for all new and elevated construction, which measurement shall be from a finished first floor not higher than that required under Chapter 99 of the Longport Code.
 - (2) In determining permitted maximum building height for improvements or additions to existing structures, the existing finished first floor shall be utilized as long as it is at or below the minimum finished first floor elevation required by Chapter 99.
 - (3) Structures, or portions of structures, raised to comply with Chapter 99 shall be required to utilize the new finished floor elevation as long as it is not higher than that required under Chapter 99.
 - (4) The maximum building height may be established at 32 as above determined from finished first floor, provided that no portion of the roof structure above 29 feet 6 inches has a roof pitch less than 4:12.
- B. Eaves and Dormers
- (1) Along any side yard, the underside of the roof eave of any structure shall not be higher than 19 feet above the finished first floor as determined in Subsection A.
 - (2) Any portion of roof beginning not more than 18 inches from the face of the principal structure and not more than 14 inches higher than the permitted eave height shall not be steeper than 45°, or a slope of 1:1. Within this forty-five-degree roof slope along any side yard, vertical- and/or slope-faced dormers will be permitted to have a slope greater (steeper) than 1:1.

- (3) No dormer face will be permitted to be closer than the required principal building side yard setback. No such construction greater than 1:1 (45°) may occur within five feet of the required minimum front or rear principal building setbacks.
- (4) In addition to the permitted dormer length, not more than two small roofed window areas projecting not more than three feet horizontal (maximum perpendicular projection at any point from the 1:1 roof slope line), and each not more than four feet in width at any point, may also be permitted to violate the slope of 1:1 (45°).
- (5) The minimum permitted pitch of any roof slope above 29 feet 6 inches shall be 4:12.

C. All principal buildings and structures shall be subject to these height limitations except as follows:

- (1) Buildings or facilities owned by the Borough of Longport.
- (2) Chimneys or flues necessary to the height required by the International Building Code NJ Edition or International Residential Code NJ Edition as applicable.
- (3) Plumbing vent piping to the height required by the International Building Code NJ Edition or International Residential Code NJ Edition as applicable.
- (4) Freestanding ground mounted flagpoles within the front and rear yards only with a top height not greater than elevation 50.0 MSL.
- (5) Elevator shaft of no more than 36 square feet, provided that the height is no more than necessary to allow access to the highest habitable floor.

D. All accessory buildings and garages shall be in accordance with § **167-12**.

SECTION 2. Delete and Replace Section 167-11A as follows:

A. Steps and Stairs in accordance with the following:

- (1) Uncovered steps or stairs extending from the ground level to the finished first floor of a principal structure and constructed perpendicular to the street right-of-way may project into the front yard not closer than five feet to the front property line in the RSF-1 and RSF-2 Zoning Districts and one foot in the RSF-3 Zoning District.
- (2) All steps or stairs that are constructed in the front yard which are parallel to the street right-of-way shall meet the required front yard setback for the principal structure.

- (3) Uncovered steps or stairs extending from the original ground elevation to the finished first floor of a principal structure may project into the rear yard setback not closer than 10 feet to the rear property line for the RSF-1 and RSF-2 Zoning Districts; and not closer than five feet for the RSF-3 Zoning District.
- (4) Uncovered steps or stairs extending from the original ground level to the finished first floor may be set back not less than five feet in the side yard in RSF-3 Zoning Districts only.
- (5) Outdoor steps or stairs for accessory structures shall meet the required setback for accessory structures.

SECTION 3. Amend the following definition under Section 15-37:

BUILDING HEIGHT - The vertical dimension of a structure or building measured from the minimum first-floor elevation of the habitable portion of the structure or building to the highest point of coping for a flat roof or the highest gable of a pitched or hip roof. For both existing and proposed structures or buildings, the first-floor elevation shall not be considered higher than four ~~three~~ feet above the base flood elevation for the lot as depicted on the adopted Digital Flood Insurance Rate Map (DFIRM).

FLOOR AREA, HABITABLE - An area fully enclosed by the inside surfaces of permanent walls, windows, doors and partitions and having a headroom in conformance with the ~~BOCA Code~~ International Building Code NJ Edition or International Residential Code NJ Edition as applicable, including living, eating, cooking, sleeping, storage, circulation, service, utility and other related household spaces, but excluding garages, carports, porches, unheated sheds and basements. Attics or portions thereof will be considered habitable floor area when they are in compliance with the ~~BOCA Code~~ International Building Code NJ Edition or International Residential Code NJ Edition as applicable.

SECTION 4. All other ordinances or parts of ordinance which are inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies, are hereby repealed. Should any section, subsection, clause, or portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalidated, such judgments shall not affect, impair, or invalidate the remainder of this Ordinance.

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

Vote on First Reading: 3/15/2023

Publication Date: 3/20/2023

DO NOT USE SPACE BELOW						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON 1 st Reading/Introduction						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo		X	X			
Leeds	X		X			
Lawler						X
XX-indicates vote NV-not voting AB. – Absent						

Vote on Second Reading: 4/19/2023

Publication Date: 4/29/2023

DO NOT USE SPACE BELOW						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON FINAL PASSAGE						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo	X		X			
Leeds			X			
Lawler		X	X			
X-indicates vote NV-not voting AB. - Absent						

Borough of Longport
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 Monica Kyle, RMC, CMR
 Municipal Clerk

 Mayor Nicholas Russo

 Commissioner James P. Leeds, Sr.

 Commissioner Daniel Lawler