**ARTICLE II: Definitions and Descriptions**

§ 276-7 **Definitions and word usage.**

For the purpose of this chapter, certain phrases and words are herein described as follows: Words used in the present tense include the future; words used in the singular number include the plural number and vice versa; words used to include the male gender include the female gender and vice versa; the word "used" shall also include arranged, designed, constructed, altered, converted, rented, leased or intended to be used; the word "lot" includes the word "plot" and "premises"; the word "building" includes the word "structure," "dwelling" or "residence"; the word "shall" is mandatory and not discretionary. Any word or item not defined herein shall be used with a meaning as defined in Webster's New International Dictionary of the English Language, unabridged and latest edition. Moreover, whenever a term is used in the chapter which is defined in N.J.S.A. 40:55D-1 et seq., such term is intended to have the meaning as defined in N.J.S.A. 40:55D-1 et seq., unless specified to the contrary in this chapter.

**ACCESSORY BUILDING, STRUCTURE or USE**

A building, structure or use which is customarily associated with and is subordinate and incidental to the principal building, structure or use, is nonhabitable unless specifically permitted herewithin and which is located on the same lot therewith, including, but not limited to, garages, carports, decks, kennels, sheds, nonportable swimming pools, and all roofed structures. Any accessory building attached to the principal building shall be considered part of the principal building.

**ADMINISTRATIVE OFFICER**

The Secretary to the Planning Board, unless a different municipal official is designated by this chapter to administer certain of the responsibilities and authorities specified for the administrative officer in N.J.S.A. 40:55D-1 et seq.

**ADVERSE EFFECT**

Conditions or situations created by a proposed development that impose, aggravate or lead to impractical, unsafe or unsatisfactory conditions on properties such as, but not limited to, inadequate drainage facilities, unsuitable street grades, street locations that fail to compose a convenient system, and failure to provide or make future allowances for access to the interior portion of adjoining lots or for other facilities required by this chapter.

**ALLEY**

A minor way serving vehicular traffic circulation to more than one lot at the rear or side of a lot otherwise abutting on a street.

**ALTERATIONS**

A change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

**AMUSEMENT ARCADE**

A building used to house small kiddie coin-operated amusement rides, pinball, video and other such electronic games and/or amusement games of skill and chance. Amusement arcades are intended to be nonnuisance activities oriented to the family resort character of the City.

**AMUSEMENT PIER**

A pier used as a promenade and upon which may be located those commercial uses associated with amusement and recreation within the limits of this chapter.

**APPLICANT**

The landowner or the agent, optionee, contract purchaser or other person authorized in writing to act for the landowner submitting an application under this chapter.

**APPLICATION COORDINATOR**

The Application Coordinator of the City of North Wildwood, Cape May County, New Jersey.

**APPLICATION FOR DEVELOPMENT**

The application or appeal forms, together with the required fees and all accompanying documents required by this chapter, for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction for issuance of a permit pursuant to N.J.S.A. 40:55D-34 or N.J.S.A. 40:55D-36.

**AUTOMOBILE SALES LOT**

An open area, other than a street, which is used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

**BASE FLOOD ELEVATION**

Shall mean "base flood elevation" as defined in § 252-1 of the Code of the City of North Wildwood.

**BASEMENT**

That portion of a building partly below and partly above grade and having 1/2 or more of its height above grade.

**BEDROOM**

A room planned or used primarily for sleeping.

**BILLBOARD**

Any structure or portion thereof on which lettered or pictorial matter is displayed for advertising purposes other than on a building or the grounds to which the advertising applies.

**BOARD**

The Planning Board of the City of North Wildwood.

**BOARDWALK**

A public right-of-way located along the beach or ocean front, portions of which are elevated and portions of which are at grade, constructed of wooden or composite boards or concrete or asphalt or similar material, and supported by wooden or concrete piles that is used for the purpose of pedestrian traffic to promenade along the beach front and as access to amusement piers, stores and commercial establishments and such other public and semipublic buildings. The definition of "boardwalk" also shall include all appurtenant access ramps and stairs.

**BUFFER AREA or LANDSCAPE SCREEN**

A visual and auditory barrier at least five feet in width between adjoining lots or site uses composed of evergreen growth arranged to form a low-level screen planted to an initial height minimum of two feet on five-foot centers and a high-level screen planted to an initial height minimum of five feet on ten-foot centers.

**BUILDING**

Any structure or extension thereof or addition thereto having a roof supported by such things as columns, posts, piers, walls and/or air and intended for the shelter, business, housing, or enclosing of persons, animals or property.

**BUILDING HEIGHT**

As to nonresidential buildings, "building height" shall be the vertical distance measured to the highest point of the building from base flood elevation. As to residential buildings, "building height" shall be the vertical distance measured to the highest point of the building from base flood elevation or from the "best available flood hazard data elevation," (as that phrase is defined in § 252-1) whichever is more restrictive.

**BUMP OUTS/OVERHANGS**

An extension of a room, building, roof, porch, eave, window, bay window, etc., that creates a projection in a wall, or which extends beyond the exterior walls of the building itself

**CARTWAY**

The hard or paved surface portion of a street customarily used for vehicles in the regular course of travel. Where there are curbs, the cartway is that portion between the curbs. Where there are no curbs, the cartway is that portion of the paved or graded width.

**CELLAR**

That portion of a building partly below and partly above grade and having at least 1/2 its height below grade.

**CHILD CARE CENTER**

Any facility which is maintained for the care, development and supervision of six or more children who attend the facility for less than 12 hours a day and which offers such programs as child-care centers, day-care centers, drop-in centers, day nursery schools, play schools, cooperative child centers, centers for children with special needs, infant-toddler programs, employment-related centers, and/or kindergartens that are not an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth. A child-care center shall not offer programs operated in the day-care center by a public or private day school of elementary and/or high school grade, special activity programs for children, youth camps, and/or religious classes or centers.

**CITY**

City of North Wildwood, Cape May County, New Jersey.

**CLUB FACILITIES**

The facilities of an organization formed for the primary purpose of fraternal, social, educational or charitable group activities as opposed to individual or corporate business formed for profit.

**COMMON OPEN SPACE**

A parcel or parcels of land or an area of water, or a combination of land and water, together with the improvements thereon and designed and intended for the ownership, use or enjoyment of the residents and owners of the development. Common property may contain such complementary structures and improvements as are necessary and appropriate for the benefit of the residents and owners of the development.

**COMMUNITY RESIDENCE FOR PERSONS WITH HEAD INJURIES**

"Community Residence for Persons with Head Injuries," as defined by N.J.S.A. 40:55D-66.2, as amended.

**COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED**

"Community Residence for the Developmentally Disabled," as defined by N.J.S.A. 40:55D-66.2, as amended.

**COMMUNITY RESIDENCE FOR THE TERMINALLY ILL**

"Community Residence for the Terminally Ill," as defined by N.J.S.A. 40:55D-66.2, as amended.

**COMMUNITY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE**

"Community Shelter for Victims of Domestic Violence," as defined by N.J.S.A. 40:55D-66.2, as amended.

**COMPLETE APPLICATION**

An application for development shall be complete for purposes of commencing the applicable time period for action by the Planning Board, when so certified by the Board or its authorized designee as indicated in Article VIII of this chapter. In the event the application is not certified 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 for action by the Board unless: the application lacks information indicated on a checklist adopted by ordinance and provided to the applicant and the Board or its authorized designee 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 of the submission requirements be waived, in which event the Board or its designee shall grant or deny the request 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 Board may subsequently require correction of any information found to be in error and submission of additional information not specified in the ordinance 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 Board.

**CONDITIONAL USE**

A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as specified in this chapter.

**COVERAGE, BUILDING**

The square footage or other area measurement by which all buildings occupy a lot as measured in a horizontal plane around the periphery of the foundation and including the area under any roof extending more than two feet beyond the foundation.

**COVERAGE, LOT**

The square footage or other area measurement by which all buildings and impervious surfaces cover a lot as measured in a horizontal plane to the limits of the impervious area(s). All parking spaces and lots, paved or unpaved, swimming pools and other bodies of collected water, buildings, roads, driveways and walkways, tennis courts, patios, and any other structure, or on-site material or ground condition that does not permit the natural absorption and permeation by soils of water shall be included in the computation of lot coverage.

**DAYS**

Calendar days.

**DEVELOPMENT**

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation or landfill, and any use or change in use of any building or other structure or land or extension of use of land for which permission may be required.

**DRAINAGE and UTILITY RIGHT-OF-WAY**

The lands required for the installation and maintenance of stormwater and sanitary sewers, water pipes or drainage ditches and other utilities, or lands required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

**DWELLING UNIT**

A room or series of connected rooms containing living, cooking, sleeping and sanitary facilities for one housekeeping unit. The dwelling shall be self-contained and shall not require passing through another dwelling unit or indirect route(s) to get to any portion of the dwelling unit, nor shall there be shared facilities with another housekeeping unit.

A. **DETACHED SINGLE-FAMILY**

A building physically detached from other buildings or portions of buildings which is occupied or intended to be occupied for residence purposes by one housekeeping unit which has its own sleeping, sanitary and general living facilities.

B. **ACCESSORY APARTMENT UNITS**

A single additional dwelling unit within a single-family detached dwelling which shall contain at least two rooms and have sanitary and cooking facilities for the exclusive use of its occupant. Said unit shall be no more than 25% of the net habitable floor area of the principal dwelling unit and shall be a minimum of 500 square feet in area.

C. **APARTMENT**

A building occupied or intended to be occupied exclusively for residence purposes by three or more housekeeping units living independently of each other and each with its own cooking and sanitary facilities.

D. **BED-AND-BREAKFAST**

Any private residence which has been adapted or converted to offer a homestyle place of lodging that provides 10 or fewer separate dwelling units as defined by the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq., for transients and individual sleeping accommodations for 25 or fewer persons, is occupied by the owner of the facility as his or her place of residence during any time that the facility is used for the lodging of guests, does not allow any guest to remain for more than 30 successive days or more than 30 days of any period of 60 successive days, does not offer food to the general public, and in which the only meal served to guests is breakfast. The use must be registered with the New Jersey Department of Community Affairs.

E. **HOTEL or MOTEL**

A building which contains six or more hotel units and/or dwelling units which are designed or intended to be used, let or hired out for compensation for transient occupancy by the public at large; contains a public lobby or public registration officer serving the guest rooms as the case may be; may contain one or more dining rooms; and has full-time on-site management. Each unit shall include a minimum of two rooms; a bedroom and a separate bathroom. No more than 25% of the units shall include cooking facilities within said unit. This definition shall also mean and include any motor hotel or motel, as the case may be, provided that this definition shall be construed to include any building or structure defined as a multiple dwelling with the New Jersey Department of Community Affairs (as required under the Hotel and Multiple-Dwelling Health and Safety Law, N.J.S.A. 55:12A-1 et seq.)[1] and occupied or intended to be occupied as such.

F. **RESIDENTIAL FLAT**

A residential dwelling unit situated on the second floor above permitted nonresidential uses in the CBD Central Business District in accordance with the applicable provisions of this chapter.

G. **SEMIDETACHED**

Two buildings on two adjacent lots joined by a party wall, each containing one dwelling unit with its own sleeping, cooking and sanitary facilities, and which is occupied or intended to be occupied for residence purposes by one housekeeping unit.

H. **TOWNHOUSE**

One building containing at least three, but no more than eight, connected dwelling units, where each dwelling unit is compatibly designed in relation to all other units, but is distinct by such design features as width, setback, roof design, color, exterior materials, and other features, singularly or in combination. Each dwelling unit may be a maximum of 2 1/2 stories, but nothing in the definition shall be construed to allow one dwelling unit over another; i.e., there shall be no more than one dwelling unit in any vertical plan.

I. **TWO-FAMILY**

A building occupied or intended to be occupied exclusively for residence purposes by two housekeeping units living independently of each other and each with its own cooking and sanitary facilities.

**EASEMENT**

A right to use the real property of another created by deed or other legal means, for the benefit of private persons or the public, for one or more specific purposes such as access, drainage, conservation, or provision of utility services.

**FAMILY DAY-CARE HOME**

Any private residence approved by the Division of Youth and Family Services or an organization with which the Division contracts for family day care in which child-care services are regularly provided to no less than three and no more than five children for no less than 15 hours per week. A child being cared for under the following circumstances is not included in the total number of children receiving child-care services:

A. A child being cared for is legally related to the provider; or

B. The child is being cared for as part of a cooperative agreement between parents for the care of their children by one or more of the parents, where no payment for the care is being provided.

**FENCE**

A structure erected as a barrier to access to or from a part or whole of a property, including walls, screens or hedges intended to be a fence.

**FLOODPLAIN**

The relatively flat area adjoining the channel of a natural stream or body of water which has been or may be hereafter covered by floodwater.

**FLOOR AREA, GROSS (GFA)**

The plan projection of all roofed areas on a lot multiplied by the number of full stories under each roof section, provided that the area under any roof overhang of two feet or less shall not be included in the GFA calculation. Basements which satisfy applicable construction code definitions of habitable space are included in the GFA for residential uses. The gross floor area of a townhouse, apartment or other attached structure shall be measured from the center of the interior walls and the outside or exterior walls.

**FLOOR AREA, NET HABITABLE (NHFA)**

The actual occupied area fully enclosed by the inside surfaces of walls, windows, doors and partitions, including working, living, eating, cooking and sleeping areas, but excluding garages, carports, parking spaces, halls, storage areas, closets, bathrooms, cellars, half-stories and unfinished attics and basements.

**FLOOR AREA RATIO (FAR)**

The ratio of the gross floor area to the area of the lot or tract.

**FULL-SERVICE RESTAURANT**

Any establishment having a separate kitchen and containing a minimum of 100 seats at which food is sold primarily for consumption on the premises and within a building, serving full course meals, offering soups, salads, main entrees, and desserts and utilizing nondisposable dinnerware such as china and nondisposable flatware such as silverware.

**GARAGE, PRIVATE**

An accessory building or structure or portion of a main building or structure used for the storage of four or less passenger motor vehicles owned by the occupants of the principal building only without the provision for repairing or servicing such vehicles for profit.

**GARAGE, PUBLIC**

A building or part thereof, other than a private garage, used for the storage, care or repair of motor vehicles customarily used for private transportation, local school buses on commercial vehicles.

**GARAGE, REPAIR**

Any building, premises and land in which, or upon which, a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

**GRADE**

A reference plane representing the average of finished ground elevation adjoining a building at all exterior walls.

**HOME OCCUPATION**

An occupation, including, but not limited to, any licensed profession conducted in a dwelling unit subordinate to its residential use, provided that:

A. Such occupation may be pursued in the principal dwelling unit structure or in a secondary building which is accessory to such principal building or structure.

B. The use of the property for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the net habitable floor area of all structures shall be used in the conduct of the home occupation.

C. No person other than members of the household residing on the premises plus one secretary or other assistant shall be engaged in the occupation.

D. The residential character of the lot and building shall not be changed; no occupational sounds shall be audible outside the building; and no equipment shall be used which will cause interference with radio or television reception in neighboring residences. No display of products shall be visible from the street, nor shall any materials be stored outside the dwelling unit.

E. The home occupation shall not generate the business or care of more than two clients at any one time and shall be by appointment only. The home occupation shall not include the breeding, raising, care, boarding or maintenance of animals.

F. The home occupation shall not necessitate the need to park more than one vehicle at any time in addition to those ordinarily used by the residents of the home. Said vehicles shall be limited to passenger automobiles and/or other vehicles not exceeding a three-fourths-ton capacity and must be parked off-street. The home occupation shall not reduce the parking or yard requirements of the dwelling. There may be parked on the premises not more than one vehicle owned or operated in conjunction with the home occupation. No other vehicle(s) owned or operated in conjunction with the home occupation shall be parked overnight, stored or repaired, either on- or off-premises, within a residential zone, and no such vehicle(s) shall be parked overnight or stored on a street.

G. The applicant shall have applied for and received minor site plan approval from the Planning Board in accordance with the applicable requirements of this chapter.

H. The following uses do not constitute a home occupation in this chapter: real estate agents, the maintenance and operation of a private school or day-care center; beauty parlor; barber shop; private sanitorium; health institute; clinic or hospital; nursing home; lodging or boarding home; collection, storage and sale of goods; house of worship; or any use constituting a commercial enterprise.

I. Family day-care homes shall be deemed to be a home occupation in any residential district in which home occupations are a permitted accessory use and shall be subject to the same restrictions applicable to all other home occupations stated herein.

J. One (1) one (1) sq. ft. wall mounted sign shall be permitted on the 1st floor.

**HOSPITAL**

Unless otherwise specified, a sanitarium, sanitorium, preventorium, clinic, rest home, nursing home, convalescent home and any other facility containing beds for four or more patients and used for the diagnosis, treatment or other care of human ailments. The term "hospital" shall not include the offices of a doctor.

**HOTEL or MOTEL**

A building which provides temporary lodging in the form of rooms which are rented to the general public on a daily or weekly basis, but not for more than thirty (30) days, and which are not intended to be occupied or used for any primary residential purpose, either temporary or permanent. The building contains a front desk area which is maintained in order to serve guests and the public, and which provides a manager and/or front desk staff meeting the requirements of State lodging laws and State swimming pool regulations are employed to provide these services. The Building provides maid service and other room amenities, including linens and towel service, in a quality manner expected from the travelling public is provided. The building utilizes advertisement for motel/hotel-like services in an appropriate NSDIA manner promoting the motel/hotel to the general public. The building generates sales and use tax, tourism tax and tourism fees on revenue generated from the above sales and services are paid. An annual mercantile license is obtained from the municipality for the operation of the building in the aforementioned manner. This definition shall also mean and include any building or structure defined as a multiple dwelling with the New Jersey Department of Community Affairs (as required under the Hotel and Multiple Dwelling Health and Safety Law, N.J.S.A. 55:13A-1 et seq.), which is occupied or intended to be occupied as a hotel or motel.

**HOUSEKEEPING UNIT**

One or more persons living together in one dwelling on a nonseasonal basis and sharing living, sleeping, cooking and sanitary facilities on a nonprofit basis.

**INSTITUTION**

An organization founded for the promotion of a cause, including only medical, educational, correctional, religious, and social service organizations serving the public at large and chartered as a public, governmental or eleemosynary institution.

**INTERESTED PARTY**

In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey or, in the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire, on enjoy property is or may be affected by any action taken under the provisions of this chapter, or whose rights to use, acquire or enjoy property under the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) or this chapter, or under any other law of this state or of the United States, have been denied, violated or infringed upon by an action or a failure to act under the provisions of this chapter.

**JUNKYARD**

Any space, whether inside or outside a building, used for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, salvage, resale or abandonment of automobiles or other vehicles or machinery or parts thereof.

**LOADING SPACE**

An off-street parking space or berth, either within a structure or in the open and on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading, with at least 14 feet of vertical clearance but, in any case, sufficient clearance for the use intended. The minimum size loading space shall be 12 feet by 45 feet.

**LOT**

A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit, provided that no portion of an existing public street shall be included in calculating a lot boundary or lot area. The word "lot" includes the words "plot" and "premises."

**LOT AREA**

The area contained within the lot lines of a lot not including any portion of a street right-of-way. Ten percent may be under water.

**LOT, CORNER**

A lot abutting the intersection of two or more streets, where the interior angle of intersection does not exceed 135º. Each corner lot shall have two front yards, one side yard and one rear yard, the side and rear yard to be designated at the time of application for a construction permit.

**LOT DEPTH**

The perpendicular distance between the street line or front lot line and a line drawn parallel thereto through the midpoint of the rear lot line.

**LOT FRONTAGE**

The distance between the side lot lines measured along the street line. The minimum lot frontage shall be the same as the minimum lot width, except that where the lot frontage is a curve with an outside radius of less than 500 feet, the minimum frontage shall not be less than 75% of the minimum lot width. In the case of a corner lot, the side of the lot with the smallest distance adjacent a street shall be considered the lot frontage.

**LOT, INTERIOR**

A lot other than a corner lot.

**LOT LINE**

Any line forming a portion of the exterior boundary of a lot and the same line as the street line for that portion of a lot abutting a street.

**LOT, WIDTH**

The straight line horizontal distance between side lot lines at setback points on each side lot line measured from the street line at the minimum required building setback line. When the side lot lines are not parallel, the minimum lot width at the setback line shall not be less than 75% of the minimum lot frontage for the zoning district in which the lot is located.

**MALL**

A public promenade or pedestrian way which may be enclosed or open.

**MARINA**

A small harbor, inlet or boat basin devoted to the purpose of providing docks, berths, slips or tie-ups for boats and small pleasure craft and of providing services for said boats and craft.

**METHADONE CLINIC**

A facility offering outpatient methadone maintenance services. Consistent with N.J.S.A 40:55D-66.1, a methadone clinic is deemed to be a business or commercial operation or the functional equivalent thereof and shall not be construed as ancillary or adjunct to a doctor's professional office.

**MUNICIPAL AGENCY**

The Planning Board, Board of Adjustment or City Council, on any other agency created or responsible to one on more municipalities, when acting pursuant to N.J.S.A. 40:55D-1 et seq.

**NONCONFORMING BUILDING or STRUCTURE**

A building or structure, the size, dimension, or location of which was lawful prior to the adoption, revision on amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

**NONCONFORMING LOT**

A lot, the area, dimension, or location of which was lawful prior to the adoption, revision or amendment of this chapter, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

**NONCONFORMING USE**

A use or activity which was lawful prior to the adoption, revision or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

**NUISANCE**

An offensive, annoying, unpleasant or obnoxious thing or practice; a cause or source of an annoyance, especially a continuing or repeating invasion or disturbance of another's rights, including the actual or potential emanation of any physical characteristic of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things such as and including but not limited to noise; dust; smoke; fumes; odor; glare; flashes; vibration; shock waves; heat; electronic or atomic radiation; objectionable effluent; noise of congregation of people, especially at night; passenger traffic; transportation of things by truck, rail or other means; and invasion of nonabutting street frontage by parking.

**OFF-SITE**

Located outside the lot lines of the property in question, but within the property (of which the lot is a part) which is the subject of a development application, or on a contiguous portion of a street right-of-way or drainage or utility easement.

**OFF-TRACT**

Not located on the property which is the subject of a development application or on a contiguous portion of a street right-of-way or drainage or utility easement.

**ON-SITE**

Located on the lot in question.

**ON-TRACT**

Located on the property which is the subject of a development application or on a contiguous portion of a street right-of-way or drainage or utility easement.

**OPEN AIR DECK/PORCH**

An elevated structure which may be made of materials such as perimeter foundation, raised deck or slab and may include steps and a railing, but no side or front walls. An open porch must be attached to the principal building.

**OPEN SPACE ORGANIZATION**

An incorporated, nonprofit organization operating in a planned development under recorded land agreement providing that each owner is automatically a member; each occupied dwelling unit is automatically subject to a charge for proportionate share of expenses for the organization's activities and maintenance, including any maintenance costs levied against the organization by the City; and each owner and tenant has the right to use the common property.

**PARKING SPACE**

An area not less than nine feet wide by 18 feet in length, either within a structure or in the open, for the parking of motor vehicles, exclusive of driveways, access drives, fire lanes and public rights-of-way, except that nothing shall prohibit private driveways for dwelling units from being considered off-street parking areas, provided that no portion of such driveway within the right-of-way line of the street intersected by such driveway shall be considered off-street parking space. The area is intended to be sufficient to accommodate the exterior extremities of the vehicle, whether in addition thereto wheel blocks are installed within this area to prevent the bumper from overhanging one end of the parking space. The width and length of each space shall be measured perpendicular to each other regardless of the angle of the parking space to the access aisle or driveway.

**PARKLET**

A small seating area or green space created as a public amenity on or alongside a sidewalk, especially in a former roadside parking space.

**PERFORMANCE GUARANTEE**

Any security, in accordance with the requirements of this chapter, including but not limited to surety bonds, letters of credit under the circumstances specified in Section 16 of P.L. 1991, c. 256 (N.J.S.A. 40:55D-53.5), and cash.

**PERMITTED USE**

Any use of land or buildings as permitted by this chapter.

**PERSON WITH HEAD INJURY**

"Person with Head Injury," as defined by N.J.S.A. 40:55D-66.2, as amended.

**PIER**

A structure extending over land or water for use as a docking place on promenade.

**PLANNED DEVELOPMENTS**

A. **PLANNED COMMERCIAL DEVELOPMENT**

An area of land of at least five contiguous blocks designated on the Zoning Map where a residential/commercial development, as a single entity and according to a plan, is permitted.

**PRINCIPAL BUILDING, STRUCTURE or USE**

A building, structure or use which is the main or primary building, structure or use on the lot.

**PUBLIC PARKING LOT**

Any building, structure, outdoor space, uncovered plot, place, lot, parcel, yard, or enclosure, or any portion thereof, where motor vehicles may be parked, stored, housed or kept, for which any charge is made, and which is open to the general public.

**PUBLIC PURPOSE USE**

The use of land or buildings by the governing body of the City or any officially created authority or agency thereof.

**RECYCLING AREA**

Space allocated for collection and storage of source-separated recyclable materials.

**RESIDENTIAL FLAT**

A residential dwelling unit situated above permitted nonresidential uses in the GB General Business and B Boardwalk Districts in accordance with the applicable provisions of this chapter.

**RESTAURANT**

Any establishment, however designated, at which food is sold primarily for consumption on the premises and within a building. However, a snack bar or refreshment stand at a public or community swimming pool, playground, playfield or park, operated solely by the agency or group operating the recreational facility and for the convenience of patrons of the facility, shall not be deemed a restaurant.

**RESTAURANT, DRIVE-IN or TAKE-OUT**

Any retail food establishment such as a restaurant, refreshment stand, snack bar, dairy bar, hot dog or hamburger stand where food is served primarily for consumption at counters, stools or bars outside the building or primarily for consumption in automobiles parked on the premises or off the premises, whether brought to said automobiles by the customer or by employees of the restaurant, regardless of whether or not additional seats or other accommodations are provided for customers inside the buildings; however, no transaction may be made on the street or sidewalk.

**RESUBDIVISION**

The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law or the alteration of streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but not including conveyances so as to combine existing lots by deed or other instrument.

**SATELLITE DISH ANTENNA**

Any apparatus which is designated for the purpose of receiving television, radio, microwave, satellite, on other similar signals, with the exception of conventional television antennas. Said definition shall not include any antennas used for the purpose of the transmission of signals.

**SERVICE STATIONS**

Lands and buildings providing for the sale of automotive fuel, lubricants, and automotive accessories. Maintenance and minor repairs for motor vehicles may be provided, but no body repairs or painting or the storage of inoperable, wrecked or unregistered vehicles shall be permitted. Additionally, no car wash operation, car or truck rental, parking for a fee or other activity not specifically a part of the service station use shall be permitted.

**SETBACK LINE**

A line drawn parallel with a street or lot line and drawn through the point of a building nearest to the street line on lot line. The term “required setback” means a line that is established a minimum horizontal distance from the street line or lot line and beyond which a building or part of a building is not permitted to extend toward the street line or lot line. Eaves, cornices or overhangs more than 10 feet above lot grade may project into yard setback areas a maximum of 12 inches. In order to create an aesthetically pleasing building facade along the side of a building which fronts a street, bay windows or other architectural detailing more than 10 feet above lot grade may extend into the front yard setback a maximum of 12 inches.

**SIGHT TRIANGLE EASEMENTS AT INTERSECTION**

A triangular area established in accordance with the requirements of this chapter in which no grading, planting or structure shall be erected or maintained more than 30 inches above the street center line except for street signs, fire hydrants and light standards.

**SIGN**

Any building or structure or portion thereof on which any announcement, declaration, demonstration, display, illumination, insignia or other visual communication is used to advertise or promote the interest of any person, products or service when the same is placed in view of the general public.

**SITE PLAN**

A development plan of one or more lots on which is shown the existing and proposed conditions of the lot, including but not limited to topography, vegetation, drainage, floodplains, marshes and waterways; the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices; and any other information that may be reasonably required in order to make an informed determination concerning the adequacy of the plan in accordance with the requirements of this chapter.

**A. MAJOR SITE PLAN**

Any development plan not classified as a minor site plan.

B. **MINOR SITE PLAN**

Any development plan which is limited to the proposed construction of any permitted accessory use(s) other than fences and signs, such as a home occupation or off-street parking area, as such accessory uses are specifically permitted in Article IV of this chapter, or any development plan consisting of an expansion of, or addition to, an existing conforming structure and/or use not exempted from site plan review by § 276-63B(1) of this chapter and not accounting for more than 10% additional building coverage and not exceeding more than 2,500 square feet of enclosed and roofed area; providing that such development plan does not involve a planned development, the installation of any road improvements or the expansion of public facilities and does not adversely affect the development of an adjoining property or properties.

**STAIR LANDING**

A level floor or platform constructed at a location where the direction of stairs changes, between flights of the stair, or at the top of stair flight.

**STORY**

That portion of a building included between the upper surface of any floor and the upper surface of the next floor above it or, if there is no floor above it, then the surface between the floor and the ceiling next above it. For the purpose of this chapter, the interior of the roof shall not be considered a ceiling. Moreover, cellars and basements shall be considered stories when considering the height of a building, unless said areas are used solely for ancillary storage. A "half-story" is the area under a pitched roof at the top of a building, the floor of which is at least four feet, but no more than six feet, below the plate.

**STREET**

Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway or which is shown on a plat heretofore approved, pursuant to law, or which is approved as provided by this chapter or which is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street line.

**STREET LINE**

The edge of the existing or future street right-of-way, whichever may result in the widest right-of-way, as shown on the adapted Master Plan or Official Map, forming the dividing line between the street and a lot. The right-of-way of all City streets shall be at least 50 feet.

**STRUCTURE**

A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above, or below the surface of a parcel of land, including but not limited to buildings, fences, standards, signs, towers, tanks, swimming pools, tennis courts and piers.

**SUBDIVISION**

The division of a lot, tract or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this chapter if no new streets are created: divisions of land found by the Planning Board to be for agricultural purposes when all resulting parcels are five acres on more in size; divisions of property by testamentary on intestate provisions, provided the division is in conformity with the applicable ordinance requirements; divisions of property upon court order, including, but not limited to, judgements of foreclosure; consolidation of existing lots by deed or other recorded instrument; and the conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to all requirements of the City of North Wildwood municipal development regulations and which are shown and designated as separate lots, tracts or parcels on the Tax Map or atlas of the City of North Wildwood. The term "subdivision" shall also include the term "resubdivision."

A. **MINOR SUBDIVISION**

Any division of land for the creation of not more than three lots (two new lots and the remaining parcel), each fronting on an existing street or streets; not involving any new street or the installation of any street improvements or the extension of City facilities; not involving any streets requiring additional right-of-way width as specified in the Master Plan or Official Map and/or the street requirements of this chapter, unless such additional right-of-way width, either along one or both sides of said street(s), as applicable, shall be deeded to the City or to the appropriate governmental authority prior to classification as a minor subdivision; not involving planned development; not involving any required off-tract improvements; not adversely affecting the development of the remainder of the parcel or adjoining property; not being a further division of an original tract of land for which previous subdivision(s) have been approved by the City within the current calendar year and where the combination of the proposed and previously approved minor subdivision(s) constitute a major subdivision; and not being deficient in those details and specifications required of minor subdivisions as specified in this chapter. The original tract of land shall be considered any tract in existence at the time of the adoption of this Land Development Ordinance as shown on the City Tax Maps. Any readjustment of lot lines resulting in no new lots shall be classified as a minor subdivision for purposes of the application and review requirements specified in § 276-64 of this chapter.

B. **MAJOR SUBDIVISION**

Any division of land not classified as a minor subdivision.

**SWIMMING POOL, WADING**

A swimming pool that is not permanently installed and meets all of the following criteria: does not require water filtration, circulation and purification; does not exceed 18 inches in depth; does not exceed a water surface of 100 square feet; and does not require braces or supports. Portable swimming pools are not subject to this chapter.

**SWIMMING POOL, PRIVATE RESIDENTIAL**

A swimming pool, other than a wading pool, whether portable or fixed, that is located on a lot principally used for a dwelling unit by one housekeeping unit, and including all buildings, structures, and equipment appurtenant thereto.

**SWIMMING POOL, PUBLIC**

Any pool other than a private residential swimming pool designed to be used collectively by persons for swimming and bathing purposes, including pools designed as part of any hotel or motel use or apartment or townhouse development.

**TATTOO or TATTOOING**

Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin by means of application of any chemical, dye or any other substance that results in the temporary or permanent coloring of the skin without regard to the type of instrument that is used to apply to or under the skin the chemical, dye or other substance or the method by which said chemical, dye or other substance is applied to or under the skin.

**TATTOO PARLOR**

Any place or establishment where tattooing is performed.

**TAVERN or BAR**

An establishment used primarily for the sale or serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.

**TRACT**

An area of land composed of one or more lots adjacent to one another, having sufficient dimensions and area to make one parcel of land meeting the requirements of this chapter for the use(s) intended. The original land area may be divided by one existing public street and still be considered one tract, provided that the street is not an arterial road and that a linear distance equal to more than 75% of the frontage of the side of the street having the larger street frontage lies opposite an equivalent linear distance of street frontage on the other side of the street.

**TRAVEL TRAILER**

A vehicular portable structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation and other short-term uses which may contain cooking, sleeping and sanitary facilities, such as a camper, house trailer, or motor home.

**VARIANCE**

Permission granted to an applicant for development by the Planning Board, to depart from the literal requirements of the zoning provisions of this chapter.

**WATER-DEPENDENT**

Development that cannot physically function without direct access to the body of water along which it is proposed. Uses, or portions of uses, that can function on sites not adjacent to the water are not considered water-dependent, regardless of the economic advantages that may be gained from a waterfront location. The test for water-dependency shall assess both the need of the proposed use for access to the water and the capacity of the proposed water body to satisfy the requirements and absorb the impacts of the proposed use. A proposed use will not be considered water-dependent if either the use can function away from the water or if the water body proposed is unsuitable for the use.

**WATER-ORIENTED**

Development that serves the general public and derives economic benefit from direct access to the water body along which it is proposed, such as a hotel or restaurant, if it takes full advantage of a waterfront location. An assembly plant could be water-oriented if overland transportation is possible but water-borne receipt of raw materials and shipment of finished products is economically advantageous.

**YARD, FRONT**

An open space extending across the full width of the lot and lying between the street line and the closest point of any building on the lot. The depth of the front yard shall be measured horizontally and at right angles to either a straight street line or the tangent lines of curved street lines. The minimum required front yard shall be the same as the required setback.

**YARD, REAR**

An open space extending across the full width of the lot and lying between the rear lot line and the closest point of the principal building on the lot. The depth of the rear yard shall be measured horizontally and at right angles to either a straight rear lot line or the tangent of curved rear lot lines.

**YARD, SIDE**

An open space extending from the front yard to the rear yard and lying between each side lot line and the closest point of the principal building on the lot. The width of the required side yard shall be measured horizontally and at right angles to either a straight line or the tangent lines of curved lot lines.

**ARTICLE III Zoning Districts and Zoning Map**

§ 276-8 **Zoning districts.**

For the purpose of this chapter, the City of North Wildwood is hereby divided into 20 districts as follows:

|  |  |
| --- | --- |
| B  BC | Boardwalk  Bayside Conservation |
| IC | Inlet Conservation |
| OC | Oceanside Conservation |
| ROSE | Recreation, Open Space and Education |
| R-1 | Single-Family Residential |
| R-1.5 | Single-Family Residential |
| R-2 | Single-Family Residential 2 |
| GA | Garden Apartment |
| RR-1 | Resort Residential 1 |
| RR-2 | Resort Residential 2 |
| TH | Townhouse Residential |
| CBD | Central Business |
| OS | Oceanside |
| SC | Shopping Center |
| BB | Bayside Business |
| D&E | Dining and Entertainment |
| MC | Motel Commercial |
|  |  |
| P | Pier |
| SPRA | Seaport Pier Redevelopment Area |



**(reserved)**§ 276-10 **Zoning Map.**

The boundaries of the zoning districts and the areas established for redevelopment are designated on the map entitled "Zoning Map, April 2013," which accompanies and is made a part of this chapter.**[1]** Additionally, the maps entitled "Flood Hazard Areas" and "Wetlands," each dated March 1986, are hereby made part of this chapter for the purpose of administering the land use control measures of this chapter; provided, however, that the Planning Board, may consider other sources of information presented by the applicant to more definitively define the location and extent of the critical areas on any lot or tract at the time of subdivision and/or site plan review.

§ 276-11 **Interpretation of boundaries.**

**A.**Zoning district boundary lines are intended to follow street center lines, railroad rights-of-way, streams and lot or property lines as they exist on lots of record at the time of enactment of this chapter unless otherwise indicated by dimensions on the Zoning Map.

**B.**Any dimensions shown on the Zoning Map are in feet and are measured horizontally and, when measured from a street, are measured from the street right-of-way line even if the center line of that street is used for the location of the zoning district line.

**C.**The exact location of any disputed zoning district boundary line shall be determined by the Planning Board.

**D.**The zoning standards, controls and designations apply to every structure, lot and use within each district, and the district lines extend vertically in both directions from ground level.

**E.**Where a zoning district boundary line divides a single, individual lot, other than by following a street, the land uses on that lot shall be governed by the regulations that are applicable to the zoning district in which more than 50% of the lot is situate. In the event that not more than 50% of the lot lies in either zoning district, then the owner shall have the right to designate which zoning district regulations govern development upon the lot.

§ 276-12 **Principal buildings and uses per lot.**

Unless otherwise specifically permitted within this chapter, no more than one principal dwelling, building a use shall be permitted on one lot.

**A.**Accessory buildings as part of principal buildings. Any accessory building attached to a principal building shall be considered part of the principal building and the total structure shall adhere to the yard requirements for the principal building regardless of the technique of connecting the principal and accessory buildings.

**B.**Accessory buildings and structures not to be constructed prior to principal building. No construction permit shall be issued for the construction of an accessory building or structure, other than construction trailers or storage sheds, prior to the issuance of a construction permit for the construction of the main building upon the same premises. If construction of the main building does not precede or coincide with the construction of the accessory building or structure, the Construction Official shall revoke the construction permit for the accessory building or structure until the construction of the main building has proceeded substantially toward completion.

**C.**Distance between adjacent buildings and structures. The minimum distance between an accessory building or structure and any other building(s) or structure(s) on the same lot shall be as prescribed in Article **IV**, **V** or **VI**, as applicable.

**D.**Height of accessory buildings and structures. The height of accessory buildings shall be a maximum of 15 feet unless otherwise specified in Article **IV**, **V** or **VI**, as applicable.

**E.**Location. An accessory building or structure may be erected in side and rear yard areas only and shall be set back from side and rear lot lines as prescribed in Article **IV**, **V** or **VI**, as applicable, except that if erected on a corner lot, the accessory building or structure shall be set back from the side street to comply with the setback line applying to the principal building for that side street.

**F.** Bumpouts/Overhangs, as defined in **§276-7**, are permitted and may intrude no more than 10ft. into any applicable setback within any residential zone (R-1, R-1.5, and R-2), or within any zone which permits the construction of residential dwellings.

**G.** Stair Landings and Open Air Decks shall be permitted to encroach no more than 5ft. in to the front yard setback within all residential zones, but the must not be located within 5ft. of any street and/or property line.

**H.** Proposed trash enclosures, HVAC mechanicals and platforms, and outdoor shower enclosures must maintain minimum setbacks of 4ft. from adjacent property lines.

§ 276-13 **General district regulations.**

No building shall hereafter be used, erected, altered, converted, enlarged, added to, moved or reduced, wholly or in part, nor shall any lands be designed, used or physically altered for any purpose or in any manner except in conformity with this chapter. Where a lot is formed from part of a lot already occupied by a building, such subdivision shall be effected in such a manner as not to impair any of the requirements of this chapter with respect to the existing building and all yards and other open space in connection therewith and so that all resulting lots have adequate dimensions consistent with the requirements of the zoning district in which it is located.

§ 276-14 **BC Bayside Conservation.**

**A.**Purpose statement. Recognizing that North Wildwood is located on a barrier island in New Jersey's coastal zone and that its bayside shoreline is extremely environmentally sensitive, the Bayside Conservation Zone was crafted to protect this natural environment while permitting appropriate use of the City's bayside waterfront for water-dependent, tourist-related uses and facilities, including uses and facilities related to ecotourism. The regulations established for the Bayside Conservation Zone are those of the City of North Wildwood. While such regulations were designed to conform with NJDEP CAFRA and the NJDEP Coastal Zone Management (CZM) Rules, they do not substitute for CAFRA, the CZM, or any other law, code, rule or regulation established by any state or federal agency. All development within the Bayside Conservation Zone shall comply with such laws, codes, rules and regulations as applicable.

**B.**All structures and uses in the Bayside Conservation Zone shall be considered conditional structures and uses and shall be subject to approval by the Planning Board.

**C.**Conditionally permitted principal and accessory structures and uses (such uses may be freestanding or combined with other permitted uses on a lot):

**(1)**Recreational marinas.

**(2)**Rental of personal watercraft.

**(3)**Public parks, playgrounds and other open space, whether active or passive.

**(4)**Public conservation areas.

**(5)**Such educational, recreational or ecotourism structures and activities as may be permitted by relevant governmental agencies having jurisdiction over this section of the City, including observation decks, overlooks, scenic/nature trails, environmental interpretation stations and like and similar uses, including normal and customary parking and ancillary uses.

**(6)**Public utility (central) substations and public utility cabinets.

**(7)**Such environmental protection measures, structures and/or activities as may be required by relevant governmental agencies having jurisdiction over this section of the City.

**D.**Bulk requirements for principal and accessory structures: no requirements established. This chapter defers specific requirements for physical development in the Bayside Conservation Zone to the various governmental agencies having jurisdiction over this section of the City.

§ 276-14.1 **IC Inlet Conservation.**

**A.**Purpose statement. North Wildwood's Hereford Inlet is a waterway connecting the Atlantic Ocean to the bay at the Anglesea section of the City. While unofficially navigable, Hereford Inlet is an ever-changing tidal channel whose waters, until recently, threatened to claim the lands along the City's northern edge. The City has completed installation of a stone and masonry seawall along Hereford Inlet to stabilize and protect North Wildwood's northern shoreline from tidal erosion. The Inlet Conservation Zone was crafted to recognize the natural environment along Hereford Inlet and to limit the land uses permitted in this area accordingly. The regulations established for the Inlet Conservation Zone are those of the City of North Wildwood. While such regulations were designed to conform with NJDEP CAFRA and the NJDEP Coastal Zone Management (CZM) Rules, they do not substitute for CAFRA, the CZM, or any other law, code, rule or regulation established by any state or federal agency. All development within the Inlet Conservation Zone shall comply with such laws, codes, rules and regulations as applicable.

**B.**All structures and uses in the Inlet Conservation Zone shall be considered conditional structures and uses and shall be subject to approval by the Planning Board.

**C.**Conditionally permitted principal and accessory structures and uses (such uses may be freestanding or combined with other permitted uses on a lot):

**(1)** Passive public open space and public conservation areas.

**(2)**Such educational, recreational or ecotourism structures and activities as may be permitted by relevant governmental agencies having jurisdiction over this section of the City, including observation decks, overlooks, scenic/nature trails, environmental interpretation stations and like and similar uses, including parking and ancillary uses normal and customary to such uses.

**(3)**Public utility cabinets.

**(4)**Such environmental protection measures, structures and/or activities as may be required by relevant governmental agencies having jurisdiction over this section of the City.

**D.**Bulk requirements for principal and accessory structures: no requirements established. This chapter defers specific requirements for physical development in the Inlet Conservation Zone to the various governmental agencies having jurisdiction over this section of the City.

§ 276-14.2 **OC Oceanside Conservation.**

**A.**Purpose statement. As a seaside resort, North Wildwood's economic health is inextricably tied to the beach and ocean. Recognizing the special nature and economic opportunities presented by these elements, the Oceanside Conservation Zone was created to allow for unique and imaginative development and uses while protecting and preserving the precious environmental resources in this area. Regulations for the Oceanside Conservation Zone reinforce the City's policy to ensure the continued unobstructed view from the Boardwalk to the beach and ocean, to ensure continued use of these resources for the City's residents and visitors, and to ensure the vitality of the beach as a natural resource. The regulations established for the Oceanside Conservation Zone are those of the City of North Wildwood. While such regulations were designed to conform with NJDEP CAFRA and the NJDEP Coastal Zone Management (CZM) Rules, they do not substitute for CAFRA, the CZM, or any other law, code, rule or regulation established by any state or federal agency. All development within the Oceanside Conservation Zone shall comply with such laws, codes, rules and regulations as applicable.

**B.**All structures and uses in the Oceanside Conservation Zone shall be considered conditional structures and uses and shall be subject to approval by the Planning Board.

**C.**Conditionally permitted principal and accessory structures and uses:

**(1)**Public open space and bathing beaches.

**(2)**Such shore/environmental protection measures, structures and/or activities as may be required by relevant governmental agencies having jurisdiction over this section of the City.

**(3)**Such educational, recreational or ecotourism structures and activities as may be permitted by relevant governmental agencies having jurisdiction over this section of the City, including pedestrian accessways, observation decks, overlooks, scenic/nature trails, environmental interpretation stations, play stations/structures, and like and similar uses, including ancillary uses normal and customary to such uses.

**(4)**Temporary seasonal recreation, entertainment and/or athletic activities and/or events, including temporary facilities for same.

**(5)**Seasonal recreation and/or tourist-related concessions and other commercial activities not involving permanent structures.

**(6)**Governmentally sponsored public safety and public use structures, uses and amenities designed to service the beach and Boardwalk.

**(7)**Grading and maintenance of beach land in accordance with a beach maintenance plan approved by the NJDEP and with an expressed written permit issued by the City's Public Works Department.

**D.**Bulk requirements for principal and accessory structures: no requirements established. This chapter defers specific requirements for physical development in the Oceanside Conservation Zone to the various governmental agencies having jurisdiction over this section of the City.

§ 276-14.3 **ROSE Recreation, Open Space and Education.**

**A.**Purpose statement. The Recreation, Open Space and Education (ROSE) Zoning District is intended to provide for diverse active and passive recreation activities, preserve open space and host a variety of educational facilities for people of varied age groups and abilities. The 2010 Comprehensive Master Plan recognized the development pressures facing the City of North Wildwood and the risk that such pressures place on the City's recreation, open space and educational facilities and recommended the creation of a new ROSE zoning classification for these valuable assets.

**B.**Conditional uses permitted. All uses and structures in the Recreation, Open Space and Education Zoning District shall be considered conditional structures and uses and shall be subject to approval by the Planning Board.

**(1)**Permitted conditional uses:

**(a)**Passive or active public open space, including public parks, public conservation areas, playgrounds, athletic fields and public purpose buildings and uses.

**(b)**Indoor public recreation facilities owned and operated by the City of North Wildwood.

**(c)**Places of worship which consist of commonly known, recognized and long-established sects or denominations.

**(d)** A nonprofit IRS-certified 501 c.3 institution.

**(e)**Traditional public, private and parochial schools, serving grades pre-K-12, under the authority of the New Jersey Department of Education and subject to site plan approval by the Planning Board.

**(f)**Structures and uses related to the preservation and interpretation of the historic Hereford Lighthouse and adjacent Hereford Inlet Lifesaving Station and/or present use as a New Jersey Marine State Police Station.

**(g)**Parking and ancillary uses normal and customary to such uses.

**(h)**Municipal storage facilities attendant to such uses.

**(i)** Wireless antennas provided that new antennas utilize co-location or are installed on existing structures.

**(2)**Permitted conditional accessory structures:

**(a)**Public utility cabinet(s) not exceeding three feet in height, with adequate landscaping screening as necessary, and not located in sight triangle easements at street corner intersections. It is recommended that public utility cabinet(s) be located underground in watertight vaults.

**(b)**Handicapped access to structures. A ramp to provide handicapped access to structures may encroach into the front, side or rear yard required for the permitted conditional use in the zoning district in which it is located, provided:

**[1]**The intrusion shall be into the front yard only if it is impossible to provide handicapped access to the side or rear of the residential premises.

**[2]**A handicapped person resides or will reside in the dwelling.

**[3]**The intrusion into the front, side or rear yard shall permitted to extend directly to the property line.

**[4]**The applicant for handicapped access ramp approval shall demonstrate to the Zoning Officer that there is no other way than that proposed to construct a handicapped ramp so as not to protrude into the front, side or rear yard.

**[5]**The ramp shall be constructed so as to comply with all applicable construction standards as to size, slope and other details.

**(c)**Public utility lines for the transportation, distribution, or control of water, electricity, gas, oil, steam, CATV and telephone communications, and their supporting members, other than buildings or structures, shall not be required to be located on a lot, nor shall this chapter be interpreted as to prohibit the use of a property in any zone for the above uses. All public utility lines shall be located in the utility strip if paralleling the street and shall be installed underground as practical as possible.

**(d)**Signs (see § **276-40**, requirements for signs).

**(e)**Solar energy systems (see §§ **276-76** through **276-83**).

**C.**Area and yard requirements for permitted conditional uses and accessory structures.

**(1)**Other than maximum building height, which shall be a maximum of one story not to exceed 15 feet from the base flood elevation (BFE) (except for bleachers, lighting or observation structures, which shall be of a minimum height required to accomplish the desired function), no building controls are established for the ROSE Zoning District. All development shall be subject to conditional site plan review and approval. Lot requirements shall be appropriate for the development proposed and shall take into consideration appropriate setback, parking, landscaping, public space and ancillary uses.

**(2)**The above notwithstanding, bulk requirements for structures and uses required to support the mission of the historic Hereford Lighthouse and Hereford Inlet Lifesaving Station shall be consistent with the adopted period of interpretation for each of these facilities and conform to the United States Secretary of the Interior's standards for such structures as well as the New Jersey Register of Historic Places Act (N.J.S.A. 13:1B-15.128 et seq.).

**D.**Minimum off-street parking. Each individual conditional use listed hereinbelow shall provide parking spaces according to the following minimum provisions:

**(1)**Places of worship shall provide one space per every three permanent seats. (One seat shall be considered 22 inches in calculating the capacity of pews or benches.)

**E.**Signs.

**(1)**Places of worship and schools: one freestanding sign not exceeding 15 square feet in area, 10 feet in height and set back at least five feet from all street and property lines, plus one attached sign not exceeding 25 square feet.

**(2)**See § **276-40** (requirements for signs) for additional standards.

§ 276-14.4 **General regulations for all conservation zones.**

**A.**All seasonal activities may remain in place during the period of May 1 through October 31, provided that any structure required for said activities does not exceed 64 square feet in area, and further provided that no excavation, grading or filling is required for such structure.

**B.**Equipment or facilities not meeting such standards must be removed each day at the end of the hours of operation.

**C.**All uses are required to remove trash and recyclables daily.

**D.** Hours of operation: 10:00 a.m. to 5:30 p.m., unless otherwise approved by the Planning Board, during the approval process.

**E.**Special event permits to allow uses to exceed such hours of operation may be issued by the City in accordance with its standard special event permit process. All special event permits shall include specific requirements for hours of operation, length of event and daily garbage and litter collection and removal.

§ 276-15 **R-1 Single-Family Residential.**

**A.**Principal permitted uses on the land and in buildings.

**(1)**Detached single-family dwelling units.

**(2)**Public playgrounds, public conservation areas, public parks, public open space and public purpose uses.

**(3)**Public and private day schools of elementary and/or high school grade licensed by the State of New Jersey; except that nursery and/or day-care centers or schools are not permitted.

**(4)**Churches which consist of commonly known, recognized and long-established sects or denominations.

**(5)**Public utilities as conditional uses under N.J.S.A. 40:55D-67 (see § **276-46** for standards).

**(6)**Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries and all other entities which may in the future be set forth in N.J.S.A. 40:55D-66.1 and N.J.S.A. 40:55D-66.2, and the requirements for all of those residences shall be the same as for single-family residences within this zone.

**(7)**Planned commercial development, where indicated on the Zoning Map only, in accordance with the provisions specified in § **276-49** of this chapter.

**(8)**Bed-and-breakfast establishments as conditional uses under N.J.S.A. 40:55D-67 (see § **276-46** for standards).

**B.**Accessory uses permitted.

**(1)**Private residential swimming pools (see § **276-42** for standards) and other usual recreational facilities customarily associated with residential dwelling units.

**(2)**Private residential sheds for the storage of objects by the residents of the property, on the same lot/parcel, each not exceeding 15 feet in height from the grade/ground elevation, and altogether not exceeding 150 square feet in gross floor area. All residential sheds must be anchored in accordance with § **276-51B(6)(a)** to prevent flotation, collapse, or lateral movement of the structure. Private residential sheds may not encroach into the front yard required for the residential use in the zoning district in which it is located.

**(3)**Boats on trailers and campers to be parked or stored only and located in rear and side yards only. Their dimensions shall not be counted in determining total building coverage, and they shall not be used for temporary or permanent living quarters while situated on the lot.

**(4)**Off-street parking and private residential garages (see § **276-15E** hereinbelow and § **276-35**, Off-street parking, loading areas and driveways). Detached residential garages to the principal structure shall require the front of the garage to be set back a minimum of 20 feet from the front facade of the principal structure, not exceeding 15 feet in height, and altogether not exceeding 400 square feet in gross floor area, on the same lot/parcel.

**(5)**Fences and walls (see § **276-30**).

**(6)**Home occupations (see Article **II** for definition arid requirements).

**(7)**Signs (see § **276-15F** hereinbelow and § **276-40**).

**(8)**Satellite dish antennas (see Chapter **212** of the Code).

**(9)**Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard and shall be located a minimum of four feet from the side property line; and as to any such equipment that is located in a side yard, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt to this regulation.

**C.**Maximum building height.

**(1)**No building height shall exceed 36 feet in height from the base flood elevation (BFE) or three stories, whichever is less, except that churches and schools shall not exceed 55 feet and except further as allowed in § **276-47** of this chapter. All development on undersized lots shall have a reduced maximum building height in accordance with the schedules set forth in § **276-34B(9)**. The following structures may be erected above the heights prescribed by this section, but in no case shall the height of any of these appurtenances exceed a height equal to 10% more than the maximum height permitted for the particular use at issue:

**(a)**Mechanical rooms and other roof structures for the housing of stairways, tanks, ventilating fans, HVAC equipment or similar equipment, including elevator equipment rooms, required to operate and maintain the building.

**(b)**Skylights, spires, cupolas, flagpoles, chimneys or similar structures.

**(2)**Cellular telephone antennas and/or associated equipment are expressly excluded from this provision.

**D.**Area and yard requirements.

|  | **Requirement** | | **Detached Single-Family Dwellings** | **Schools and Churches** |
| --- | --- | --- | --- | --- |
|  | Principal building, minimum | |  |  |
|  |  | Lot area | 5,000 square feet | 12,000 square feet |
|  |  | Lot frontage | 50 feet | 120 feet |
|  |  | Lot width | 50 feet | 120 feet |
|  |  | Lot depth | 100 feet | 100 feet |
|  |  | Side yard (each)1,4,5 | 20 feet total, 8 feet minimum | 20 feet |
|  |  | Front yard2,4 | 10 feet | 20 feet |
|  |  | Rear yard3,4 | 10 feet | 30 feet |
|  | Accessory building, minimum | |  |  |
|  |  | Distance to side line | 4 feet | 20 feet |
|  |  | Distance to rear line | 4 feet | 20 feet |
|  |  | Distance to other building | 8 feet | 20 feet |
|  | Maximum | |  |  |
|  |  | Building coverage of principal building | 60% | 50% |
|  |  | Maximum Lot (Impervious) Coverage | 80% | 60% |
|  | NOTES:  1 Except that the side yard setback distance may be reduced to the existing side yard distance of an existing principal building on the lot; provided that the minimum side yard setback distance shall be no less than four feet in any instance. | | | |
|  | 2 Open porches, stairs and/or steps providing access to the first floor only shall be permitted to extend an additional three feet into the required front yard setback distance, but must be set back a distance of four feet from all street and property lines. | | | |
|  | 3 May be reduced to the required front yard setback distance in instances where the rear of the lot does not abut another street or lot. | | | |
|  | 4 Existing stairs and porches may be replaced with identical stairs and porches regardless of the setback requirements of the district in which the subject property is located. | | | |
|  | 5 Eaves, cornices or overhangs more than 10 feet above lot grade may project into yard setback areas a maximum of 24 inches. In order to create an aesthetically pleasing building facade along the side of a building which fronts a street, bay windows or other architectural detailing more than 10 feet above lot grade may extend into the front yard setback a maximum of 24 inches. | | | |

**E.**Minimum off-street parking. Each individual use shall provide parking spaces according to the following minimum provisions:

**(1)**Detached single-family dwelling units shall provide parking spaces in accordance with the standards established by the New Jersey Residential Site Improvement Standards (RSIS) (N.J.S.A. 5:21-1 et seq.). RSIS standards include parking requirements for residential uses based on unit (bedroom) size. If the applicant does not specify the number of bedrooms per dwelling unit, then each dwelling unit shall be subject to the RSIS parking space requirements for a four-bedroom dwelling unit.

**(2)**Churches shall provide one space per every three permanent seats. (One seat shall be considered 22 inches in calculating the capacity of pews or benches.)

**(3)**Stacked parking, where motor vehicles are parked one in front of the other and require, when fully utilized, the moving of one vehicle to allow the removal of another, is prohibited, except in the instance of residential units where two spaces are provided for a particular dwelling unit. Stacked parking is not permitted within an enclosed garage where vehicles must exit the site by backing out into the street. A car may be stacked in front of the garage if there is a minimum of 20 feet from the garage to the property line.

**(4)**See § **276-35**, Off-street parking, loading areas and driveways, for additional standards.

**F.**Signs.

**(1)**Dwelling units: information and direction signs as defined in § **276-40A(5)**.

**(2)**Churches and schools: one freestanding sign not exceeding 15 square feet in area, 10 feet in height and set back at least five feet from all street and property lines, plus one attached sign not exceeding 25 square feet.

**(3)**See § **276-40** for additional standards.

§ 276-15.1 **R-1.5 Single-Family Residential.**

**A.**Purpose statement.

**(1)**Consistent with the City's policy to provide for a range of housing types as expressed in the 2010 Comprehensive Master Plan referenced and incorporated herein, the purpose of the R-1.5 Zoning District is to permit accessory apartments as a conditional use in areas located between the City's traditional R-1 Zone and its more-intense commercial districts, thereby providing a transition between R-1 and commercial land uses while simultaneously providing for more-affordable housing in the City.

**(2)**The R-1.5 Zoning District contains multifamily development in the form of relatively older apartment buildings and relatively new townhomes. It is not the intention of this section to remove, render illegal or otherwise negatively impact these existing uses. However, consistent with the underlying public policy goals embodied in the Master Plan, it is the intention not to permit the creation of additional such uses/structures in this section of the City.

**(3)**The zone boundary lines for the R-1.5 Zoning District shall follow the current parcel/property boundary geometry to avoid bifurcating properties between zoning districts.

**B.**Principal permitted uses (as defined in § **276-7**, Definitions and word usage) on the land and in buildings:

**(1)**Detached single-family dwelling units.

**(2)**Attached garages to be considered part of the principal structure and not an accessory structure. Attached garages to the principal structure shall require the front of the garage to be set back a minimum of 20 feet from the property line.

**(3)**Public playgrounds, public conservation areas, public parks, public open space and public purpose uses, all subject to site plan approval by the Planning Board.

**(4)**Traditional public, private and parochial schools, serving grades pre-K-12, under the authority of the New Jersey Department of Education, and subject to site plan approval by the Planning Board.

**(5)**Public utilities' central substations (see § **276-7** for definition), subject to the following:

**(a)**The proposed installation in a specific location must be necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is located.

**(b)**The design of any structure in connection with such facility must not adversely affect the safe, comfortable enjoyment of property rights in the surrounding area.

**(c)**Adequate fencing and other safety devices shall be provided and shall be installed in accordance with the applicable requirements of the New Jersey Board of Public Utilities and/or other applicable codes. Barbed-wire-topped fences or similar trespassing-deterrent devices are expressly discouraged.

**(d)**Site landscaping shall be provided in sufficient quantity and placement in order to create a visual buffer from all public rights-of-way or adjacent properties.

**(e)** Off-street parking shall be provided as determined by the needs of the facility.

**(6)**Places of worship which consist of commonly known, recognized and long-established sects or denominations.

**(7)**Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries, and all other entities which may in the future be set forth in N.J.S.A. 40:55D-66.1 and N.J.S.A. 40:55D-66.2; and the requirements for all of those residences shall be the same as for single-family residences within this zone.

**C.**Conditional uses permitted:

**(1)** Accessory apartments, as conditional uses, and the requirements for all of those residences shall be the same as for single-family residences within this zone. Accessory apartments can be developed as an optional development scheme and are subject to the following:

**(a)**Conditional accessory apartments that are not located within a single-family detached dwelling unit are prohibited.

**(b)**Studio apartments are prohibited.

**(c)**Conditional accessory apartments in the R-1.5 Zoning District shall be limited to one such accessory apartment per the lesser of one lot or one single-family detached dwelling unit.

**(d)**Conditional accessory apartments shall be no larger than 40% of the net habitable floor area of the single-family detached dwelling unit in which they are located and shall contain no less than the minimum net habitable floor area as required by the City's Affordable Housing Ordinance, regardless of whether or not the conditional accessory apartment is to be created under the City's Affordable Housing Ordinance, as applicable.

**(e)**Any increase in the number of bedrooms on the lot in question caused by the addition of a conditional accessory apartment to an existing single-family detached dwelling shall require compliance with the parking requirements of the RSIS (N.J.S.A. 5:21-1 et seq.).

**(f)**Entrances to conditional accessory apartments shall be limited to the front or side elevations of the single-family detached dwelling unit in which they are located. If located on a side elevation, such entrance shall be situated within the front 1/3 of the structure.

**(g)**All conditional accessory apartments shall comply with the Americans with Disabilities Act (ADA) and the accessibility and adaptability requirements of N.J.A.C. 5:94-3.14.

**(2)**Bed-and-breakfast establishments, as conditional.

**(3)**Two-family dwellings, as defined in § **276-7**, provided that they are designed so as to appear as though they were a detached single-family dwelling, as defined in § **276-7**, and provided further that they comply with the bulk requirements for duplexes in the R-2 Zoning District.

**D.**Accessory uses permitted:

**(1)**Private residential swimming pools (see § **276-42**, Swimming pools, for standards) and other usual recreational facilities customarily associated with residential dwelling units, on the same lot/parcel.

**(2)**Private residential sheds for the storage of objects by the residents of the property, on the same lot/parcel, each not exceeding 15 feet in height from the grade/ground elevation, and altogether not exceeding 150 square feet in gross floor area. All residential sheds must be anchored in accordance with § **276-51B(6)(a)** to prevent flotation, collapse, or lateral movement of the structure. Private residential sheds may not encroach into the front yard required for the residential use in the zoning district in which it is located.

**(3)**Public utility cabinet(s) not exceeding three feet in height, with adequate landscaping screening as necessary, and not located in sight triangle easements at street corner intersections. It is recommended that public utility cabinet(s) be located underground in watertight vaults.

**(4)**Public utility lines for the transportation, distribution, or control of water, electricity, gas, oil, steam, CATV and telephone communications, and their supporting members, other than buildings or structures, shall not be required to be located on a lot, nor shall this section be interpreted as to prohibit the use of a property in any zone for the above uses. All public utility lines shall be located in the utility strip if paralleling the street and shall be installed underground as practical as possible.

**(5)**Off-street parking and private residential garages (see § **276-15.1F** hereinbelow and § **276-35**, Off-street parking, loading areas and driveways). Detached residential garages to the principal structure shall require the front of the garage to be set back a minimum of 20 feet from the front facade of the principal structure, not exceeding 15 feet in height, and altogether not exceeding 400 square feet in gross floor area, on the same lot/parcel.

**(6)**Handicapped access to residences. A ramp to provide handicapped access to single-family detached dwellings, twin or two-family dwelling units, duplexes and semidetached dwelling units may encroach into the front, side or rear yard required for the residential use in the zoning district in which it is located, provided:

**(a)**The intrusion shall be into the front yard only if it is impossible to provide handicapped access to the side or rear of the residential premises.

**(b)**A handicapped person resides or will reside in the dwelling.

**(c)**The intrusion into the front, side or rear yard shall not be allowed any closer than five feet to the applicable property line.

**(d)**The applicant for handicapped access ramp approval shall demonstrate to the Zoning Officer that there is no other way than that proposed to construct a handicapped ramp so as not to protrude into the front, side or rear yard.

**(e)**The ramp shall be constructed so as to comply with all applicable construction standards as to size, slope and other details.

**(f)**The foregoing approval shall only be permitted in conjunction with residential housing defined herein as single-family detached, twin or two-family, duplex, or semidetached. No such approval shall be granted in connection with any other type of housing, and no such approval shall be granted in any case with regard to commercially used property.

**(g)**A certification from the Zoning Officer shall be required indicating compliance with all the aforesaid requirements before a construction permit may be issued for the proposed ramp.

**(7)**Fences and walls (see § **276-30**, Fences, walls and sight triangles).

**(8)**Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard; and as to any such equipment that is located in a side yard, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt to this regulation.

**(9)**Home occupations (see § **276-7** for definitions and requirements).

**(10)**Signs (see § **276-15.1H** hereinbelow and § **276-40** (requirements for signs).

**(11)**Satellite dish antennas. All satellite dish antennas shall be no larger than four feet in diameter, located on the principal structure or as an accessory structure meeting accessory structure yard requirements stated below, and located in the rear yard. For all practical purposes, satellite dish antennas shall not be seen from the front facade of the building or the public street and/or right-of-way.

**(12)**Solar energy systems (see Article **XII**).

**E.**Maximum building height.

**(1)**No building height shall exceed 36 feet in height from the base flood elevation (BFE) or three stories, whichever is less, except the following structures may be erected above the heights prescribed by this section, but in no case shall the height of any of these appurtenances exceed a height equal to 10% more than the maximum height permitted for the particular use at issue:

**(a)**Mechanical rooms and other roof structures for the housing of stairways, tanks, ventilating fans, HVAC equipment or similar equipment, including elevator equipment rooms, required to operate and maintain the building.

**(b)**Skylights, spires, cupolas, flagpoles, chimneys or similar structures.

**(2)**Cellular telephone antennas and/or associated equipment are expressly excluded from this provision.

**(3)**All development on undersized lots shall have a reduced maximum building height in accordance with the schedules set forth in § **276-34B(9)**.

**F.**Area and yard requirements.

|  |  | | **Requirement** | |
| --- | --- | --- | --- | --- |
|  | **Category** | | **Detached Single-Family Dwellings** | **Places of Worship** |
|  | Principal building, minimum | | |  |
|  |  | Lot area | 4,000 square feet | 12,000 square feet |
|  |  | Lot frontage | 40 feet | 120 feet |
|  |  | Lot width | 40 feet | 120 feet |
|  |  | Lot depth | 100 feet | 100 feet |
|  |  | Side yard (each)1, 2 | 16 feet total; 6 feet minimum | 20 feet |
|  |  | Front yard1, 2, 3 | 10 feet | 20 feet |
|  |  | Rear yard1, 2, 3 | 10 feet | 30 feet |
|  | Maximum building coverage (all buildings) | | 60% | 50% |
|  | Maximum Lot (Impervious) Coverage | | 80% | 60% |
|  | Accessory building, minimum | |  |  |
|  |  | Distance to side line | 4 feet | 20 feet |
|  |  | Distance to rear line | 4 feet | 20 feet |
|  |  | Distance to other building | 8 feet | 20 feet |
|  | NOTES: | | | |
|  | 1 | For renovations and/or additions to existing structures only, existing stairs and porches may be replaced with identical stairs and porches regardless of the setback requirements of the district in which the subject property is located. For new construction/reconstruction of open porches, stairs and/or steps, they must meet applicable zoning requirements and shall require a zoning and/or construction permit, where required, as applicable in order to permit construction in this regard. | | |
|  | 2 | Eaves, cornices or overhangs more than 10 feet above lot grade may project into yard setback areas a maximum of 24 inches. In order to create an aesthetically pleasing building facade along the side of a building which fronts a street, bay windows or other architectural detailing more than 10 feet above lot grade may extend into the front yard setback a maximum of 24 inches. | | |
|  | 3 | For renovations and/or additions to existing structures only, open porches, stairs and/or steps providing access to the first floor only shall be permitted to extend an additional three feet into the required front yard setback distance but must be set back a distance of four feet from all street and property lines. For new construction/reconstruction of open porches, stairs and/or steps, they must meet applicable zoning requirements and shall require a zoning and/or construction permit, where required, as applicable in order to permit construction in this regard. | | |

**G.**Minimum off-street parking. Each individual use shall provide parking spaces according to the following minimum provisions:

**(1)**Detached single-family dwelling units shall provide parking spaces in accordance with the standards established by the New Jersey Residential Site Improvement Standards (RSIS) (N.J.S.A. 5:21-1 et seq.). RSIS standards include parking requirements for residential uses based on unit (bedroom) size. If the applicant does not specify the number of bedrooms per dwelling unit, then each dwelling unit shall be subject to the RSIS parking space requirements for a four-bedroom dwelling unit.

**(2)**Churches shall provide one space per every three permanent seats. (One seat shall be considered 22 inches in calculating the capacity of pews or benches.)

**(3)**Stacked parking, where motor vehicles are parked one in front of the other and require, when fully utilized, the moving of one vehicle to allow the removal of another, is prohibited, except in the instance of residential units where two spaces are provided for a particular dwelling unit. Stacked parking is not permitted within an enclosed garage where vehicles must exit the site by backing out into the street. A car may be stacked in front of the garage if there is a minimum of 20 feet from the garage to the property line.

**(4)**See § **276-35** (Off-street parking, loading areas and driveways) for additional standards.

**H.**Signs.

**(1)**Residential dwelling units: only information and direction signs as defined in § **276-40A(5)**(requirements for signs).

**(2)**Churches and schools: one freestanding sign not exceeding 15 square feet in area, 10 feet in height and set back at least five feet from all street and property lines, plus one attached sign not exceeding 25 square feet.

**(3)**See § **276-40** (requirements for signs) for additional standards.

§ 276-16 **R-2 Single-Family Residential 2.**

**A.**Purpose statement.

**(1)** Consistent with the City's policies to reinforce the integrity of the City's existing single-family neighborhoods and to reflect current development patterns as expressed in the 2010 Comprehensive Master Plan ("Master Plan") referenced herein, several portions of the preexisting R-2 have been reclassified and absorbed into adjacent zoning district(s).

**(2)**A portion of the preexisting R-2 Zoning District running the length of the City between the properties fronting New Jersey Avenue and the bay included bayfront commercial properties located between the property fronting 2nd and 4th Avenue(s). Also, a portion of the preexisting R-2 Zoning District running the length of the City between the properties fronting New Jersey Avenue and the bay included the commercial bank properties (parking lot) between 5th and 6th Avenue(s) and the City-owned building on 4th Avenue behind the City's Fire Station. Similarly, a portion of the preexisting R-2 District included commercial bank properties between 19th and 20th Avenue(s). The preexisting R-2 lands are to be reclassified and absorbed into the adjacent reclassified Central Business District (CBD) Zoning District.

**(3)**A preexisting R-2 Zoning District spanned the length of the City between New Jersey and Central Avenue(s), except for the existing lots fronting 17th Avenue between New Jersey and Central Avenue(s). The preexisting R-2 lands are to be reclassified and absorbed into the adjacent R1.5 Zoning District.

**(4)**Consistent with the City's policies to reinforce the integrity of the City's existing single-family neighborhoods and to reflect current development patterns as expressed in the Master Plan, existing detached residential cottages in the R-2 Zoning District shall be permitted, provided that the bulk requirements of the zoning district are met. Detached garages at the rear of residential properties have been converted into residential cottages. While such conversions have provided the City with a unique residential configuration and increased the residential apartment/detached residential cottages inventory, they have resulted in a loss of off-street parking and, in certain instances, have increased residential density beyond that considered appropriate for the R-2 Zoning District.

**B.**Principal permitted uses on the land and in buildings:

**(1)** Detached single-family dwelling units.

**(2)**Single-family semidetached (duplex) dwelling units (see § **276-7**, Definitions).

**(3)**Two-family stacked (multistory) dwelling units (see § **276-7**, Definitions).

**(4)** Attached garages shall be considered part of the principal structure and not an accessory structure. Attached garages to the principal structure shall require the front of the garage to be set back a minimum of 20 feet from the front facade of the principal structure.

**(5)**Public playgrounds, public conservation areas, public parks, public open space and public purpose uses.

**(6)**Traditional public, private and parochial schools, serving grades pre-K-12, under the authority of the New Jersey Department of Education and subject to site plan approval by the Planning Board.

**(7)**Places of worship which consist of commonly known, recognized and long-established sects or denominations.

**(8)**Public utilities' central substations (see § **276-7** for definition), subject to the following:

**(a)**The proposed installation in a specific location must be necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is located.

**(b)**The design of any structure in connection with such facility must not adversely affect the safe, comfortable enjoyment of property rights in the surrounding area.

**(c)**Adequate fencing and other safety devices shall be provided and shall be installed in accordance with the applicable requirements of the New Jersey Board of Public Utilities and/or other applicable codes. Barbed-wire-topped fences or similar trespassing-deterrent devices are expressly discouraged.

**(d)**Site landscaping shall be provided in sufficient quantity and placement in order to create a visual buffer from all public rights-of-way or adjacent properties.

**(e)**Off-street parking shall be provided as determined by the needs of the facility.

**(9)**Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, and community residences for persons with head injuries, and all other entities which may in the future be set forth in N.J.S.A. 40:55D-66.1 and N.J.S.A. 40:55D-66.2; and the requirements for all of those residences shall be the same as for single-family residences within this zone.

**(10)**Bed-and-breakfast establishments as conditional uses.

**C.**Accessory uses permitted:

**(1)**Private residential swimming pools (see § **276-42**, Swimming pools, for standards) and other usual recreational facilities customarily associated with residential dwelling units.

**(2)**Private residential sheds for the storage of objects by the residents of the property, each not exceeding 15 feet in height from grade/ground elevation, and altogether not exceeding 150 square feet in gross floor area. All residential sheds must be anchored in accordance with § **276-51B(6)(a)**to prevent flotation, collapse, or lateral movement of the structure. Private residential sheds may not encroach into the front yard required for the residential use in the zoning district in which it is located.

**(3)**Public utility cabinet(s) not exceeding three feet in height, with adequate landscaping screening as necessary and not located in sight triangle easements at street corner intersections. It is recommended that public utility cabinet(s) be located underground in watertight vaults.

**(4)**Public utility lines for the transportation, distribution, or control of water, electricity, gas, oil, steam, CATV and telephone communications, and their supporting members, other than buildings or structures, shall not be required to be located on a lot, nor shall this chapter be interpreted as to prohibit the use of a property in any zone for the above uses. All public utility lines shall be located in the utility strip if paralleling the street and shall be installed underground as practical as possible.

**(5)**Off-street parking and private garages (see § **276-16F** hereinbelow and § **276-35**, Off-street parking, loading areas and driveways). Detached garages to the principal structure shall require the front of the garage to be set back a minimum of 20 feet from the front facade of the principal structure, not exceeding 15 feet in height, and altogether not exceeding 400 square feet in gross floor area.

**(6)**Handicapped access to residences. A ramp to provide handicapped access to single-family detached dwellings, twin or two-family dwelling units, duplexes and semidetached dwelling units may encroach into the front, side or rear yard required for the residential use in the zoning district in which it is located, provided:

**(a)**The intrusion shall be into the front yard only if it is impossible to provide handicapped access to the side or rear of the residential premises.

**(b)**A handicapped person resides or will reside in the dwelling.

**(c)**The intrusion into the front, side or rear yard shall not be allowed any closer than five feet to the applicable property line.

**(d)**The applicant for handicapped access ramp approval shall demonstrate to the Zoning Officer that there is no other way than that proposed to construct a handicapped ramp so as not to protrude into the front, side or rear yard.

**(e)**The ramp shall be constructed so as to comply with all applicable construction standards as to size, slope and other details.

**(f)**The foregoing approval shall only be permitted in conjunction with residential housing defined in the Zoning Ordinance as single-family detached, twin or two-family, duplex, or semidetached. No such approval shall be granted in connection with any other type of housing, and no such approval shall be granted in any case with regard to commercially used property.

**(g)**A certification from the Zoning Officer shall be required indicating compliance with all the aforesaid requirements before a construction permit may be issued for the proposed ramp.

**(7)**Fences and walls (see § **276-30**, Fences, walls and sight triangles).

**(8)**Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard setback; and as to any such equipment that is located in a side yard setback, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt from this regulation.

**(9)**Home occupations (see § **276-7**, Definitions and word usage, for definition and requirements).

**(10)**Signs (see § **276-16G** hereinbelow and § **276-40**, requirements for signs).

**(11)**Satellite dish antennas. All satellite dish antennas shall be no larger than four feet in diameter, located on the principal structure or as an accessory structure meeting accessory structure yard requirements stated below and located in the rear yard. For all practical purposes, satellite dish antennas shall not be seen from the front facade of the building or the street.

**(12)**Solar energy systems (see Article **XII**).

**(13)**For lots which abut the City's canals or bayside waterways, boat slips for the tie-up of private boats owned and/or used by the residents of the premises and/or rented to other private individuals on a contractual basis. All boats shall be licensed as required with the appropriate agencies.

**D. Permitted Conditional Uses.**

**(1)**Single-family semidetached (duplex) dwelling units (see § **276-7**, Definitions) located on 50’ x 100’ lots, provided that they are designed so as to appear as though they were a detached single-family dwelling, as defined in § **276-7**, and provided further that they comply with the bulk requirements for duplexes in the R-2 Zoning District conditioned upon the area and yard requirements set forth within **§276-16(F)**, and the following area and bulk requirements and design standards:

**(a) Area and Bulk Requirements:**

**(1)** Lot Area: 5,000 sq. ft.

**(2)** Lot Frontage: 50 ft.

**(3)** Lot Width: 50 ft.

**(4)** Lot Depth: 100 ft.

**(5)** Side Yard (each): 6 ft.

**(6)** Front Yard: 10 ft.

**(7)** Rear Yard: 10 ft.

**(8)** Maximum Building Coverage: 70%

**(9)** Maximum Impervious Lot Coverage: 80%

**(b)** Development shall be limited to two (2) habitable residential floors above base flood elevation.

**(c)** All development shall provide a minimum 5 to 12 roof pitch.

**(d)** Two-family structures must maintain traditional seashore style development and they should be designed in order to appear as though it were a detached single family dwelling unit, as defined in § **276-7**, presenting only one (1) entrance to the structure on the street side of the building, presenting an asymmetrical front façade and off-set decks, in the event decks are included in the design.

**(e)** Corner lots, as defined § **276-7**, may have an entrance located and facing each street frontage.

**(2)**Two-family stacked (multistory) dwelling units (see § **276-7**, Definitions) located on 50’ x 100’ lots, provided that they are designed so as to appear as though they were a detached single-family dwelling, as defined in § **276-7**, and provided further that they comply with the bulk requirements for duplexes in the R-2 Zoning District conditioned upon the area and yard requirements set forth within **§276-16(F)**, and the following area and bulk requirements and design standards:

**(a) Area and Bulk Requirements:**

**(1)** Lot Area: 5,000 sq. ft.

**(2)** Lot Frontage: 50 ft.

**(3)** Lot Width: 50 ft.

**(4)** Lot Depth: 100 ft.

**(5)** Side Yard (each): 6 ft.

**(6)** Front Yard: 10 ft.

**(7)** Rear Yard: 10 ft.

**(8)** Maximum Building Coverage: 70%

**(9)** Maximum Impervious Lot Coverage: 80%

**(b)** Development shall be limited to two (2) habitable residential floors above base flood elevation.

**(c)** All development shall provide a minimum 5 to 12 roof pitch.

**(d)** Two-family structures must maintain traditional seashore style development and they should be designed in order to appear as though it were a detached single family dwelling unit, as defined in § **276-7**, presenting only one (1) entrance to the structure on the street side of the building, presenting an asymmetrical front façade and off-set decks, in the event decks are included in the design.

**(e)** Corner lots, as defined § **276-7**, may have an entrance located and facing each street frontage.

**E.**Maximum building height. No building height shall exceed 36 feet in height from the base flood elevation (BFE) or three stories, whichever is less, except as allowed as follows:

**(1)**Height limits.

**(a)**The following structures may be erected above the heights prescribed by this chapter, but in no case shall the height of any of these appurtenances exceed a height equal to 10% more than the maximum height permitted for the particular use in the zoning district:

**[1]**Mechanical rooms and other roof structures for the housing of stairways, tanks, ventilating fans, HVAC equipment or similar equipment, including elevator equipment rooms, required to operate and maintain the building.

**[2]**Skylights, spires, cupolas, flagpoles, chimneys or similar structures.

**(b)**Cellular telephone antennas and/or associated equipment are expressly excluded from this provision.

**(2)**All development on undersized lots shall have a reduced maximum building height in accordance with the schedules set forth in § **276-34B(9)**.

**F.**Area and yard requirements.

|  |  | | **Requirement** | | |
| --- | --- | --- | --- | --- | --- |
|  | **Category** | | **Detached Single-Family Dwellings** | **2-Family and Semidetached Dwellings** | **Places of Worship** |
|  | Principal building, minimum | |  |  |  |
|  |  | Lot area | 4,000 square feet | 6,000 square feet | 12,000 square feet |
|  |  | Lot frontage | 40 feet | 60 feet | 120 feet |
|  |  | Lot width | 40 feet | 60 feet | 120 feet |
|  |  | Lot depth | 100 feet | 100 feet | 100 feet |
|  |  | Side yard (each)1, 2 | 6 feet | 10 feet | 20 feet |
|  |  | Front yard1, 2, 3 | 10 feet | 10 feet | 20 feet |
|  |  | Rear yard1, 2, 3 | 10 feet | 10 feet | 30 feet |
|  | Maximum building coverage (all buildings) | | 70% | 70% | 50% |
|  | Maximum impervious lot coverage (all buildings and impermeable surfaces) | | 80% | 80% | 60% |
|  | Accessory building, minimum | |  |  |  |
|  |  | Distance to side line | 4 feet | 4 feet | 20 feet |
|  |  | Distance to rear line | 4 feet | 4 feet | 20 feet |
|  |  | Distance to other building | 8 feet | 8 feet | 20 feet |
|  | NOTES: | | | | |
|  | 1 | Existing stairs and porches may be replaced with identical stairs and porches regardless of the setback requirements of the district in which the subject property is located. For new construction/reconstruction of open porches, stairs and/or steps, they must meet applicable zoning requirements and shall require a zoning and/or construction permit where required, as applicable, in order to permit construction in this regard. | | | |
|  | 2 | Eaves, cornices or overhangs more than 10 feet above lot grade may project into yard setback areas a maximum of 24 inches. In order to create an aesthetically pleasing building facade along the side of a building which fronts a street, bay windows or other architectural detailing more than 10 feet above lot grade may extend into the front yard setback a maximum of 24 inches. | | | |
|  | 3 | For renovations and/or additions to existing structures only, open porches, stairs and/or steps providing access to the first floor only shall be permitted to extend an additional three feet into the required front yard setback distance but must be set back a distance of four feet from all street and property lines. For new construction/reconstruction of open porches, stairs and/or steps, they must meet applicable zoning requirements and shall require a zoning and/or construction permit, where required, as applicable in order to permit construction in this regard. | | | |

**(1)**Exceptions to area and yard requirements.

**(a)**In R-2 Zoning District, the following lot depths shall be permitted as exceptions to the lot depth requirement of 100 feet and shall be permitted as exceptions to the lot area requirement in that zoning district:

**[1]**In Blocks 64, Block 114 and Block 114.01, the minimum lot depth requirement shall be 80 feet. In Block 89 the minimum lot depth shall be 65 feet.

**[2]**In Block 115, the minimum lot depth shall be 90 feet for even-numbered lots, 85 feet for odd-numbered lots 19 through 39, and 60 feet for odd-numbered lots 1 through 17.

**[3]**In Block 117, the minimum lot depth required shall be 90 feet. In Block 117.01, Lots 1-9, the minimum lot depth requirement shall be 88 feet.

**[4]**In Block 90, the minimum lot depth requirement shall be 60 feet.

**[5]**In Block 92.01, the minimum lot depth requirement shall be 50 feet.

**[6]**In Block 64, In Block 118.02, the minimum lot depth requirement shall be 88 feet. In Block 118.03, the minimum lot depth requirement shall be 60 feet.

**[7]**In Blocks 119.02, 120.02 and 121.02, the minimum lot depth requirement shall be 88 feet.

**[8]**In Blocks 119.03, 120.03 and 121.03, the minimum lot depth requirement shall be 60 feet.

**G.**Minimum off-street parking. Each individual use shall provide parking spaces according to the following minimum provisions:

**(1)**All dwelling units described in this chapter shall provide parking spaces in accordance with the standards established by the New Jersey Residential Site Improvement Standards (RSIS) (N.J.S.A. 5:21-1 et seq.). RSIS standards include parking requirements for residential uses based on unit (bedroom) size. If the applicant/developer does not specify the number of bedrooms per dwelling unit, then each dwelling unit shall be subject to the RSIS parking space requirements for a four-bedroom dwelling unit.

**(2)**Places of worship shall provide one space per every three permanent seats. (One seat shall be considered 22 inches in calculating the capacity of pews or benches.)

**(3)**See § **276-35** (Off-street parking, loading areas and driveways) for additional standards.

**H.**Signs.

**(1)** Residential dwelling units: only information and direction signs as defined in § **276-40A(5)**(requirements for signs).

**(2)**Places of worship: one freestanding sign not exceeding 15 square feet in area, 10 feet in height and set back at least five feet from all street and property lines, plus one attached sign not exceeding 25 square feet.

**(3)**See § **276-40** (requirements for signs) for additional standards.

§ 276-17 **GA Garden Apartment.**

**A.**Principal permitted uses on the land and in buildings:

**(1)**Garden apartments. For the purposes of this section, "garden apartment" is defined to mean: a multifamily structure designed to resemble (and conform to bulk requirements for) a townhouse, except that dwelling units in garden apartments may be placed in a horizontal configuration (i.e., one dwelling unit above the other, for a maximum of one first floor unit and one second floor unit).

**(a)**Individual garden apartment buildings shall contain not fewer than three and not more than eight pairs of stacked dwelling units. Each such dwelling unit shall have an independent means of ingress and egress as well as individual sleeping, full-service cooking, sanitary and general living facilities (all internal to the unit).

**(b)**Each garden apartment dwelling unit shall be a minimum of 600 square feet and a minimum of 24 feet wide.

**(c)** Exterior (end) lots shall be a minimum 36 feet wide in order to contain a twenty-four-foot-wide unit and a twelve-foot-wide side yard setback, which shall be used as a driveway. In the alternative, exterior lots may be 24 feet wide, provided that an additional twelve-foot side yard setback (under some form of common ownership) is maintained. Garages and off-street parking for garden apartment buildings shall be accessed from the rear of the building, which shall be accessible from a loop road employing common end-unit driveways.

**(d)**No garden apartment building in the GA Zoning District shall be constructed unless the development is part of an approved site plan and unless the following minimum standards are met, in addition to other applicable requirements of this chapter.

**(2)**Public playgrounds, public conservation areas, public parks, public open space and public purpose uses.

**(3)**Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, and community residences for persons with head injuries, and all other entities which may in the future be set forth in N.J.S.A. 40:55D-66.1 and N.J.S.A. 40:55D-66.2; and the requirements for all of those residences shall be the same as for § **276-15** within this zone.

**B.**Conditional uses permitted:

**(1)**Public utilities' central substations (see § **276-7** of Article **II** for definition), subject to the following:

**(a)**The proposed installation in a specific location must be necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is located.

**(b)**The design of any structure in connection with such facility must not adversely affect the safe, comfortable enjoyment of property rights in the surrounding area.

**(c)**Adequate fencing and other safety devices shall be provided and shall be installed in accordance with the applicable requirements of the New Jersey Board of Public Utilities and/or other applicable codes.

**(d)**Site landscaping shall be provided in sufficient quantity and placement in order to create a visual buffer from all public rights-of-way or adjacent properties.

**(e)**Off-street parking shall be provided as determined by the needs of the facility.

**(2)**Senior citizen housing as conditional uses under N.J.S.A. 40:55D-67 (see § **276-46** for standards).

**C.**Accessory uses permitted:

**(1)**Noncommercial recreational facilities.

**(2)**Off-street parking and private garages (see below and § **276-35**, Off-street parking, loading areas and driveways). Integrated garages and off-street parking for garden apartment buildings shall be accessed from the rear of the principal building, which shall be accessible from a loop road employing common end-unit driveways. Detached garages to the garden apartment principal structure, on the same lot/parcel, shall require the front of the garage to be set back a minimum of 20 feet from the front facade of the principal structure, not exceeding 15 feet in height, and altogether not exceeding 400 square feet in gross floor area.

**(3)**Private residential sheds for the storage of objects by the residents of the property, on the same lot/parcel, each not exceeding 15 feet in height from grade/ground elevation, and altogether not exceeding 150 square feet in gross floor area. All residential sheds must be anchored in accordance with § **276-51B(6)(a)** to prevent flotation, collapse, or lateral movement of the structure. Private residential sheds may not encroach into the front yard required for the residential use in the zoning district in which it is located.

**(4)**Fences and walls (see § **276-30**, Fences, walls and sight triangles).

**(5)**Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are part and parcel and are a part of the principal structure located on the property and, as such, are not permitted within the side yard and rear yard setbacks of the property. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this chapter are exempt from this regulation.

**(6)**Signs (see § **276-17I** hereinbelow and § **276-40**, requirements for signs).

**(7)**Public utility cabinet(s) not exceeding three feet in height, with adequate landscaping screening as necessary, and not located in sight triangle easements at street corner intersections. It is recommended that public utility cabinet(s) be located underground in watertight vaults.

**(8)**Public utility lines for the transportation, distribution, or control of water, electricity, gas, oil, steam, CATV and telephone communications, and their supporting members, other than buildings or structures, shall not be required to be located on a lot, nor shall this chapter be interpreted as to prohibit the use of a property in any zone for the above uses. All public utility lines shall be located in the utility strip if paralleling the street and shall be installed underground as practical as possible.

**(9)**Handicapped access to residences. A ramp to provide handicapped access to single-family detached dwellings, twin or two-family dwelling units, duplexes and semidetached dwelling units may encroach into the front, side or rear yard required for the residential use in the zoning district in which it is located, provided:

**(a)**The intrusion shall be into the front yard only if it is impossible to provide handicapped access to the side or rear of the residential premises.

**(b)**A handicapped person resides or will reside in the dwelling.

**(c)**The intrusion into the front, side or rear yard shall not be allowed any closer than five feet to the applicable property line.

**(d)**The applicant for handicapped access ramp approval shall demonstrate to the Zoning Officer that there is no other way than that proposed to construct a handicapped ramp so as not to protrude into the front, side or rear yard.

**(e)**The ramp shall be constructed so as to comply with all applicable construction standards as to size, slope and other details.

**(f)**The foregoing approval shall only be permitted in conjunction with residential housing defined in the Zoning Ordinance as single-family detached, twin or two-family, duplex, or semidetached. No such approval shall be granted in connection with any other type of housing, and no such approval shall be granted in any case with regard to commercially used property.

**(g)**A certification from the Zoning Officer shall be required indicating compliance with all the aforesaid requirements before a construction permit may be issued for the proposed ramp.

**(10)**Satellite dish antennas. All satellite dish antennas shall be no larger than four feet in diameter, located on the principal structure or as an accessory structure meeting accessory structure yard requirements stated below and located in the rear yard. For all practical purposes, satellite dish antennas shall not be seen from the front facade of the building or the street right-of-way. Dwelling units shall have access to a master television antenna system, and individual units may not erect individual external television antennas and/or satellite dish antennas.

**(11)**Home occupations (see § **276-7** for definitions and requirements).

**(12)**Solar energy systems (see Article **XII**).

**D.**Maximum building height: 36 feet in height from the base flood elevation (BFE) or three stories, whichever is less.

**(1)**The following structures may be erected above the heights prescribed by this chapter, but in no case shall the height of any of these appurtenances exceed a height equal to 10% more than the maximum height permitted for the particular use in the zoning district:

**(a)**Mechanical rooms and other roof structures for the housing of stairways, tanks, ventilating fans, air-conditioning HVAC equipment or similar equipment required to operate and maintain the building.

**(b)** Skylights, spires, cupolas, flagpoles, chimneys or similar structures; safety enclosures of rooftop areas of hotels and motels used for sundecks and other recreational purposes.

**(2)**Cellular telephone antennas and/or associated equipment are expressly excluded from this provision.

**E.**Area and distance requirements.

|  | **Category** | | | **Requirement** |
| --- | --- | --- | --- | --- |
|  | Principal buildings, minimum | | |  |
|  |  | Lot area1, 2 | | 40,000 square feet |
|  |  | Residential density (dwelling units per gross acre of land3) | | 30 |
|  |  | Lot frontage | | 200 feet |
|  |  | Lot width | | 200 feet |
|  |  | Lot depth | | 200 feet |
|  |  | Side yard (each)4 | | 5 1/2 feet |
|  |  | Front yard | | 10 feet |
|  |  | Rear yard | | 30 feet |
|  | Maximum building coverage | | | 70% |
|  | Accessory building, minimum | | |  |
|  |  | Distance to side line | | 4 feet |
|  |  | Distance to rear line | | 4 feet |
|  |  | Distance to other building | | 4 feet |
|  | Maximum impervious area | | | 80% |
|  | Minimum separation between buildings | | |  |
|  |  | Front of building on public street | | 10 feet |
|  |  | Front of building on private street | | 10 feet |
|  |  | Side of buildings | | 15 feet |
|  |  | Rear of building | | 25 feet |
|  | Total minimum separation between buildings | | | The sum of 2 abutting distances |
|  | Maximum building height | | | 35 feet |
|  | NOTES: | | | |
|  | 1 | | All portions of the tract not utilized by buildings or paved surfaces shall be landscaped, utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, rock formations, contours, existing foliage, and the planting of conifers and/or deciduous trees native to the area, in order to either maintain or reestablish the tone of the vegetation in the area and lessen the visual impact of the structures and paved areas. | |
|  | 2 | | No building or addition constructed thereon shall be constructed under this subsection on a lot less than 30 feet wide without variance relief. | |
|  | 3 | | Excluding any land covered with water. | |
|  | 4 | | The corner of a building offset more than 20° from a line drawn parallel to another building shall be considered a "side" of the building. | |

**F.**Special design standards applicable to the GA Zoning District. The following building design standards and treatment are the minimum required in the GA Zoning District. Such standards shall apply to all development in this zoning district. While specific themeing for development in the GA Zoning District is not recommended, designers are strongly encouraged to recognize the historic setting of North Wildwood as a seashore resort when designing the proposed development. It is required that the following regulations shall be treated as design elements for each new development subject to "c" variance relief or conditional use standards subject to "d" variance relief should requirements not be met.

**(1)**

Each building and complex of buildings shall be designed and architecturally treated to provide attractiveness to the development as a whole, the individual buildings and units therein and to complement, where appropriate, adjacent land uses. Variations in design and treatment in the form of the orientation of buildings to the natural features of the site, their relationship to other buildings both on and adjacent to the site, and from such features as varied unit widths, differentiation of exterior materials, changing rooflines and roof designs, variation in building and unit height, changing of window types, shutters, doors, porches and exterior colors, is required. To facilitate such design and treatment:

**(a)**Exterior building architecture shall coordinate form, materials, color and detailing to achieve design harmony and continuity for all building elevations, both within a single structure and between separate structures, as well as between the development and the surrounding neighborhood.

**(b)**While the level of finish for secondary (side and rear) facades need not be as detailed as the front (primary) elevation, large expanses of uninterrupted wall space are prohibited. The use of regularly spaced windows, building articulation and/or architectural adornments is required to maximize building aesthetics.

**(c)**Colors shall be neutral, earth-tone or traditional palates in order to provide a visual harmony with the surrounding environment. More-vibrant colors may be used for accent purposes.

**(d)**While buildings may functionally have entrances on the interior of the development, all buildings that front a public street right-of-way shall be designed to give the appearance that their primary (front) elevation faces such right-of-way.

**(e)**Except where used for architectural accent or ornamental purposes, the use of exterior insulation finish systems (EIFS), smooth-faced concrete block (CMU), stucco or stucco-like products (Dryvit or similar) and barnboard (T-111) is prohibited.

**(f)**The incorporation of traditional covered front porches and balconies that maximize waterfront views is encouraged. Such elements should be sufficiently sized to accommodate comfortable outdoor seating.

**(g)**Except where used for architectural accent or ornamental purposes, the use of prefabricated steel panels and standing-seam metal roofs is prohibited.

**(h)**While buildings may be constructed on pilings, exterior foundation walls shall surround all buildings from grade to the start of the siding material.

**i)**Foundation walls, whether structural or not, shall be treated with latticework, brickwork, stucco or organic or manufactured stone to a height of two feet from finished grade. Above two feet, foundations shall be finished with the same materials and in the same architectural fashion as the balance of the subject elevation.

**G.**Minimum off-street parking. Each individual use shall provide parking spaces according to the following minimum provisions:

**(1)** Garden apartment units shall provide parking spaces in accordance with the standards established by the New Jersey Residential Site Improvement Standards (RSIS) (N.J.S.A. 5:21-1 et seq.). RSIS standards include parking requirements for residential uses based on unit (bedroom) size. If the applicant does not specify the number of bedrooms per dwelling unit, then each dwelling unit shall be subject to the RSIS parking space requirements for a four-bedroom dwelling unit. Each one-car garage space and the driveway leading to the garage space shall together be considered one parking space, provided that the driveway is dimensioned to park a car off-street in accordance with the definition of "parking space" in § **276-7** of this chapter.

**(2)**See § **276-35** for additional standards.

**H.**Trash, garbage and recycling pickup stations.

**(1)** Adequate trash, garbage and recycling pickup stations shall be provided within a totally enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses by a fence, wall, planting or combination of the three. At least one recycling area shall be provided within the development. Recycling, trash and garbage loading and unloading areas shall take place on site but not in the public/street right-of-way.

**(2)**There shall be included in any new development 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. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the City Recycling Coordinator and shall be consistent with the district recycling plan adopted pursuant to Section 3 of P.L. 1987, c. 102 (N.J.S.A. 13:1E-99.13).

**(3)**The recycling area shall be conveniently located for the residential disposition of source-separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster.

**(4)**The recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles 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.

**(5)**The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. 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.

**(6)**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.

**(7)**Landscaping and/or fencing, at least six feet in height, shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.

**I.**Permitted signs.

**(1)**Each garden apartment development may have one sign along each public street which the tract in question abuts, provided there exists at least 250 feet of unbroken frontage. Such signs shall not exceed 10 feet in height, shall be set back from the street rights-of-way, shall not encroach into any sight triangle easement and shall be set back from driveways at least 10 feet, shall be set back from any property line a minimum of 50 feet, shall not exceed an area of 25 square feet, and shall be used only to display the development's name.

**(2)**Individual garden apartment dwelling units: only information and direction signs as defined in § **276-40A(5)** (requirements for signs).

**(3)**See § **276-40** (requirements for signs) for additional standards.

**J.**Open space requirements. Land area equal to a minimum of 10% of the tract of land proposed for residential development shall not be covered with buildings or streets and shall be set aside for landscape purposes.

§ 276-18**RR-1 Resort Residential 1.**

**A.**Principal permitted uses on the land and in buildings:

**(1)**Option I, detached single-family home construction:

**(a)**Detached single-family homes.

**(b)**Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, and community residences for persons with head injuries, and all other entities which may in the future be set forth in N.J.S.A. 40:55D-66.1 and N.J.S.A. 40:55D-66.2; and the requirements for all of those residences shall be the same as for single-family residences within this zone.

**(c)**Public playgrounds, public conservation areas, public parks, public open space and public purpose uses.

**(2)**Option II. In the alternative to the construction of detached single-family homes, a developer may develop the entire RR-1 Zone with mid-rise apartments, positioning the building location to take full advantage of the view of the bay and Hereford Inlet.

**(a)**Mid-rise apartment buildings.

**(b)**Community residences for the developmentally disabled and community shelters for victims of domestic violence, subject to standards and requirements for single-family dwelling units located within the same district; however, where such residence or shelter houses more than six persons, excluding resident staff, such use shall be deemed a conditional use under N.J.S.A. 40:55D-67 and subject to the standards in § **276-46**.

**(c)**Public playgrounds, public conservation areas, public parks, public open space and public purpose uses.

**(3)**Public utilities' central substations (see § **276-7** for definition), subject to the following:

**(a)** The proposed installation in a specific location must be necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is located.

**(b)**The design of any structure in connection with such facility must not adversely affect the safe, comfortable enjoyment of property rights in the surrounding area.

**(c)**Adequate fencing and other safety devices shall be provided and shall be installed in accordance with the applicable requirements of the New Jersey Board of Public Utilities and/or other applicable codes.

**(d)**Site landscaping shall be provided in sufficient quantity and placement in order to create a visual buffer from all public rights-of-way or adjacent properties.

**(e)**Off-street parking shall be provided as determined by the needs of the facility.

**(4)** Wireless antennas provided that new antennas utilize co-location or are installed on existing structures.

**B.**Accessory structures and uses permitted:

**(1)**Option I: detached single-family home construction:

**(a)**Private residential swimming pools (see § **276-42**, Swimming pools, for standards) and other usual recreational facilities, on the same lot/parcel, customarily associated with residential dwelling units.

**(b)**Private residential sheds for the storage of objects by the residents of the property, on the same lot/parcel, each not exceeding 15 feet in height from grade/ground elevation, and altogether not exceeding 150 square feet in gross floor area. All residential sheds must be anchored in accordance with § **276-51B(6)(a)** to prevent flotation, collapse, or lateral movement of the structure. Private residential sheds may not encroach into the front yard required for the residential use in the zoning district in which they are located.

**(c)**Public utility cabinet(s) not exceeding three feet in height, with adequate landscaping screening as necessary, and not located in sight triangle easements at street corner intersections. It is recommended that public utility cabinet(s) be located underground in watertight vaults.

**(d)**Public utility lines for the transportation, distribution, or control of water, electricity, gas, oil, steam, CATV and telephone communications, and their supporting members, other than buildings or structures, shall not be required to be located on a lot, nor shall this chapter be interpreted as to prohibit the use of a property in any zone for the above uses. All public utility lines shall be located in the utility strip if paralleling the street and shall be installed underground as practical as possible.

**(e)**Off-street parking and private garages (see § **276-35**, Off-street parking, loading areas and driveways). Detached garages to the principal structure shall require the front of the garage, on the same lot/parcel, to be set back a minimum of 20 feet from the front facade of the principal structure, not exceeding 15 feet in height, and altogether not exceeding 400 square feet in gross floor area.

**(f)**Handicapped access to residences. A ramp to provide handicapped access to single-family detached dwellings, twin or two-family dwelling units, duplexes and semidetached dwelling units may encroach into the front, side or rear yard required for the residential use in the zoning district in which it is located, provided:

**[1]**The intrusion shall be into the front yard only if it is impossible to provide handicapped access to the side or rear of the residential premises.

**[2]**A handicapped person resides or will reside in the dwelling.

**[3]**The intrusion into the front, side or rear yard shall not be allowed any closer than five feet to the applicable property line.

**[4]**The applicant for handicapped access ramp approval shall demonstrate to the Zoning Officer that there is no other way than that proposed to construct a handicapped ramp so as not to protrude into the front, side or rear yard.

**[5]**The ramp shall be constructed so as to comply with all applicable construction standards as to size, slope and other details.

**[6]**The foregoing approval shall only be permitted in conjunction with residential housing defined in the Zoning Ordinance as single-family detached, twin or two-family, duplex, or semidetached. No such approval shall be granted in connection with any other type of housing, and no such approval shall be granted in any case with regard to commercially used property.

**[7]**A certification from the Zoning Officer shall be required indicating compliance with all the aforesaid requirements before a construction permit may be issued for the proposed ramp.

**(g)**Centralized refuse and recycling areas, as referenced in § **276-18G** hereinbelow. Adequate trash and garbage pickup stations shall be provided within a totally enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses by a fence, wall, planting or combination of all three. At least one recycling area shall be provided in accordance with the provisions of § **276-48H**. Recycling, trash and garbage loading and unloading areas shall take place on site but not in the public/street right-of-way.

**(h)**Fences and walls (see § **276-30**, Fences, walls and sight triangles).

**(i)**Home occupations (see § **276-7** for definition and requirements).

**(j)**Signs (see § **276-40**, requirements for signs).

**(k)**Satellite dish antennas. All satellite dish antennas shall be no larger than four feet in diameter, located on the principal structure or as an accessory structure meeting accessory structure yard requirements stated below and located in the rear yard. For all practical purposes, satellite dish antennas shall not be seen from the front facade of the building or the street.

**(l)**Solar energy systems (see Article **XII**).

**(2)**Option II development:

**(a)**Usual noncommercial recreational facilities.

**(b)**Boats on trailers, motor homes and campers, to be parked or stored only for 30 days or more, and shall be located in a designated storage lot only as part of and on-site of the development. Should the proposed development consist of a number of development stages, the Planning Board may require that acreage proportionate in size to the remote storage lot and/or development stage being considered for final approval be set aside simultaneously with the granting of final approval for that particular stage, even though these lands may be located in a different section of the overall development. If parked or stored in a storage lot, such trailers/campers shall not be located forward of the front facade of the structure. The dimensions of boats on trailers, motor homes and campers shall not be counted in determining total building coverage, and they shall not be used for temporary or permanent living quarters for five days or more while situated on the lot.

**(c)**Public utility cabinet(s) not exceeding three feet in height, with adequate landscaping screening as necessary, and not located in sight triangle easements at street corner intersections. It is recommended that public utility cabinet(s) be located underground in watertight vaults.

**(d)**Public utility lines for the transportation, distribution, or control of water, electricity, gas, oil, steam, CATV and telephone communications, and their supporting members, other than buildings or structures, shall not be required to be located on a lot, nor shall this chapter be interpreted as to prohibit the use of a property in any zone for the above uses. All public utility lines shall be located in the utility strip if paralleling the street and shall be installed underground as practical as possible.

**(e)**Off-street parking and private garages (see § **276-35**, Off-street parking, loading areas and driveways). Detached or separate garages to the principal structure shall require the front of the garage to be set back a minimum of 20 feet from the front facade of the principal structure, on the same lot/parcel. Should the proposed development consist of a number of off-street parking areas, detached garages and/or development stages, the Planning Board may require that acreage proportionate in size to the stage being considered for final approval be set aside simultaneously with the granting of final approval for that particular stage, even though these lands may be located in a different section of the overall development.

**(f)**Refuse and recycling areas. Adequate trash and garbage pickup stations shall be provided within a totally enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses by a fence, wall, planting or combination of all three. At least one recycling area shall be provided in accordance with the provisions of § **276-48**. Recycling, trash and garbage loading and unloading areas shall take place on site but not in the public/street right-of-way. See § **276-44** for additional standards.

**(g)**Fences and walls (see § **276-30**, Fences, walls and sight triangles).

**(h)**Private residential sheds for the storage of objects by the residents of the property, each not exceeding 15 feet in height from grade/ground elevation, and altogether not exceeding 150 square feet in gross floor area. All residential sheds must be anchored in accordance with § **276-51B(6)(a)** to prevent flotation, collapse, or lateral movement of the structure. Private residential sheds may not encroach into the front yard required for the residential use in the zoning district in which it is located.

**(i)**Signs (see § **276-40**, requirements for signs).

**(j)**Satellite dish antennas. All satellite dish antennas shall be no larger than four feet in diameter, located on the principal structure or as an accessory structure meeting accessory structure yard requirements stated below and located in the rear yard. For all practical purposes, satellite dish antennas shall not be seen from the front facade of the building or the street.

**(k)**Solar energy systems (see Article **XII**).

**C.**Maximum building height.

**(1)**Option I, detached single-family home construction; maximum building height. No building height shall exceed 36 feet in height from the base flood elevation (BFE) or three stories, whichever is less, except as follows:

**(a)**Height limits.

**[1]**The following structures may be erected above the heights prescribed by this section, but in no case shall the height of any of these appurtenances exceed a height equal to 10% more than the maximum height permitted for the particular use in this zoning district:

**[a]**Mechanical rooms and other roof structures for the housing of stairways, tanks, ventilating fans, HVAC equipment or similar equipment required to operate and maintain the building.

**[b]**Skylights, spires, cupolas, flagpoles, chimneys or similar structures.

**[c]**Safety enclosures of rooftop areas used for sundecks and other recreational purposes.

**[2]**Cellular telephone antennas and/or associated equipment are expressly excluded from this provision.

**(2)**Option II. No building height shall exceed 65 feet in height from the base flood elevation (BFE) or six stories, whichever is less, except as follows:

**(a)**Height limits.

**[1]**The following structures may be erected above the heights prescribed by this chapter, but in no case shall the height of any of these appurtenances exceed a height equal to 10% more than the maximum height permitted for the particular use in this zoning district:

**[a]**Mechanical rooms and other roof structures for the housing of stairways, tanks, ventilating fans, HVAC equipment or similar equipment required to operate and maintain the building.

**[b]**Skylights, spires, cupolas, flagpoles, chimneys or similar structures.

**[c]**Safety enclosures of rooftop areas used for sundecks and other recreational purposes.

**[2]**Cellular telephone antennas and/or associated equipment are expressly excluded from this provision.

**D.**Area and yard requirements.

|  |  | | **Requirement** | |
| --- | --- | --- | --- | --- |
|  | **Category** | | **Option I** | **Option II** |
|  | Principal building, minimum | |  |  |
|  |  | Lot area | 7,500 square feet | 19.445 acres |
|  |  | Lot frontage | 75 feet | N/A |
|  |  | Lot width | 75 feet | N/A |
|  | Maximum number of buildings | | N/A | 4 |
|  | Maximum number of units | | N/A | 96 |
|  | Minimum apartment size (including balconies and common interior areas) | | N/A | 1,800 square feet |
|  | Lot depth | | 100 feet | N/A |
|  | Side yard (each)1,2 | | 10 feet | Minimum distance from property line to building: 50 feet |
|  | Front yard1, 2, 3 | | 20 feet | Minimum distance from property line to building: 50 feet |
|  | Rear yard1, 2 | | 15 feet | Minimum distance from property line to building: 50 feet |
|  | Maximum building coverage of principal buildings | | 60% | 20% |
|  | Maximum impervious lot coverage (all buildings and impermeable surfaces) | | 80% | 60% |
|  | Accessory building, minimum | |  |  |
|  |  | Distance to side line | 4 feet | N/A |
|  |  | Distance to rear line | 4 feet | N/A |
|  |  | Distance to other building | 8 feet | N/A |
|  | NOTES: | | | |
|  | 1 | Existing stairs and porches may be replaced with identical stairs and porches regardless of the setback requirements of the district in which the subject property is located. For new construction/reconstruction of open porches, stairs and/or steps, they must meet applicable zoning requirements and shall require a zoning and/or construction permit as applicable, in order to permit construction in this regard. | | |
|  | 2 | Eaves, cornices or overhangs more than 10 feet above lot grade may project into yard setback areas a maximum of 12 inches. In order to create an aesthetically pleasing building facade along the side of a building which fronts a street, bay windows or other architectural detailing more than 10 feet above lot grade may extend into the front yard setback a maximum of 12 inches. | | |
|  | 3 | For renovations and/or additions to existing structures only, open porches, stairs and/or steps providing access to the first floor only shall be permitted to extend an additional three feet into the required front yard setback distance but must be set back a distance of four feet from all street and property lines. For new construction/reconstruction of open porches, stairs and/or steps, they must meet applicable zoning requirements and shall require a zoning and/or construction permit, as applicable, in order to permit construction in this regard. | | |

**E.**Minimum off-street parking. Each individual use shall provide parking spaces according to the following minimum provisions:

**(1)**Option I, detached single-family home construction:

**(a)**Detached single-family dwelling units shall provide parking spaces in accordance with the standards established by the New Jersey Residential Site Improvement Standards (RSIS) (N.J.S.A. 5:21-1 et seq.). RSIS standards include parking requirements for residential uses based on unit (bedroom) size. If the applicant does not specify the number of bedrooms per dwelling unit, then each dwelling unit shall be subject to the RSIS parking space requirements for a four-bedroom dwelling unit.

**(b)**Detached single-family dwelling units are permissible to have stacked parking, where motor vehicles are parked one in front of the other and require, when fully utilized, the moving of one vehicle to allow the removal of another, is prohibited, except in the instance of residential units where two spaces are provided for a particular dwelling unit. Stacked parking is not permitted within an enclosed garage where vehicles must exit the site by backing out into the street. A car may be stacked in front of the garage if there is a minimum of 20 feet from the garage to the property line.

**(c)**See § **276-35** (Off-street parking, loading areas and driveways) for additional standards.

**(2)**Option II. Minimum parking: 2.5 spaces per unit. See § **276-35** (Off-street parking, loading areas and driveways) for additional standards.

**F.**Signs.

**(1)**Option I, detached single-family home construction:

**(a)**Residential dwelling units: only information and direction signs as defined in § **276-40A(5)**(requirements for signs).

**(b)**See § **276-40** (requirements for signs) for additional standards.

**(2)**Option II:

**(a)**The development may have one sign along each public street which the tract abuts. Such signs shall not exceed 10 feet in height, shall be set back from the street right-of-way and driveways at least 10 feet, shall be set back from any property line a minimum of 50 feet, shall not exceed an area of 25 square feet and shall be used to display the development's name.

**(b)**See § **276-40** for additional standards.

**G.**Additional requirements for Option II development.

**(1)**All portions of the tract not utilized by buildings or paved surfaces shall be landscaped, utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, rock formations, contours, existing foliage, and the planting of conifers and/or deciduous trees native to the area, in order to either maintain or reestablish the tone of the vegetation in the area and lessen the visual impact of the structures and paved areas.

**(2)**Adequate trash and garbage pickup stations shall be provided within a totally enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses by a fence, wall, planting or combination of all three. At least one recycling area shall be provided. Recycling, trash and garbage loading and unloading areas shall take place on site but not in the public/street right-of-way.

**(a)**There shall be included in any new development 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. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the City Recycling Coordinator and shall be consistent with the District Recycling Plan adopted pursuant to Section 3 of P.L. 1987, c. 102 (N.J.S.A. 13:1E-99.13).

**(b)**The recycling area shall be conveniently located for the residential disposition of source-separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster.

**(c)**The recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles 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.

**(d)**The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. 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.

**(e)**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.

**(f)**Landscaping and/or fencing, at least six feet in height, shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.

**(g)**Recycling, trash and garbage loading and unloading areas shall be marked with yellow cross-striping pavement markings and marked with signage as "No Parking or Standing Zones" if adjacent to automobile traffic or parking areas.

§ 276-18.1**RR-2 Resort Residential.**

**A.**Purpose statement.

**(1)** At the time the regulations for the Planned Commercial Development Zoning District were instituted, the land uses in this section of the City included a former waterfront bar/restaurant in need of renovation, a condominium complex under construction and vacant land. It was assumed that former PCD regulations would serve as a catalyst for the commercial redevelopment of this section of the City. At the time of the planning for the Master Plan, the Pointe at Moore's Inlet condominium project had been completed on the former site of the bar/restaurant, but construction on the referenced condominium complex had been abandoned. Therefore, there is no need for the Planned Commercial Development Zoning District. The RR-2 Zoning District was part of the former PCD Zoning District, and the RR-2 Zoning District regulations set forth herein reflect current development within the RR-2 Zoning District, with the intent that future development within the RR-2 Zoning District be consistent with and complementary to current development.

**(2)**The zone boundary lines for the RR-2 Zoning District are to be modified to reflect current parcel geometry.

**B.**Principal permitted uses on the land and in buildings:

**(1)**Apartments (see § **276-48** for additional standards).

**(2)**Nonresidential uses, limited to those hereinbelow:

**(a)**Regionally oriented service activities, defined as uses designed to provide for the needs of the citizens and visitors to the Wildwoods. Examples include: hair and nail salons, barber- and beauty shops; day spas and similar personal services; tailor and shoe repair shops; retail dry cleaners (no commercial cleaning on premises); general appliance repair; upholstery/furniture repair; and like and similar activities.

**(b)**Professional, legal, tax, real estate, administrative, contracting, construction, property management and consulting services offices, including medical and dental complexes; additionally, administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or federal governmental services.

**(c)**Specialized entertainment venues, such as theaters, arenas, performing arts centers, movie theaters, amphitheaters, aquariums, museums (cultural or popular) and other like and similar attractions.

**(d)**Eating and drinking establishments, including restaurants, defined as nonalcoholic-beverage-served restaurants with sit-down table service, drive-in restaurants, fast-food restaurants and specialty food outlets; including those with drive-up window service for take-out fare.

**(e)**Commercial parking facilities owned and/or operated by the City of North Wildwood (see § **276-35** for standards).

**(f)**Regionally oriented commercial activities, defined as uses designed to provide for the needs of the citizens and visitors to the Wildwoods. Examples include: pharmacies (with drive-through); convenience stores without fuel-dispensing facilities; general retail, dry-goods, stores; package liquor stores (with drive-through); sporting goods stores, including bicycle sale, rental and repair; pet stores; toy stores and bookstores; financial institutions with drive-through facilities, such as banks and loan offices; video rental and sales (with drive-through); and like and similar activities.

**C.**Accessory uses permitted:

**(1)** Garages and storage buildings.

**(2)**Off-street parking (see § **276-35**).

**(3)**Fences and walls (see § **276-30**).

**(4)**Signs (see § **276-40**).

**(5)**Temporary construction trailers and one sign not exceeding 50 square feet, advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction, beginning with the issuance of a construction permit and concluding with a certificate of occupancy or one year, whichever is less, provided said trailer(s) and sign are on the site where construction is taking place and are set back at least 10 feet from all street and lot lines.

**(6)**Satellite dish antennas. All satellite dish antennas shall be no larger than four feet in diameter, located on the principal structure or as an accessory structure meeting accessory structure yard requirements stated below and located in the rear yard. For all practical purposes, satellite dish antennas shall not be seen from the front facade of the building or the street right-of-way.

**(7)**Public utility cabinet(s) not exceeding three feet in height, with adequate landscaping screening as necessary, and not located in sight triangle easements at street corner intersections. It is recommended that public utility cabinet(s) be located underground in watertight vaults. Suggested plant species are referenced in Appendix A.

**(8)**Christmas tree sale. The annual sale of Christmas trees is permitted between December 1 and December 25, inclusive.

**(9)**Public election voting places. The provisions of this chapter shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

**(10)**Outdoor dining areas with tables on the sidewalk in front of or on the side of a non-automobile-oriented restaurant's premises. Outdoor dining areas shall take place on site but not be located in the public sidewalk and/or public street right-of-way for food markets and specialty food outlets, excluding those with window-service for take-out fare. Examples include: delicatessens; bakeries; candy stores; ice cream stores; meat and/or seafood markets or take-out restaurants; food markets; non-automobile-oriented restaurants, defined as nonalcoholic-beverage-served restaurants with sit-down table service which exclude drive-in facilities and/or fast-food restaurants. Outside tables and seats may be situated outside of the building on the parcel/lot but not in the public street right-of-way. No operation of a business in the RR-2 Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway.

**(a)**The hours of operation of outdoor dining areas shall be limited to the hours of operation of the associated restaurant. In no event shall the hours of operation go past 3:00 a.m.

**(b)**Outdoor dining is separate from a sidewalk cafe, as it is defined as any part of a food establishment located outdoors.

**(c)**Adequate lighting shall be provided to promote safe passage of pedestrians and for patrons.

**(d)**Awnings and/or umbrellas may be used in conjunction with the outdoor dining areas. Awnings shall be adequately secured. Awnings, including supporting structures, must be within the property line. The bottom of the awning shall be seven feet from the ground.

**(11)**Solar energy systems (see Article **XII**).

**D.**Maximum building height.

**(1)**No building shall exceed 55 feet in height from the base flood elevation (BFE) or five stories, whichever is less, except as provided in § **276-47** of this chapter. The following structures may be erected above the heights prescribed by this chapter, but in no case shall the height of any of these appurtenances exceed a height equal to 10% more than the maximum height permitted for the particular use in the zoning district:

**(a)**Mechanical rooms and other roof structures for the housing of stairways, tanks, ventilating fans, HVAC equipment or similar equipment required to operate and maintain the building.

**(b)**Skylights, spires, cupolas, flagpoles, chimneys or similar structures.

**(c)**Safety enclosures of rooftop areas of hotels and motels used for sundecks and other recreational purposes.

**(2)**Cellular telephone antennas and/or associated equipment are expressly excluded from this provision.

**E.** Area and yard requirements.

|  | **Category** | | **Requirement** |
| --- | --- | --- | --- |
|  | Principal building, minimum | |  |
|  |  | Lot area | 5,000 square feet |
|  |  | Lot frontage | 50 feet |
|  |  | Lot width | 50 feet |
|  |  | Lot depth | 100 feet |
|  |  | Residential density (apartments) | 1 dwelling unit per 1,250 square feet of lot area |
|  | Setbacks, minimum | |  |
|  |  | Side yard (each) | 10 feet |
|  |  | Front yard | 10 feet |
|  |  | Rear yard | 15 feet |
|  | Maximum building coverage of principal buildings | | 60% |
|  | Accessory building, minimum | |  |
|  |  | Distance to side line | 4 feet |
|  |  | Distance to rear line | 4 feet |
|  |  | Distance to other building | 4 feet |
|  | Maximum Lot (Impervious) Coverage | | 80% |
|  | NOTES: The number of apartments permitted is equal to one dwelling unit per 1,250 square feet of lot area. Commercial uses shall be limited to the first floor only. | | |

**F.**General requirements.

**(1)**Merchandise, products, equipment or similar materials or objects can be displayed or stored outside so long as the merchandise, products, equipment or similar materials or objects shall be located/installed in such a manner that they do not interfere with or are not located in the sidewalk area to prevent free travel of pedestrians. No operation of a business in the RR-2 Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway.

**(2)**All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeded or similar plantings and maintained in good condition. Landscaping shall be provided in the front yard area and shall be reasonably distributed throughout the entire front yard area. Suggested plant species are referenced in Appendix A.**[3]**

**(3)**Any principal building may contain more than one use and/or organization, provided that the total building coverage of the combined activities does not exceed the maximum building coverage herein specified, and, further, that each activity occupies a minimum gross floor area of 500 square feet.

**(4)**All buildings shall be compatibly designed and shall blend with the overall architectural scheme of the development, whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes.

**(5)**Bicycle racks shall be located on the business site, with a minimum capacity of seven bicycles. No locking mechanisms need to be provided. The racks shall be located/installed in such a manner that they do not interfere with or are not located in the public/street right-of-way and/or sidewalk area.

**(6)**Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard setback; and as to any such equipment that is located in a side yard setback, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt from this regulation.

**G.**Minimum off-street parking.

**(1)**Apartments shall provide parking spaces in accordance with the standards established by the New Jersey Residential Site Improvement Standards (RSIS) (N.J.S.A. 5:21-1 et seq.). RSIS standards include parking requirements for residential uses based on unit (bedroom) size. If the applicant/developer does not specify the number of bedrooms per dwelling unit, then each dwelling unit shall be subject to the RSIS parking space requirements for a four-bedroom dwelling unit.

**(2)**Retail and service activities shall provide parking at the ratio of one space per 200 square feet of gross floor area.

**(3)**Banks and offices shall provide parking at the ratio of one space per 200 square feet of gross floor area. Additionally, drive-in banks shall provide room for at least eight automobiles per drive-in window and/or lane for queuing purposes. No queuing of vehicles shall be allowed within the street and/or public right-of-way.

**(4)**Eating and drinking establishments, including restaurants, shall provide a minimum of one parking space for every six seats. If an eating and drinking establishment, including a restaurant, is ancillary to an apartment complex having more than 40 rooms, the eating and drinking establishment, including a restaurant, shall provide parking at one space for every 10 seats in addition to the parking required for the apartments.

**(5)**See § **276-35** for additional standards.

**H.**Minimum off-street loading; trash and garbage locations.

**(1)**The need for, location and design of off-street loading and unloading areas shall be considered and determined at the time of site plan review. Off-street loading and unloading areas shall take place on site but not in the public street right-of-way.

**(2)**The need for, location and design of trash and garbage locations shall be considered and determined at the time of site plan review. Recycling, trash and garbage loading and unloading areas shall take place on site but not in the public/street right-of-way.

**(3)**Each use must include provisions for the collection, disposition and recycling of recyclable materials, including newspapers, leaves, white high-grade paper, glass bottles and jars, aluminum, corrugated cardboard, and tin and bimetal cans. The amount of recyclable material generated weekly by each use shall be quantified and reviewed during site plan review to determine whether the storage area to contain a week's accumulation of recyclable material is adequate in size and location. The storage area shall be designed for truck access for pickup of materials and be suitably screened from view if located outside a building.

**(4)**Recycling, trash and garbage loading and unloading areas shall be marked with yellow cross-striping pavement markings and marked with signage as "No Parking or Standing Zones" if adjacent to automobile traffic or parking areas.

**I.**Permitted signs.

**(1)**Apartments shall be permitted signing as specifically approved by the Board based upon the specific needs of the proposed development.

**(2)**Each commercial area may have one freestanding sign along each road which the tract in question abuts, provided there exists at least 200 feet of unbroken frontage. Such sign shall not exceed a height of 25 feet, shall be set back from the street rights-of-way and driveways at least 50 feet, shall be set back from any property line a minimum of 100 feet, shall not exceed an area of 150 square feet, and shall be used only to display the commercial area name and/or individual store/use name.

**(3)**Signage for commercial area and/or individual store/use name(s) shall be consolidated to one location wherever possible.

**(a)**Where uses share a common walkway, each use served by the walkway may have one additional sign, which shall be either attached flat against the building or be suspended in perpendicular fashion from the roof over the common walkway. Suspended signs shall be no closer than eight feet at their lowest point to the finished grade level below them. No such sign shall exceed 10 square feet in area.

**(4)**All signs in a commercial area shall conform in character with all other signs in the complex and shall blend with the overall architectural scheme of the commercial area.

**(5)**See § **276-40** for additional standards.

§ 276-19**TH Townhouse Residential.**

**A.**Principal permitted uses on the land and in buildings:

**(1)** Apartments (see § **276-48** for additional standards).

**(2)**Townhouses (see § **276-48** for additional standards).

**(3)**Public playgrounds, public conservation areas, public parks, public open space and public purpose uses.

**(4)**Senior citizen housing as conditional uses under N.J.S.A. 40:55D-67 (see § **276-46** for standards).

**B.**Accessory uses permitted:

**(1)**Usual noncommercial recreational facilities.

**(2)**Off-street parking and private garages (see Subsection **F** below and § **276-35**).

**(3)**Fences and walls (see § **276-30**).

**(4)**Private residential sheds for the storage of objects by the residents of the property, each not exceeding 15 feet in height from grade/ground elevation, and altogether not exceeding 150 square feet in gross floor area. All residential sheds must be anchored in accordance with § **276-51B(6)(a)**to prevent flotation, collapse, or lateral movement of the structure. Private residential sheds may not encroach into the front yard required for the residential use in the zoning district in which they are located.

**(5)**Signs (see Subsection **H** below and § **276-40**).

**(6)**Satellite dish antennas. All satellite dish antennas shall be no larger than four feet in diameter, located on the principal structure or as an accessory structure meeting accessory structure yard requirements stated below and located in the rear yard. For all practical purposes, satellite dish antennas shall not be seen from the front facade of the building or the street.

**C.**Maximum building height.

**(1)**No building height shall exceed 36 feet in height from the base flood elevation (BFE) or three stories, whichever is less, except that churches and schools shall not exceed 55 feet and except further as allowed in § **276-47** of this chapter. The following structures may be erected above the heights prescribed by this section, but in no case shall the height of any of these appurtenances exceed a height equal to 10% more than the maximum height permitted for the particular use at issue:

**(a)**Mechanical rooms and other roof structures for the housing of stairways, tanks, ventilating fans, HVAC equipment or similar equipment required to operate and maintain the building.

**(b)**Skylights, spires, cupolas, flagpoles, chimneys or similar structures.

**(c)**Safety enclosures of rooftop areas of hotels and motels used for sundecks and other recreational purposes.

**(2)**Cellular telephone antennas and/or associated equipment are expressly excluded from this provision.

**D.**Maximum number of dwelling units permitted. The maximum number of dwelling units permitted within the TH Townhouse Residential District shall be computed on the basis of 30 dwelling units per gross acre of land, excluding any land covered with water.

**E.**Area and distance requirements.

**(1)**The minimum tract size shall be one acre. A minimum of 200 feet of frontage on one street shall be required. Lot depth shall be a minimum of 200 feet.

**(2)**Minimum distances between townhouses and apartment buildings shall be measured horizontally in feet and shall be measured away from the front, side and rear of each building. The minimum distances shall be 10 feet for the front of a building on either a public or private street; 5 1/2 feet for the side of a building; and 30 feet for the rear of a building. No portion of any building shall be closer to any portion of any other building than the combined distances of the abutting requirements for each building, provided that the corner of a building offset more than a twenty-degree angle from a line drawn parallel to another building shall be considered a side of the building. In addition, no building shall be located closer than 10 feet from the right-of-way line of any public or private street, and no minimum distance is required between a building and any parking area.

**(3)**Fee-simple lots shall meet the requirements specified in § **276-50** of this chapter.

**(4)**All portions of the tract not utilized by buildings or paved surfaces shall be landscaped, utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, rock formations, contours, existing foliage, and the planting of conifers and/or deciduous trees native to the area, in order to either maintain or reestablish the tone of the vegetation in the area and lessen the visual impact of the structures and paved areas.

**F.**Minimum off-street parking. Each individual use shall provide parking spaces according to the following minimum provisions:

**(1)**Townhouses and apartments shall provide 1 1/2 spaces for each dwelling unit consisting of one bedroom or less and two spaces for each dwelling unit consisting of more than one bedroom. Each one-car garage space and the driveway leading to the garage space shall together be considered one parking space, provided that the driveway is dimensioned to park a car off-street in accordance with the definition of "parking space" in Article **II** of this chapter.

**(2)**See § **276-35** for additional standards.

**G.**Trash and garbage pickup stations. Adequate trash and garbage pickup stations shall be provided within a totally enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses by a fence, wall, planting or combination of the three. At least one recycling area shall be provided in accordance with the provisions of § **276-48H**.

**H.**Permitted signs.

**(1)**Each TH development may have one sign along each public street which the tract in question abuts, provided there exists at least 250 feet of unbroken frontage. Such signs shall not exceed 10 feet in height, shall be set back from the street rights-of-way and driveways at least 10 feet, shall be set back from any property line a minimum of 50 feet, shall not exceed an area of 25 square feet, and shall be used to display the development's name.

**(2)**See § **276-40** for additional standards.

**I.**Open space requirements. Land area equal to a minimum of 10% of the tract of land proposed for residential development shall not be covered with buildings or streets and shall be set aside for landscape purposes. See § **276-17J** for other requirements.

§ 276-20**CBD Central Business.**

**A.**Purpose statement.

**(1)**The intent of the City's commercial zoning districts is to provide the variety of goods and services necessary to address the needs of the City's indigenous (year-round) residential base, its seasonal vacation homeowners and its tourist population.

**(2)**The purpose of the Central Business Zoning District is to provide for an appropriate mix of retail and service-oriented commercial, office and other uses, with supportive residential above, designed to strengthen and enhance the City's economic base, generate employment opportunities (including opportunities for City residents) and stimulate new tax ratables in a mixed-use community with a traditional urban fabric within the City's downtown commercial core.

**B.**Principal permitted uses and structures on the land and in buildings:

**(1)**General commercial activities: uses designed to provide for the routine needs of the citizens of North Wildwood. Examples include: pharmacies and drugstores without drive-through windows); convenience stores (without fuel-dispensing facilities); general retail, dry-goods, appliance, furniture, home improvement, paint and hardware stores; bait and tackle, fishing and boating supply; financial institutions, including associated bank drive-in facilities; arts, crafts, fabric, and hobby shops; sporting goods stores, including bicycle sale, rental and repair; other rental enterprises of small portable appliances and equipment; sale of household items; pet and grooming shops; toy stores; book shops and newspaper/magazine stores; antique, boutique, fabric, rug and tile, clothing, shoe, jewelry, gift and variety shops; video rental and sales; greeting card, stationery, and florist shops; upholstery shops; and like and similar activities.

**(2)**General personal/service activities: uses designed to provide for the routine needs of the citizens of North Wildwood. Examples include: hair and nail salons; barber- and beauty shops; day spas and similar personal services; tailor shops; retail dry cleaners (no commercial dry cleaning on premises); laundromats; shoe repair; small appliance repair (excluding nonportable appliance, equipment or machine services or any other type of service which requires truck, van or trailer pickup or delivery of the equipment to be serviced); and like and similar activities.

**(3)**Grocery stores, food markets and specialty food outlets, excluding those with window service for take-out fare. Examples include, but are not limited to: delicatessens; bakeries; candy stores; ice cream stores; meat and/or seafood markets or take-out restaurants; food markets; non-automobile-oriented restaurants, defined as non-alcoholic-beverage-served restaurants with sit-down table service which exclude drive-in facilities and/or fast-food restaurants, provided that no other activities associated with other permitted principal uses are conducted as part of this use.

**(4)**Professional, legal, tax, real estate, administrative, contracting, construction, property management and consulting services offices, including medical and dental complexes; additionally, administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or federal governmental services.

**(5)**Fraternal, social, educational or charitable facilities.

**(6)**Commercial parking facilities.

**(a)**Off-street parking shall be provided as determined by the needs of the facility.

**(b)**Site landscaping shall be provided in sufficient quantity and placement in order to create a visual buffer from all public rights-of-way or adjacent properties. Suggested plant species are referenced in Appendix A.

**(7)**Public utilities' central substations (see § **276-7** for definition), subject to the following:

**(a)**The proposed installation in a specific location must be necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is located.

**(b)**The design of any structure in connection with such facility must not adversely affect the safe, comfortable enjoyment of property rights in the surrounding area.

**(c)**Adequate fencing and other safety devices shall be provided and shall be installed in accordance with the applicable requirements of the New Jersey Board of Public Utilities and/or other applicable codes.

**(d)**Site landscaping shall be provided in sufficient quantity and placement in order to create a visual buffer from all public rights-of-way or adjacent properties. Suggested plant species are referenced in Appendix A.

**(e)**Off-street parking shall be provided as determined by the needs of the facility.

**(8)**Contractor's warehouse and offices, including material or design showrooms.

**(9)**Methadone clinic (see § **276-7** for definition); however, no methadone clinic shall be permitted in any of the drug-free zones that appear on and which are depicted on the Drug-Free Zone Map of the City of North Wildwood, which has been produced, approved and adopted pursuant to the authority contained in N.J.S.A. 2C:35-7 and 2C:35-7.1 and which is referred to in Chapter **214**, Drug-Free Zones, of the Code of the City of North Wildwood.

**(10)**Body art establishments (see § **276-7** for definition).

**(11)** Wireless antennas provided that new antennas utilize co-location or are installed on existing structures.

**C.**Accessory uses permitted:

**(1)**Off-street parking [see § **276-20F(10)** as referenced hereinbelow and § **276-35**].

**(2)**Fences and walls (see § **276-30**).

**(3)**Signs [see § **276-20F(11)** hereinbelow and § **276-40**].

**(4)**Garages and storage buildings on the same lot/parcel.

**(5)**Satellite dish antennas. All satellite dish antennas shall be no larger than four feet in diameter, located on the principal structure or as an accessory structure meeting accessory structure yard requirements stated below, and located in the rear yard. For all practical purposes, satellite dish antennas shall not be seen from the front facade of the building or the street.

**(6)**Public utility cabinet(s) not exceeding three feet in height, with adequate landscaping screening as necessary, and not located in sight triangle easements at street corner intersections. It is recommended that public utility cabinet(s) be located underground in watertight vaults. Suggested plant species are referenced in Appendix A.

**(7)**Public utility lines. Public utility lines for the transportation and distribution and control of water, electricity, gas, oil, steam, telegraph and telephone communications, and their supporting members, other than buildings or structures, shall not be required to be located on a lot, nor shall this chapter be interpreted as to prohibit the use of a property in any zone for the above uses.

**(8)**Solar energy systems (see § **276-76** through § **276-83**).

**(9)**Christmas tree sales. The annual sale of Christmas trees is permitted between December 1 and December 25, inclusive.

**(10)**Public election voting places. The provisions of this chapter shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

**(11)**Sidewalk cafe with tables on the sidewalk in front of or on the side of the non-automobile-oriented restaurant's premises. For food markets and specialty food outlets, excluding those with window service for take-out fare, sidewalk cafes shall take place on site but not be located in the public sidewalk and/or public street right-of-way. Examples include, but are not limited to: delicatessens; bakeries; candy stores; ice cream stores; meat and/or seafood markets or take-out restaurants; food markets; non-automobile-oriented restaurants, defined as non-alcoholic-beverage-service restaurants with sit-down table service which exclude drive-in facilities and/or fast-food-restaurants. Outside tables and seats may be situated outside of the building (except as referenced in the conditional uses section herein) on the parcel/lot but not in the public/street right-of-way. No operation of a business in the CBD Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for use as the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway.

**(a)**The hours of operation of a sidewalk cafe shall be limited to the hours of operation of the associated restaurant. In no event shall the hours of operation go past 12:00 midnight.

**(b)**Outdoor dining is separate from a sidewalk cafe, as it is defined as any part of a food establishment located outdoors. Outdoor dining is permitted in locations subject to the exclusive approval of the Mayor and Council. The inclusion of outdoor dining will not require any additional parking based upon the number of permitted tables and/or permitted seats.

**(c)**Adequate lighting shall be provided to promote safe passage of pedestrians and for patrons.

**(d)**Awnings and/or umbrellas may be used in conjunction with the sidewalk cafe. Awnings shall be adequately secured. Awnings, including supporting structures, must be within the property line. The bottom of the awning shall be seven feet from the ground.

**(e)** Parklets shall be permitted in locations subject to the exclusive approval of the Mayor and Council.

**(12)**Temporary construction trailers and one sign, not exceeding 50 cumulative square feet, advertising the prime contractor, subcontractor(s), architect, block and lot identifier data of the lot, financing institution and similar data for the period of construction, beginning with the issuance of a construction permit and concluding with the issuance of a certificate of occupancy or one year, whichever is less, provided said trailer(s) and sign are on the site where construction is taking place and set back at least 10 feet from all street and lot lines.

**D.**Maximum building height.

**(1)**No building height shall exceed 36 feet in height from the base flood elevation (BFE) or three stories, whichever is less, except as allowed in § **276-47**. The following structures may be erected above the heights prescribed by this chapter, but in no case shall the height of any of these appurtenances exceed a height equal to 10% more than the maximum height permitted for the particular use in this zoning district:

**(a)**Mechanical rooms and other roof structures for the housing of stairways, tanks, ventilating fans, HVAC equipment or similar equipment required to operate and maintain the building.

**(b)**Skylights, spires, cupolas, flagpoles, chimneys or similar structures.

**(c)**Safety enclosures of rooftop areas of hotels and motels used for sundecks and other recreational purposes.

**(2)**Cellular telephone antennas and/or associated equipment are expressly excluded from this subsection.

**E.**Area and yard requirements.

|  | **Category** | | **Requirement** |
| --- | --- | --- | --- |
|  | Principal buildings, minimum | |  |
|  |  | Lot area | 4,000 square feet |
|  |  | Lot frontage | 40 feet |
|  |  | Lot width | 40 feet |
|  |  | Lot depth | 100 feet |
|  |  | Side yard (each) | 6 feet |
|  |  |  | 0 feet to the nearest interior property line, provided that 2 or more adjoining property owners agree to build to this standard and then only if access to the rear of the building is maintained via a service alley or shared parking |
|  |  | Front yard | 0 feet |
|  |  | Rear yard | 15 feet |
|  | Maximum coverage of principal building | | 65% |
|  | Accessory building, minimum | |  |
|  |  | Distance to side line | 4 feet |
|  |  | Distance to rear line |  |
|  |  | Distance to other building |  |
|  | Maximum lot (impervious) coverage | | 80% |

**F.**General requirements.

**(1)**Any principal building may contain more than one permitted use and/or organization, provided that the total building coverage of the combined activities does not exceed the maximum building coverage specified for the district and, further, that any building shall have a maximum of three permitted uses within it, and that each activity occupies a minimum gross floor area of 750 square feet for individual uses.

**(2)**All buildings on a single commercial site shall be compatibly designed, whether constructed all at one time or in stages over a period of time. No development in the CBD Zoning District shall be constructed unless the development is part of an approved site plan and unless the following minimum standards are met, in addition to other applicable requirements of this chapter.

**(3)**Merchandise may be displayed outside of the building (except as referenced in the conditional uses section herein) if attached to the building facade and/or on the parcel/lot but not in the public/street right-of-way. No merchandise used in connection with the operation of a business in the CBD Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such merchandise project or protrude into, on or above the required five-foot-wide pedestrian passageway.

**(4)**All merchandise must be removed when the business is closed for operation.

**(5)**All areas not utilized for buildings, parking, loading, access aisles, driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or similar plantings and maintained in good condition. Suggested plant species are referenced in Appendix A.**[5]** Corner lots bordering street intersections shall adhere to the sight triangle provisions stated herein at § **276-30**.

**(6)**Each nonresidential use must include provisions for the collection, disposition and recycling of recyclable materials, as designated in the Municipal Recycling Ordinance.**[6]** All recycling not stored within a building shall be stored within an enclosed container. All solid waste not stored within a building shall be stored within an enclosed container. The amount of recyclable and solid waste material generated weekly by each use shall be quantified and reviewed during site plan review to determine whether the storage area to contain a week's accumulation of material is adequate in size and location. The storage area shall be designed for commercial truck access for pickup of materials and be suitably screened from view if located outside a building.

**(7)**Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard setback; and as to any such equipment that is located in a side yard setback, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt from this regulation.

**(8)**Bicycle racks shall be located on the business site, with a minimum capacity of seven bicycles. No locking mechanisms need to be provided. The racks shall be located/installed in such a manner that they do not interfere with or are not located in the public/street right-of-way and/or sidewalk area.

**(9)**Special design standards applicable to the CBD District. An attractive streetscape contributes positively to the visual impression of a community. It is the City's intention, therefore, to ensure that development located in the CBD District on New Jersey Avenue, 17th Avenue and Spruce Avenue supports a vibrant, human-scale environment along the City's main arteries. The following standards apply to all principal buildings in the CBD Zone on New Jersey Avenue, 17th Avenue and Spruce Avenue:

**(a)**All buildings located on New Jersey Avenue shall be oriented to front towards and relate to New Jersey Avenue, both functionally and visually, as opposed to the intersecting side streets. For developments which include residential flats, the required lot depth of 100 feet must be taken from New Jersey Avenue; except that for developments having one residential unit, the lot depth may be taken off the side street.

**(b)**All buildings located on New Jersey Avenue shall have entrance doors set back into an opening allowing for outward egress (for Fire Code purposes) without opening the entrance door onto the sidewalk and/or in the public/street right-of-way.

**(c)**Large blank walls facing New Jersey Avenue are prohibited.

**(d)**All commercial space shall have primary entrances accessed directly from the sidewalk on New Jersey Avenue. Sidewalks should extend from the building facade to the curb.

**(e)**First-floor facades intended for retail use must face New Jersey Avenue with large, clear storefront glass areas to display the nature of the business and produce an interesting streetscape. Storefront windows may be either typical large, single panes or multiple smaller panes (approximately two square) separated by mullions.

**(f)**In a multitenant building, each shop shall have its own shop front facing New Jersey Avenue. The shop fronts may either have identical designs to reinforce the building design or varied designs to express the different businesses. A shop front should be separated from the roofline or a second floor by a horizontal architectural element such as a sash, cornice, frieze, molding, etc.

**(g)**There shall be no open stairways leading to the second floor off New Jersey Avenue.

**(10)**Minimum off-street parking. Each individual use shall provide parking spaces according to the following minimum provisions. Where a permitted use of land includes different specific activities with different specific parking requirements, the total number of required parking spaces shall be obtained by individually computing the parking requirements for each different activity and adding the resulting numbers together.

**(a)**Permitted uses such as those uses listed in § **276-20B(1)**, **(2)**, **(5)** and **(6)** shall provide parking at the ratio of one space per 400 square feet of gross floor area. Additionally, drive-in banks shall provide room for at least eight automobiles per drive-in window for queuing purposes.

**(b)**Permitted uses such as those uses listed in § **276-20B(3)** shall provide a minimum of one space for every six seats, but, in all cases, a sufficient number of spaces to prevent any parking along private driveways, fire lanes and aisles. Outdoor seating/dining areas intended for use during spring, summer and autumn months shall not be considered when calculating the number of parking spaces required by this subsection.

**(c)**Residential uses shall provide parking in compliance with the NJRSIS.

**(d)**Special parking standards applicable to the CBD District.

**[1]**Credit shall be given on a 50% basis (rounded to the higher number) for on-street parking spaces towards the nonresidential component of a project's parking requirement [e.g., seven on-street spaces will get credit for four on-site spaces (7 x 50% = 3.5, and 3.5 rounded to the higher number is 4)]. The on-street spaces shall be directly adjacent to the subject property, be clearly indicated on the site plan, measure eight feet by 22 feet, and not interfere with loading or delivery operations, fire lanes, bikeways, bus stops, sight triangles, pedestrian crossings or driveways.

**[2]**A developer may satisfy up to two spaces of nonresidential parking deficiency by contributing to a municipal parking capital improvement fund for the design, purchase, construction and maintenance of municipal parking lots. The developer shall make a contribution of $4,000 per deficient space. Full payment is required as a condition of the issuance of the first construction permit.

**(e)**See § **276-35** for additional parking standards.

**(11)**Permitted signs.

**(a)**Each individual use in an individual building may have one pole-mounted sign not exceeding 150 square feet in size and may have one sign attached to the building not exceeding an area equivalent to 25% of the front facade of the business to which it is attached or 150 cumulative square feet, whichever is smaller. Where an individual activity has direct access from the outside, a sign not exceeding four square feet identifying the name of the activity may also be attached to the building at the entrance to the activity, exclusive of the cumulative sign square-foot requirement.

**(b)**Where individual uses share a common walkway, each use served by the walkway may have one additional sign which shall be either attached flat against the building or be suspended in perpendicular fashion from the roof over the common walkway. Suspended signs over public sidewalk areas shall be no closer than eight feet at their lowest point to the finished grade level below them and shall not project past the curbline. No such sign shall exceed 20 square feet in area.

**(c)**Special signage standards applicable to the CBD District. All nonresidential signage shall be restricted to the New Jersey Avenue side of the building and to the first 30 feet on the side street, if applicable, measured from the front building wall. In this case, two building frontages, two signs are permitted.

**(d)**Special signage standards applicable to the CBD District. "Open for business" window signs, if located in a storefront window, shall be excluded from the overall sign calculations as long as the sign does not exceed 10 square feet in area. Signs, typically the A-frame/sandwich-board style, ancillary to the permitted use shall be permitted on the sidewalk area, at the curb or against the building wall. The sign shall not exceed four square feet, identifying the name of the location, exclusive of the cumulative sign square-foot requirement. No operation of a business in the CBD Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway. Signs in this style shall be a maximum of eight square feet. All signs as permitted by this section must be removed when the business is closed for operation. On corner properties/street intersections, no handicapped sidewalk curbs ramps shall be blocked by said signs.

**(e)**Temporary sign banners, such as "clearance," "sale," "end of year," etc., are permitted to be attached to the building facade so long as the banner is not posted for more than 10 calendar days.

**(f)**All signs mounted to building facades over public sidewalk areas must be eight feet from grade elevation.

**(g)**See § **276-40** for additional standards.

**(12)**Minimum off-street loading; trash and garbage locations.

**(a)**The need for, location and design of off-street loading and unloading areas shall be considered and determined at the time of site plan review. Off-street loading and unloading areas shall take place on site but not in the public/street right-of-way.

**(b)**The need for, location and design of recycling, trash and garbage locations shall be considered and determined at the time of site plan review. Recycling, trash and garbage loading and unloading areas shall take place on site but not in the public/street right-of-way.

**G.**Conditional uses permitted.

**(1)**General conditional use standards. In addition to the conditional use standards detailed for each specific conditional use under § **276-20G**, all conditional uses shall:

**(a)**Commercial uses shall abut and be oriented toward New Jersey, Spruce or 17th Avenue, as the case may be;

**(b)**Commercial uses shall provide site landscaping of sufficient design and in sufficient quantity and placement in order to create a visual and noise buffer from abutting residential districts and uses;

**(c)**Provide access drives at a minimum of 20 feet from all lot lines, street intersections and other driveways on the same lot; and

**(d)**Comply with all other requirements of the chapter in general and the CBD District in particular, except where residential regulations apply for single- and two-family residential use as outlined in Subsection **G(2)(o)** below.

**(2)**Conditional use categories and specific use standards.

**(a)**Automobile-oriented general commercial activities: uses designed to provide for the routine needs of the citizens of North Wildwood which typically require patrons to drive to the location. Due to their very nature, such uses may be anticipated to generate large volumes of traffic and thereby, absent appropriate land use controls, have the potential to negatively impact the quiet enjoyment of the adjacent residential community. Examples include: pharmacies with drive-through windows; convenience stores with fuel-dispensing facilities; package liquor stores with drive-up window service; and like and similar activities.

**(b)**Drive-in restaurants, fast-food restaurants and specialty food outlets with drive-up window service for take-out fare.

**(c)**Bulk standards for conditional uses in § **276-20G(2)(a)** and **(b)**:

|  | **Category** | | | **Requirement** |
| --- | --- | --- | --- | --- |
|  | The entire under-canopy and automobile queuing area of the drive-through element shall be considered part of the principal building. In such instances, multiple principal buildings shall be permitted. Should no canopy be proposed, the drive-through area shall be measured by the smallest projected, enclosed, 4-sided, regular (right-angled, straight-edged) geometric shape necessary to encompass the service and queuing components of the drive-through. | | | |
|  | Principal buildings, minimum | | |  |
|  |  | Lot area | | 10,000 square feet |
|  |  | Lot frontage | | 100 feet |
|  |  | Lot width | | 100 feet |
|  |  | Lot depth | | 100 feet |
|  |  | Side yard setback (each) | | 10 feet |
|  |  |  | Abutting a residential zone | 30 feet, treated with site landscaping of sufficient design and in sufficient quantity and placement to create a visual and noise buffer from abutting residential districts and uses |
|  |  | Front yard setback | | 0 feet |
|  |  | Rear yard setback | | 20 feet |
|  |  |  | Abutting a residential zone | 30 feet, treated with site landscaping of sufficient design and in sufficient quantity and placement to create a visual and noise buffer from abutting residential districts and uses |
|  | Maximum coverage of principal building | | | 60% |
|  | Accessory building, minimum | | |  |
|  |  | Distance to side line | | 10 feet |
|  |  | Distance to rear line | | 20 feet |
|  |  | Distance to other building | | 10 feet |
|  | Maximum lot (impervious) coverage | | | 80% |
|  | Maximum building height | | | 35 feet |

**(d)**Additional standards for conditional uses in § **276-20G(2)(a)** and **(b)** hereinabove:

**[1]**Automobile-oriented general commercial activities and drive-in restaurants, fast-food restaurants and specialty food outlets with window service for take-out fare are permitted one freestanding (pole) sign not exceeding 150 square feet in total surface area and one building-mounted sign not exceeding the lesser of 25% of the building facade on which it is mounted or 50 square feet. The pole sign shall be set back at least five feet from the property line. See § **276-20F(10)** and § **276-40** for additional standards.

**[2]**Landscaping shall be provided in the front yard area and shall be reasonably distributed throughout the entire front yard area. Suggested plant species are referenced in Appendix A.

**[3]**Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard setback; and as to any such equipment that is located in a side yard setback, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt from this regulation.

**[4]**Bicycle racks shall be located on the business site, with a minimum capacity of seven bicycles. No locking mechanisms need to be provided. The racks shall be located/installed in such a manner that they do not interfere with or are not located in the public/street right-of-way and/or sidewalk area.

**[5]**Minimum off-street loading; trash and garbage locations.

**[a]**The need for, location and design of off-street loading and unloading areas shall be considered and determined at the time of site plan review. Off-street loading and unloading areas shall take place on site but not in the public/street right-of-way.

**[b]**The need for, location and design of recycling, trash and garbage locations shall be considered and determined at the time of site plan review. Recycling, trash and garbage loading and unloading areas shall take place on site but not in the public/street right-of-way.

**[6]**Automobile or marine service stations. Examples include: fueling stations, automobile, truck and boat (including personal watercraft) repair, auto-body repair and car washes, whether or not such uses are conducted on an individual bases or are combined within a single site.

**[7]**Stand-alone car washes when not part of an automobile or marine service station.

**[8]**Bulk standards for conditional uses.

|  | **Category** | | | **Requirement** |
| --- | --- | --- | --- | --- |
|  | The entire under-canopy area of the fuel pump islands shall be considered part of the principal building. In such instances, multiple principal buildings shall be permitted. Should no canopy be proposed, the fuel pump area shall be measured by the smallest projected, enclosed, 4-sided, regular (right-angled, straight-edged) geometric shape necessary to encompass each and every component of the fuel pump islands, including kiosks for motor oil, antifreeze and other for-sale items and trash receptacles. | | | |
|  | Principal buildings, minimum | | |  |
|  |  | Lot area | | 40,000 square feet |
|  |  |  | Stand-alone car washes when not part of an automobile or marine service station | 10,000 square feet |
|  |  | Lot frontage | | 200 feet |
|  |  | Lot width | | 200 feet |
|  |  |  | Stand-alone car washes when not part of an automobile or marine service station | 100 feet |
|  |  | Lot depth | | 200 feet |
|  |  |  | Stand-alone car washes when not part of an automobile or marine service station | 100 feet |
|  |  | Side yard setback (each) | | 25 feet |
|  |  |  | Abutting a residential zone | 50 feet, treated with site landscaping of sufficient design and in sufficient quantity and placement to create a visual and noise buffer from abutting residential districts and uses |
|  |  | Front yard setback | | 40 feet |
|  |  |  | Stand-alone car washes when not part of an automobile or marine service station | 40 feet |
|  |  | Rear yard setback | | 25 feet |
|  |  |  | Stand-alone car washes when not part of an automobile or marine service station | 20 feet |
|  |  |  | Abutting a residential zone | 50 feet, treated with site landscaping of sufficient design and in sufficient quantity and placement to create a visual and noise buffer from abutting residential districts and uses |
|  | Maximum coverage of principal building | | | 40% |
|  | Accessory building, minimum | | |  |
|  |  | Distance to side line | | 10 feet |
|  |  | Distance to rear line | | 20 feet |
|  |  | Distance to other building | | 10 feet |
|  | Maximum lot (impervious) coverage | | | 80% |
|  | Minimum distance from (to ensure appropriate driveway widths) | | |  |
|  |  | Any firehouse, school, playground, place of worship, hospital, public building or institution | | 200 feet |
|  |  | Any other automobile or marine service station, or any component thereof | | 400 feet |
|  | Minimum distance between fuel pump islands | | | 20 feet |
|  | Minimum setback required between any building or driveway on a lot utilized for a service station and any residential use | | | 50 feet |

**(e)**Additional standards for conditional uses in § **276-20G(2)(d)[6]** and **[7]** hereinabove:

**[1]**With the exception of fuel and air pumps, all operations, including all appliances, pits, storage areas, garbage facilities and mechanical car washes, shall take place within an enclosed building. Open-air hand-drying of washed vehicles is permitted.

**[2]**Outdoor storage of motor vehicles, boats or personal watercraft, or parts therefor, shall be limited to a fully enclosed, fully buffered yard area, it being the intent that no dismantled vehicles or parts shall be visible from any public right-of-way or adjacent property.

**[3]**A vehicle awaiting repair or pickup from repair may be stored at any automobile or marine service station premises outside of a closed or roofed building or a fully enclosed, fully buffered yard area for a period of time not to exceed five days. No junk motor, boat or personal watercraft, or part thereof or part therefor, shall be permitted on the premises of any automobile or marine service station.

**[4]**The exterior display (parking) of motor vehicles, trailers, boats, personal watercraft or related equipment, for sale, lease or storage, is prohibited.

**[5]**Automobile or marine service stations shall provide at least six off-street parking spaces for the first repair area, five additional spaces for a second repair area, and three additional spaces for each repair area thereafter. Parking spaces shall be separated from the driveway and general apron areas which give access to the fuel pumps, air pumps and repair areas. No designated parking space shall obstruct access to such facilities. No parking shall be permitted on unpaved areas. Driveways shall be a minimum of 20 feet from all lot lines, street intersections and other driveways on the same lot/parcel.

**[6]**Automobile or marine service stations are permitted one freestanding (pole) sign not exceeding 20 square feet in total surface area and one building-mounted sign not exceeding the lesser of 25% of the building facade on which it is mounted or 30 square feet. The pole sign shall be set back at least 10 feet from all rights-of-way and lot lines. See § **276-20F(11)** and § **276-40** for additional standards.

**[7]**Landscaping shall be provided in the front yard area and shall be reasonably distributed throughout the entire front yard area. Suggested plant species are referenced in Appendix A.**[8]**

**[8]**Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard setback; and as to any such equipment that is located in a side yard setback, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt from this regulation.

**[9]**Stand-alone car washes: in addition to the actual service stall (defined as areas for the actual washing, vacuuming, waxing or other servicing of the vehicle).

**[a]**Mechanical car washes shall provide five queuing spaces before each service stall and one drying space after the washing stall. Manual car washes shall provide three queuing spaces before each service stall.

**[b]**All vehicle entrances shall be from the rear of the building. All queuing shall be accommodated on the lot.

**[c]**Entrance access driveways shall not be located within 300 feet of the intersection of any two street lines or within 10 feet of any lot line.

**(f)**Specialized entertainment venues, such as theaters, arenas, performing arts centers, movie theaters, amphitheaters, aquariums, museums (cultural or popular) and other like and similar attractions.

**(g)**Enclosed active, sports-oriented entertainment/recreation elements, such as fitness centers, swimming pools, bowling alleys, skating rinks, and other like and similar attractions, excluding amusement arcades.

**(h)**Traditional open-air, active, sports-oriented entertainment/recreation elements, such as tennis courts and miniature golf courses.

**(i)**Assembly, bottling, compounding, fabrication, packaging, processing, production or repair of materials or products from previously prepared materials within a completely enclosed building wherein the activities conducted do not generate harmful or unpleasant dust, smoke, noise, odors, pollutants or recognized deleterious substances.

**(j)**Bulk standards for conditional uses.

|  | **Category** | | | **Requirement** |
| --- | --- | --- | --- | --- |
|  | Principal buildings, minimum | | |  |
|  |  | Lot area | | 40,000 square feet |
|  |  | Lot frontage | | 200 feet |
|  |  | Lot width | | 200 feet |
|  |  | Lot depth | | 200 feet |
|  |  | Side yard setback (each) | | 25 feet |
|  |  |  | For open-air miniature golf courses | 6 feet, and said side yard setbacks shall be suitably landscaped (Suggested plant species are referenced in Appendix A.) |
|  |  |  | Abutting a residential zone | 50 feet, treated with site landscaping of sufficient design and in sufficient quantity and placement to create a visual and noise buffer from abutting residential districts and uses |
|  |  | Front yard setback | | 0 feet |
|  |  | Rear yard setback | | 25 feet |
|  |  |  | Abutting a residential zone | 50 feet, treated with site landscaping of sufficient design and in sufficient quantity and placement to create a visual and noise buffer from abutting residential districts and uses |
|  | Maximum coverage of principal building | | | 40% |
|  | Accessory building, minimum | | |  |
|  |  | Distance to side line | | 10 feet |
|  |  | Distance to rear line | | 20 feet |
|  |  | Distance to other buildings | | 10 feet |
|  | Maximum lot (impervious) coverage | | | 80% |

**(k)**Additional standards for conditional uses in § **276-20G(2)(f)**, **(g)**, **(h)** and **(i)** hereinabove:

**[1]**Landscaping shall be provided in the front yard area and shall be reasonably distributed throughout the entire front yard area. Suggested plant species are referenced in Appendix A.**[9]**

**[2]**Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard setback; and as to any such equipment that is located in a side yard setback, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt to this regulation.

**[3]**Bicycle racks shall be located on the business site, with a minimum capacity of seven bicycles. No locking mechanisms need to be provided. The racks shall be located/installed in such a manner that they do not interfere with or are not located in the public/street right-of-way and/or sidewalk area.

**[4]**Minimum off-street loading; trash and garbage locations.

**[a]**The need for, location and design of off-street loading and unloading areas shall be considered and determined at the time of site plan review. Off-street loading and unloading areas shall take place on site but not in the public/street right-of-way.

**[b]**The need for, location and design of recycling, trash and garbage locations shall be considered and determined at the time of site plan review. Recycling, trash and garbage loading and unloading areas shall take place on site but not in the public/street right-of-way.

**[5]**Parking.

**[a]**Specialized entertainment venues, such as theaters, arenas, performing arts centers, movie theaters, amphitheaters, aquariums, museums (cultural or popular), and other like and similar attractions shall provide one space for every four seats.

**[b]**Traditional open-air, active, sports-oriented entertainment/recreation elements, such as tennis courts and miniature golf courses, shall provide one space per each hole, plus one space for each employee, but in all cases a sufficient number of spaces shall be provided to accommodate expected needs for any permitted recreational use.

**[c]**Assembly, bottling, compounding, fabrication, packaging, processing, production or repair of materials or products facilities shall provide one space for every 1,000 square feet or fraction thereof of gross floor area used for inside storage, plus one space for every 700 square feet or fraction thereof of gross floor area used for repair or body work or manufacturing, plus one space for every 200 square feet or fraction thereof of gross floor area used for offices.

**[d]**Drive-in restaurants, fast-food restaurants and specialty food outlets with drive-up window service for take-out fare shall provide a minimum of one space for every six seats, but in all cases, a sufficient number of spaces to prevent any parking along private driveways, fire lanes and aisles. Additionally, drive-up window service for take-out fare shall provide room for at least eight automobiles per drive-in window for queuing purposes. Outdoor seating/dining areas intended for use during spring, summer and autumn months shall not be considered when calculating the number of parking spaces required by this subsection.

**[e]**Automobile-oriented general commercial activities, such as pharmacies with drive-through windows, convenience stores with fuel-dispensing facilities, package liquor stores with drive-up window service, and like and similar activities, shall provide parking at the ratio of one space per 400 square feet of gross floor area. Additionally, drive-up window service for take-out service shall provide room for at least eight automobiles per drive-in window for queuing purposes.

**(l)**Child-care centers, as conditional uses.

**[1]**No child-care center shall be developed or operated unless it first obtains, and maintains throughout the course of the operation, a valid license from the New Jersey Department of Children and Families.

**[2]**Recommended bulk requirements. Unless stricter standards are required by the New Jersey Department of Children and Families, bulk requirements for such conditional use shall be the same as the bulk standards for permitted principal uses in the CBD Zoning District in § **276-20E** herein.

**[3]**No child-care center shall be developed or operated:

**[a]**Without an appropriate porte cochere area wherein enrolled children may be picked up or dropped off in a secured environment which is clearly separated from general street traffic.

**[b]**Without dedicated on-site parking for all employees at a ratio of one parking space per employee as well as one space for each four enrolled children in order to provide parking for parents wishing to observe the operations or meet with facility staff.

**[c]**Without a dedicated, fenced area, no higher than four feet from grade, fully secured and age-appropriate lawn areas for outdoor recreation space for enrolled children of various age groups.

**(m)**Adult businesses as conditional uses.

**[1]**Family-friendly tourism is the life-blood of the local economy. Facilitating such an atmosphere is critical if the City is to retain its economic base. Any element which negatively impacts such atmosphere represents a detriment to the City's economic base and the welfare of the community. Adult businesses have a unique potential to negatively impact such atmosphere and therefore threaten the City's economic well-being. Adult business practices that engage in or otherwise promote obscenity are prohibited. Adult business practices which do not rise to the level of obscenity, as defined by the laws of the United States of America and the State of New Jersey, are conditional uses hereby regulated in such a way as to minimize their adverse effect on the community at large, including, but not limited to, potential negative impacts on the public health, safety or welfare, economic health, community mores and values.

**[2]**Definitions. As used in this section, "adult businesses" shall have the definition that is set forth in § **276-46F**.

**[3]**Bulk standards for adult businesses as a conditional use.

|  | **Category** | | | **Requirement** |
| --- | --- | --- | --- | --- |
|  | Principal buildings, minimum | | |  |
|  |  | Lot area | | 4,000 square feet |
|  |  | Lot frontage | | 40 feet |
|  |  | Lot width | | 40 feet |
|  |  | Lot depth | | 100 feet |
|  |  | Side yard setback (each) | | 10 feet |
|  |  | Front yard setback | | 0 feet |
|  |  | Rear yard setback | | 20 feet |
|  |  |  | Abutting a residential zone or use | 30 feet, treated with site landscaping of sufficient design and in sufficient quantity and placement to create a visual and noise buffer from abutting residential districts and uses |
|  | Maximum coverage of principal building | | | 40% |
|  | Accessory building, minimum | | |  |
|  |  | Distance to side line | | 10 feet |
|  |  | Distance to rear line | | 10 feet |
|  |  | Distance to other building | | 10 feet |
|  | Maximum lot (impervious) coverage | | | 80% |

**[4]**General standards for adult businesses as a conditional use.

**[a]**Adult businesses as conditional uses as referenced herein and as further defined in § **276-7** shall be subject to the following restrictions:

**[i]**No adult businesses as conditional uses as referenced herein shall be located within 1,000 feet of a firehouse, school, lands owned and/or used by a public or private school board, public playground and/or parks, church, place of worship, hospital, public building, housing or institution and youth center. Any adult business use shall be located in buildings no closer than 200 feet to any residential use or district.

**[ii]**No two adult businesses shall be located within 600 feet of each other.

**[iii]**The hours of operation shall be from 10:00 a.m. until 11:00 p.m., Monday through Saturday only.

**[iv]**The interior of each room shall be lighted and designed in such a way that all parts of the same shall be readily visible to all store employees, such as but not limited to the sales clerk, manager, operator and/or customers moving freely within the building. No loudspeaker or sound equipment shall be used which will emit sound to the outside of the building.

**[b]**It shall be unlawful to sell, offer for sale, or display obscene material in plain sight or from any public/street right-of-way with the naked eye of any person(s). The display of obscene material, merchandise or similar activities shall be performed in a fully enclosed building, and no merchandise shall be displayed outside of an enclosed building.

**[c]**Adult businesses as conditional uses as referenced herein shall be permitted to have signs which shall be limited to lettering indicating the name, address, and general nature of the business only and shall conform in size to signs permitted within the CBD District. Advertisements and displays describing the goods or services operated within the adult business premises shall not be visible from the outside of the building, provided that the general nature of the business, such as the words "books," "motion pictures," "nightclub," "massage," "modeling studio" and similar words of general description, shall be permitted upon signs permitted hereunder. Each adult business as a conditional use as referenced herein in an individual building may have one sign attached to the building, not to exceed 30 square feet in area. Where an individual activity has direct access from the outside, a sign not exceeding four square feet identifying the name of the activity may also be attached to the building at the entrance to the activity. No signs for each adult business as a conditional use as referenced herein are permitted to be suspended over a public sidewalk.

**[d]**Special signage standards applicable to the CBD District. All nonresidential signage shall be restricted to the New Jersey Avenue side of the front building wall.

**[e]**The operator shall not display or sell any item depicting, graphically or in text, language, gestures or intent which, according to accepted standards of decency, is deemed lewd, obscene or offensive or is intended for adult audiences. Such items shall include, but are expressly not limited to, t-shirts, sweatshirts, hats or other pieces of clothing, statues, statuettes or figurines, pictures, posters, calendars or like or similar items.

**[f]**A request by any municipal official to remove any item from display shall automatically constitute a violation of this subsection. The operator shall immediately comply with any such demand. Any breach of this provision shall be considered a material breach of the land use approvals, deeds, leases and other legal documents governing the use or operation of the subject premises. Such official shall have the right to demand removal of any such item on display. The operator shall immediately comply with such demand or shall face immediate closure, subject to all remedies available at law or in equity.

**[g]**Adult businesses shall be operated solely within a fully enclosed building having not less than 600 square feet and not more than 900 square feet devoted to such use. The exterior of the business premises shall be so constructed, designed, or laid out so that no person outside the building can view the interior thereof. The doors and windows shall be kept closed, and adult products shall not be visible from the outside when the door is opened for the purpose of entering or exiting the business premises and/or in plain sight or from any public/street right-of-way with the naked eye of any person(s).

**[h]**No additional uses shall be permitted within any building which operates an adult business.

**[i]**Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard setback; and as to any such equipment that is located in a side yard setback, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt from this regulation.

**[j]**Any person or association of persons desiring to own or operate an adult business as a conditional use as referenced herein in the City of North Wildwood shall be required to file an application and obtain a mercantile license therefor and comply with all other City codes.

**[k]**Off-street parking shall be provided in accordance with the following schedule:

**[i]**One off-street parking space for each customer of the use.

**[ii]**One off-street parking space for each employee.

**(o)**Single- and two-family residential.

**[1]**Purpose. Although the purpose of the CBD as stated in the 2010 Master Plan is to provide for an appropriate mix of retail and service-oriented commercial, office and other uses, with supportive residential above, both the April 2013 and February 2014 Master Plan re-examinations recognized the continued lack of development on larger lots. The purpose of allowing single- and two-family residential as a conditional use in the CBD is to encourage development on unimproved vacant land, as well as to not exacerbate the surplus of ground floor commercial in the district. In order to minimize the potential conflict between commercial and residential uses, a whole block of frontage along New Jersey Avenue is required.

**[a]**Conditions.

**[i]**Minimum lot area: 12,000 square feet.

**[ii]**Minimum lot frontage: 200 feet along New Jersey Avenue.

**[iii]**Minimum lot depth: 60 feet from New Jersey Avenue.

**[iv]**Parcel must have been vacant for a minimum of six years preceding the date of submittal of an application.

**[v]**The entire two-hundred-foot frontage adjacent to New Jersey Avenue shall be developed with single- or two-family residential.

**[vi]**Two-family use is only permitted immediately adjacent to New Jersey Avenue.

**[vii]**Lot depth shall be measured from the numbered street.

**[viii]**Requirements for both single- and two-family development shall comply with all the requirements of the R-2 Zoning District in § **276-16**.

**[ix]**Curb cuts are not permitted on New Jersey Avenue.

**[x]**Buildings located on New Jersey Avenue may be functionally oriented toward the numbered streets, but, visually, the structure shall also orient to New Jersey Avenue. This may include doors, steps to the first floor only, varied roof lines, and architectural features such as bump outs and bay windows.

**[xi]**Large blank walls facing New Jersey Avenue are prohibited.

**[xii]**All areas not utilized for structures, parking, walkways, patios or pavers shall be landscaped with shrubs, ground cover, seeding or similar plantings. All along New Jersey Avenue, a five-foot deep landscaped area with shrubs (minimum three feet in height when planted) is required from the sidewalk. All such areas shall include automatic/mechanical irrigation (with rain sensors to prevent nonessential watering) and shall be maintained in good condition.

**[xiii]**Any fence along New Jersey Avenue, if installed, shall be set behind the five-foot landscaped area required above.

**[xiv]**Elevations that front New Jersey Avenue shall be submitted as part of the residential subdivision application.

[2] Existing non-conforming residential structures that do not front directly onto New Jersey Avenue, but which are still located within the 100ft. CBD zone along New Jersey Avenue, are permitted to utilize the bulk standards of the CBD zone or, alternatively, the residential zone that directly abuts the CBD zone.”

§ 276-20.1**OS Oceanside.**

**A.**Purpose statement.

**(1)**The purpose of the Oceanside (OS) Zoning District is to recognize the mixed-use nature of this section of the City by providing for residential, dining, lodging, recreation and entertainment uses in appropriate locations to support the City's tourist-oriented economy. The purpose of the OS Zoning District includes supporting and fostering the City's tourist economy. A critical component of such economy is the family-friendly atmosphere of the City tourism elements. As such, any element which negatively impacts such atmosphere represents a detriment to the economic health of the City and the welfare of the community.

**(2)**Consistent with the City's policies in the 2010 Comprehensive Master Plan Update ("Master Plan") to revise the City's zoning districts and regulations to reflect existing development patterns and land uses, the OS Zoning District includes a portion of the former R-1/OB-2 Zone.

**B.**Principal permitted uses on the land and in buildings:

**(1)** Detached single-family dwelling units.

**(2)**Single-family semidetached (duplex) dwelling units (see § **276-7**, Definitions).

**(3)**Two-family stacked (multistory) dwelling units (see § **276-7**, Definitions).

**(4)**Triplex dwelling units (see § **276-7**, Definitions).

**(5)**Bed-and-breakfast establishments.

**(6)**Public parking lots.

**(7)**Retail sales of goods customarily required/desired by the City's tourist visitor base, including, but not limited to, beach accessory, bicycle and water-sport sales and rental (with bicycle repair); hobby and craft items; books; photographic and video items; seashore-related clothing and dry goods; antiques; artworks; toys; gifts; novelties, notions and variety items; jewelry; and like and similar items. Such use shall be construed to include sales or rental venues (storefronts) for off-site pickup or activity.

**(8)**Specialty food and beverage outlets, such as bakeries, candy stores, ice cream parlors and like and similar uses. Such establishments may be enclosed or open-air and serve in a dine-in or take-out manner.

**(9)**Enclosed or open-air, active, sports-oriented entertainment/recreation elements, such as tennis courts, fitness centers, swimming pools, surfing pools, waterparks, miniature golf courses, bowling alleys, skating rinks, batting cages, active recreation simulators, and other like and similar attractions, excluding amusement arcades.

**(10)**Retail sales of services customarily required/desired by the City's tourist visitor base, including, but not limited to, barber, beauty and nail services; specialized day spa services; and like and similar personal services.

**(11)**Specialized entertainment/recreation elements, such as theaters, arenas, amphitheaters, aquariums, museums (cultural or popular), themed attractions, and other like and similar attractions.

**(12)**Publicly oriented tourist information centers, public safety stations for municipal service providers, public restrooms and other public purpose uses.

**(13)** Wireless antennas provided that new antennas utilize co-location or are installed on existing structures.

**C.**Conditional uses permitted:

**(1)** Child-care centers.

**(a)**No child-care center shall be developed or operated unless it first obtains, and maintains throughout the course of the operation, a valid license from the New Jersey Department of Children and Families.

**(b)**Required bulk requirements. Unless stricter standards are required by the New Jersey Department of Children and Families, bulk requirements for such conditional use shall be the same as the bulk requirements for permitted principal uses in the CBD Zoning District, § **276-20E** referenced herein.

**(c)**No child-care center shall be developed or operated:

**[1]**Without an appropriate porte cochere area wherein enrolled children may be picked up or dropped off in a secured environment which is clearly separated from general street traffic.

**[2]**Without dedicated on-site parking for all employees at a ratio of one parking space per employee as well as one space for each four enrolled children in order to provide parking for parents wishing to observe the operations or meet with facility staff.

**[3]**Without a dedicated, fenced area, no higher than four feet from grade, fully secured and age-appropriate lawn areas for outdoor recreation space for enrolled children of various age groups.

**(2)**Hotels and motels, as defined in § **276-7**, located exclusively along John F. Kennedy Boulevard between 2nd Avenue and 15th Avenue. Where abutting the Boardwalk, the Boardwalk-level frontage shall consist of permitted principal or accessory uses which are oriented to and directly accessed from the Boardwalk.

**(a)**Conditional use standards applicable to hotels and motels in the OS Zoning District:

**[1]**Hotels and motels abutting the beach, Boardwalk or John F. Kennedy Avenue may rise to 60 feet in height from the base flood elevation (BFE).

**[2]**The facades of hotels and motels abutting the beach, Boardwalk or John F. Kennedy Avenue shall consist of permitted principal or accessory uses and not back-of-the-house functions.

**(3)**Restaurants, bars, (defined as an establishment serving alcoholic beverages but not food), taverns (defined as an establishment serving alcoholic beverages and cooked-to-order food which is prepared and served on the premises), lounges and poolside kiosks as part of a hotel or motel permitted as a conditional use in the zoning district, including those serving alcoholic beverages, provided that such alcohol service is not located on areas or yards fronting the beach, Boardwalk or John F. Kennedy Avenue Boardwalk and thereby falling under the requirements herein. Such establishments may be enclosed or open-air and serve in a dine-in or take-out manner.

**(4)**Restaurants serving alcoholic beverages in the OS Zoning District. Restaurants serving alcoholic beverages shall be permitted in the OS Zoning District as conditional uses only, and only when the owner of the license complies with the following conditions and executes a written agreement with the City of North Wildwood agreeing to be bound by these conditions, unless or until same are vacated or modified:

**(a)**The restaurant must have a minimum of 100 seats for the service of meals.

**(b)**A patron may not remove alcoholic beverages from the restaurant premises at any time. No package good sales are permitted.

**(c)**The restaurant shall contain separate restroom facilities for men and women.

**(d)**The restaurant must be a full-service restaurant furnishing complete dinners with soup, salad, main entree, vegetables and dessert.

**(e)**The restaurant shall not use paper, plastic or other disposable plates, dishes, cups, containers, knives, forks, or spoons for the service or consumption of food or alcoholic beverages.

**(f)**Restaurants are permitted to have a separate customer waiting bar for the service of restaurant customers so long as the bar is within the confines of the restaurant. There shall be no exterior entrances to the bar, and the only means of access to the bar shall be first through the restaurant. The total number of seats at the bar shall not exceed 10% of the total number of seats in the restaurant for the service of meals.

**(g)**Sale of alcoholic beverages shall only be permitted between the hours of 10:00 a.m. and 1:00 a.m., prevailing time, and no consumption of alcoholic beverages shall be permitted within the restaurant after 1:30 a.m. and prior to 10:00 a.m., prevailing time.

**(h)**Live entertainment shall be limited to three musicians and three musical instruments played at one time, and the music shall be subdued background music, played low enough so as not to interfere with the patrons' dinner conversation.

**(i)**No more than three restaurants serving alcoholic beverages shall be permitted in the OS Zoning District. Hotel/motel licenses are exempt from this total.

**(j)**All regulations of the Alcoholic Beverage Control Authority and all regulations contained in Chapter **114** of the Code of the City of North Wildwood, to the extent not inconsistent with these conditions, shall remain applicable to the restaurant.

**(k)**No signs encouraging or promoting the sale and consumption of alcoholic beverages shall be permitted on the premises, except that one sign of an area not to exceed 10 square feet, per side, may be placed upon the premises, which sign may only refer to alcoholic beverages in words associated with dinner, such as "dinner, wine and cocktails."

**(l)**Approval of the transfer of a liquor license to the OS Zoning District must be approved by the City Council after approval of the conditional use by the Planning Board, which approval shall be subject to the approval of the transfer of the liquor license.**D.**Accessory structures and accessory uses permitted:

**(1)**Such ancillary uses as are normal and customary to a permitted principal use in a family-oriented, seashore environment, including, but not limited to, tennis courts, fitness centers, swimming pools, bathhouses and changing areas.

**(2)**Off-street parking (see § **276-20.1H** hereinbelow and § **276-35**).

**(3)**Fences and walls (see § **276-30**).

**(4)**Signs (see § **276-20.1I** hereinbelow and § **276-40**).

**(5)**Garages and storage buildings.

**(6)**Home occupations (see § **276-7** for definitions and requirements).

**(7)**Satellite dish antennas. All satellite dish antennas shall be no larger than four feet in diameter, located on the principal structure, or as an accessory structure meeting accessory structure yard requirements stated below and located in the rear yard. For all practical purposes, satellite dish antennas shall not be seen from the front facade of the building or the street right-of-way.

**(8)**Public utility cabinet(s) not exceeding three feet in height, with adequate landscaping screening as necessary and not located in a sight triangle easement at street corner intersections. It is recommended that public utility cabinet(s) be located underground in watertight vaults. Suggested plant species are referenced in Appendix A.**[1]**

**(9)**Automated teller machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building, it being the intent not to permit freestanding exterior ATM kiosks. ATM kiosks wholly located and accessed from the interior of a building are permitted.

**(10)**Christmas tree sales. The annual sale of Christmas trees is permitted between December 1 and December 25, inclusive.

**(11)**Public election voting places. The provisions of this chapter shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

**(12)**Outdoor dining areas with tables on the sidewalk in front of or on the side of the permitted and conditional use premises. Outdoor dining areas shall take place on site but not be located in the public sidewalk and/or public/street right-of-way for the premises, unless approved by Mayor and Council. Outside tables and seats may be situated outside of the building on the parcel/lot but not in the public/street right-of-way, unless approved by Mayor and Council. No operation of a business in the OS Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway, unless approved by Mayor and Council.

**(a)**The hours of operation of outdoor dining areas shall be limited to the hours of operation of the associated restaurant. In no event shall the hours of operation go past 3:00 a.m.

**(b)**Outdoor dining is separate from a sidewalk cafe, as it is defined as any part of a food establishment located outdoors. Outdoor dining is permitted in locations subject to the exclusive approval of the Mayor and Council. The inclusion of outdoor dining will not require any additional parking based upon the number of permitted tables and/or permitted seats.

**(c)** Parklets shall be permitted in locations subject to the exclusive approval of the Mayor and Council.

**(d)**Adequate lighting shall be provided to promote safe passage of pedestrians and for patrons.

**(e)**Awnings and/or umbrellas may be used in conjunction with the outdoor dining areas. Awnings shall be adequately secured. Awnings, including supporting structures, must be within the property line. The bottom of the awning shall be seven feet from the ground.

**(13)**Solar energy systems (see Article **XII**).

**(14)**Temporary construction trailers and one sign, not exceeding 50 cumulative square feet, advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction, beginning with the issuance of a construction permit and concluding with the issuance of a certificate of occupancy or one year, whichever is less, provided said trailer(s) and sign are on the site where construction is taking place and set back at least 10 feet from all street and lot lines.

**E.**Area and yard requirements; building height limitations.

|  | | | **Requirement** | | | |
| --- | --- | --- | --- | --- | --- | --- |
|  | | | **Residential Uses** | | |  |
| **Category** | | | **Single-Family Detached** | **Single-Family Semidetached (Duplex) and 2-Family Stacked (Multistory)** | **Triplex** | **Nonresidential Uses** |
| Principal building, minimum | | |  |  |  |  |
|  | Minimum lot area | | 4,000 square feet | 6,000 square feet | 8,000 square feet | 6,000 square feet |
|  | Minimum lot frontage | | 40 feet | 60 feet | 80 feet | 60 feet |
|  | Minimum lot width | | 40 feet | 60 feet | 80 feet | 60 feet |
|  | Minimum lot depth | | 100 feet | 100 feet | 100 feet | 100 feet |
| Setbacks1 (except where abutting the beach, Boardwalk or J.F.K. Avenue) | | |  |  |  |  |
|  | Side yard (each)2 | | 6 feet | 10 feet | 10 feet | 8 feet3 |
|  | Front yard2, 4 | | 10 feet | 10 feet | 10 feet | 10 feet |
|  | Rear yard2 | | 10 feet | 10 feet | 10 feet | 15 feet |
|  | Beach/Boardwalk2 | | 10 feet | 10 feet | 10 feet | 0 feet |
|  | J.F.K. Avenue5 | | 10 feet | 10 feet | 10 feet | 10 feet |
| Maximum impervious lot coverage | | | 80% | 80% | 80% | 80% |
| Maximum building coverage | | | 70% | 70% | 70% | 80% |
| Accessory building, minimum (No accessory building shall abut the beach or J.F.K. Avenue) | | |  |  |  |  |
|  | Distance to side line | | 4 feet | 4 feet | 4 feet | 4 feet |
|  | Distance to rear line | | 4 feet | 4 feet | 4 feet | 4 feet |
|  | Distance to other buildings | | 8 feet | 8 feet | 8 feet | 8 feet |
|  | **Category** | | **Requirement**  **Conditional Uses**  **Hotels and Motels** | | | |
|  | Principal building, minimum | |  | | | |
|  |  | Minimum lot area | 10,000 square feet | | | |
|  |  | Minimum street frontage | 100 feet | | | |
|  |  | Lot width | 100 feet | | | |
|  |  | Lot depth (absolute) | 100 feet | | | |
|  | Maximum building coverage | | 75% | | | |
|  | Maximum lot (impervious) coverage | | 80% | | | |
|  | At-grade setbacks (subject to the building envelope restrictions established herein) | | | | | |
|  |  | Beach frontage | Base flood elevation to 15 feet from BFE: 0 feet | | | |
|  |  | Boardwalk frontage | Base flood elevation to 15 feet from Boardwalk level: 0 feet | | | |
|  |  | J.F.K. Avenue frontage | 10 feet | | | |
|  |  | Numbered avenue6 | Base flood elevation to 48 feet from BFE: 8 feet | | | |
|  |  | Surf Avenue or Ocean Avenue | Base flood elevation to 48 feet from BFE: 8 feet | | | |
|  |  | Eastern and western yards (when not abutting the beach, Boardwalk, Surf, Ocean or J.F.K. Avenue) | 15 feet | | | |
|  | Maximum building height, detached single-family dwelling units; single-family semidetached (duplex) dwelling units; two-family stacked (duplex) dwelling units; triplex dwelling units | | No building height shall exceed 36 feet in height from the base flood elevation (BFE) or three stories, whichever is less, except that churches and schools shall not exceed 55 feet and except further as allowed in § **276-47** of this chapter. The following structures may be erected above the heights prescribed by this section, but in no case shall the height of any of these appurtenances exceed a height equal to 10% more than the maximum height permitted for the particular use at issue: | | | |
|  |  |  | (a) | Mechanical rooms and other roof structures for the housing of stairways, tanks, ventilating fans, HVAC equipment or similar equipment required to operate and maintain the building. | | |
|  |  |  | (b) | Skylights, spires, cupolas, flagpoles, chimneys or similar structures. | | |
|  |  |  | (c) | Safety enclosures of rooftop areas of hotels and motels used for sundecks and other recreational purposes. | | |
|  |  |  | Cellular telephone antennas and/or associated equipment are expressly excluded from this provision. | | | |
|  | Maximum building height (subject to the building envelope restrictions established herein), conditional uses, hotels and motels | | 60 feet. Fully screened mechanical rooms or other roof structures for the housing of stairways, tanks, ventilating fans, air-conditioning or similar equipment required to operate and maintain the building; telecommunications antennas, satellite dishes and related systems; skylights, spires, cupolas, flagpoles, chimneys or similar architectural features may be erected above the heights prescribed herein to a maximum of 20% of such heights, provided that the screening is found acceptable by the Planning Board.  Similarly, project identification signage may be erected above the heights prescribed herein to a maximum of 10% of such heights, provided that, at the sole discretion of the Planning Board , such signage contributes to the iconographic architectural identity of the project. | | | |
|  | Building envelope (in addition to the at-grade setbacks established herein) | | | | | |
|  |  | Any portion of a structure abutting the beach or Boardwalk | 15 feet from the beach/Boardwalk level  Thereafter, the structure shall step back 2 feet of horizontal distance from the westerly vertical plane of the beach/Boardwalk for every 1 foot of building height until it intersects its maximum building height or a lower portion of the building envelope. | | | |
|  |  | Any portion of a structure abutting J.F.K. Avenue | No building envelope restriction | | | |
|  |  | Any portion of a structure abutting a numbered avenue6 | In addition to the building envelope established by the beach, Boardwalk, Surf/J.F.K. or eastern/western yard building height restrictions, step backs are required, at a minimum, at the 48-foot level (provided the structure, or portion thereof, reaches such heights)7 | | | |
|  |  | Any portion of a structure abutting Surf Avenue or Ocean Avenue | 48 feet from base flood elevation  Thereafter, the structure shall step back at a 30° angle from the vertical plane of the structure until it intersects with its maximum building height or a lower portion of the building envelope. | | | |
|  |  | Eastern and western yards (when not abutting the beach, Boardwalk, Surf, Ocean or J.F.K. Avenue) | No building envelope restriction. | | | |

|  | NOTES: | |
| --- | --- | --- |
|  | 1 | For the purposes of this section, setbacks shall be clear, unoccupied and unobstructed space measured at right angles between a lot line and the building envelope and shall extend from grade to sky, except for the permitted encroachments detailed in § **276-20.1F** herein, provided that such encroachments do not inhibit the free flow of pedestrian traffic. |
|  | 2 | Existing stairs and porches may be replaced with identical stairs and porches regardless of the setback requirements herein. |
|  | 3 | Zero feet where adjoining structures are constructed with a common party wall, provided that access to the rear of each side of the structure is maintained via a service alley, and further provided that the parking requirements for each use are maintained via a shared parking or similar arrangement. |
|  | 4 | For renovations and/or additions to existing structures only, open porches, stairs and/or steps providing access to the first floor only shall be permitted to extend an additional three feet into the required front yard setback distance but must be set back a distance of four feet from all street and property lines. For new construction/reconstruction of open porches, stairs and/or steps, they must meet applicable zoning requirements and shall require a zoning and/or construction permit, as applicable, in order to permit construction in this regard. |
|  | 5 | Regardless of whether front, side or rear yard. |
|  | 6 | E.g., 24th Avenue, regardless of whether the elevation is a front, side or rear yard. |
|  | 7 | Specific step backs are not dictated but shall be appropriate to the architecture of the project. However, a minimum step back equal to the at-grade setback is recommended, unless it can be demonstrated, to the Board's satisfaction, that a step back of less than the at-grade setback provides a more-appropriate design in light of the visual impact from grade, the degree of shadow impact and the totality of the aesthetics of the building. Deviations from such minimum shall be considered a variance. Such articulation need not be on the same horizontal plane and should be designed to provide differentiation and interest to the structure's massing. |

**F.**Design standards. The following design standards shall be considered by the Planning Board, at the time of site plan review in order to enhance the City's tourist economic base while creating an attractive and inviting pedestrian-scaled environment in the OS Zoning District. Such standards shall apply to all development in the zone, regardless of whether such development is for a permitted use or a conditional use, as described herein. While this chapter does not mandate a specific theme for a development in the OS Zoning District, designers are strongly encouraged to recognize the historic setting of North Wildwood as a family-oriented seashore resort when selecting a design theme. The following regulations shall be treated as design elements subject to variance relief.

**(1)**The entirety of all building elevations fronting the beach, Boardwalk, a numbered avenue (e.g., 24th Avenue) Surf, Ocean or J.F.K. Avenue, regardless of building height, shall be considered a front yard and primary elevation, with facades and appurtenances treated accordingly.

**(2)**Western and eastern elevations of all buildings which do not front the beach, Boardwalk, a numbered avenue, Surf, Ocean or J.F.K. Avenue, when visible from a public right-of-way, including the Boardwalk (i.e., above the height of adjacent buildings, whether present or prospective), shall be considered a front yard and primary elevation, with facades and appurtenances treated accordingly. All building elevations, including those of accessory buildings, shall coordinate form, materials, color and detailing to achieve design harmony and continuity.

**(3)**In considering facade treatment, the applicant/developer is encouraged to include a combination of rich detailing, texture, shadow lines and color. Such treatment may include, but need not be limited to:

**(a)**Awnings and canopies.

**(b)**Building articulation.

**(c)**Coping, fascia, soffits and architectural filigree.

**(d)**Signage.

**(e)**Use of color, light and shadows.

**(f)**Other aesthetic features consistent with the Design Guidelines for the Wildwoods Boardwalk (Appendix XX), as applicable.**[2]**

**(4)**The above notwithstanding, the main entrance to a development in the OS Zoning District need only be located on a single elevation, with facades and appurtenances treated accordingly.

**(5)**In order to create an attractive and inviting pedestrian-scaled environment in the OS Zoning District, long runs of blank, unarticulated or unadorned walls, at the pedestrian level or above, are prohibited. Designers are encouraged to include both horizontal and vertical building articulation, combinations of windows (faux or real), architectural detailing and ornamentation to create an attractive and exciting design on all building facades. In furtherance of this requirement:

**(a)**No exterior building wall shall have an uninterrupted horizontal run along a single plane for more than 50 linear feet, and no exterior building wall shall have an uninterrupted vertical run for more than 24 feet. The intent of this regulation may be achieved via structural or ornamental treatment.

**(b)**Horizontal articulation of rooflines is strongly encouraged.

**(c)**While glass elements are permitted as architectural features, blank walls and the use of glass curtain wall construction are prohibited.

**(d)**Where the exterior wall(s) of a building abut an adjacent residential use, the facade shall be heavily landscaped and buffered from such residential use.

**(e)**It is the City's intention not to permit traditional, open parking decks wherein parked vehicles are visible to the public from any right-of-way. Window-like cutouts and/or other architectural elements are required so as to resemble hotel/motel units while providing for garage ventilation as necessary.

**(f)**Beach/Boardwalk frontage. In order to maximize the vibrancy of this significant frontage:

**[1]**The entire beach/Boardwalk frontage of a development shall be devoted to active permitted principal uses, including, but not limited to, retail and/or food and beverage uses or accessways to a hotel/motel lobby and registration area, if applicable.

**[2]**Such beach/Boardwalk frontage shall include clear storefront glass (which may be tinted) areas to display the nature of the use within and produce an interesting pedestrian streetscape. Such windows may be either typical large, single panes or multiple smaller panes separated by mullions.

**[3]**Each individual use shall be oriented to and have its own independent entryway from the beach/Boardwalk. Frontages may either have identical designs to reinforce the overall design of the building or varied designs to express individual uses.

**[4]**Only restaurants, permitted retail and commercial uses, banquet or dining rooms, conference rooms, swimming pools and like and similar amenities shall be located along the fifteen-foot-high, zero-setback portion of the facade described in § **276-20.1E**hereinabove, it being the intention to buffer lodging units from the boisterous environment of the beach/Boardwalk.

**(g)**Awnings and canopies servicing beach/Boardwalk-level commercial space may extend into the beach or Boardwalk right-of-way no further than four inches from the face of the building at Boardwalk level.

**(h)**Street frontages.

**[1]**With the exception of ground-floor garage entry- and exitways, the ground-floor frontage of all structures within the zone abutting a numbered avenue, Surf Avenue, Ocean Avenue or J.F.K. Avenue shall be devoted to active uses or shall be designed as a decorative streetscape with such treatment and features as may be required to provide a sense of excitement and vibrancy along an otherwise lifeless facade.

**[2]**Excessive building runs on the same plane at the ground-floor level shall be avoided. A combination of building articulation, facade differentiation and other architectural treatments shall be required to provide the illusion of active uses (e.g., storefronts).

**[3]**Where designed as an active use, such ground-floor frontage shall include clear storefront glass areas to display the nature of the use within. Such windows may be either typical large, single panes or multiple smaller panes separated by mullions.

**[4]**Each individual use shall have its own independent entryway from the right-of-way. Frontage may either have identical designs to reinforce the overall design of the building or varied designs to express individual uses.

**[5]**With the exception of the decorative streetscape treatments described herein, sidewalks shall extend from the building facade to the curb.

**[6]**For the purposes of this section, setbacks shall be clear, unoccupied and unobstructed space measured at right angles between a lot line and the building envelope and shall extend from grade to sky, except for the following permitted encroachments, provided that such encroachments do not inhibit the free flow of pedestrian traffic:

**[a]**Such permitted encroachments shall apply to at-grade setbacks and to the stair-step setbacks associated with maximum building height.

**[b]**Setbacks shall be construed as minimum distances. Greater setbacks are permitted, provided that the specific distances and design relate to the architecture of the subject building elevation, and further provided that the setback area is heavily treated with a combination of elements designated by an asterisk (\*). Setbacks shall not apply to vacated rights-of-way.

**[c]**Awnings and canopies servicing street-level commercial space may extend into a public right-of-way at a distance approved by the Planning Board, as applicable.

**[i]**Awnings, canopies\* and porte cocheres.\*

**[ii]**Ornamental architectural features.\*

**[iii]**Flag/banner poles.

**[iv]**Pedestrian walkways, breezeways and atria.

**[v]**Bicycle racks,\* benches,\* trash receptacles\* and other street furniture.\*

**[vi]**Parking areas and access drives thereto.

**[vii]**Tables for alfresco dining.\*

**[viii]**Signage and lighting.

**[ix]**Fences and landscaping.\*

**(i)**Screening.

**[1]**Delivery and loading areas, mechanical equipment, garbage and recycling storage and similar back-of-the-house functions shall be enclosed within the building to the extent practicable. Otherwise, such functions shall be screened so as not to be visible from any public right-of-way or adjacent property.

**[2]**All solid waste not stored within a building shall be stored within an enclosed container.

**[3]**Pergolas, trellises or other screening above parked vehicles is required where exposed flat roofs are used as parking decks and for mechanical and related items.

**[4]**With the exception of miniature golf courses or similar outdoor sporting venues, no merchandise, products, equipment or similar materials or objects shall be displayed or stored outside.

**(6)**For hotels and motels, the following standards are applicable:

**(a)**The public lobby, registration (check-in) and information station (front desk) serving a hotel and/or motel in the OS Zoning District may have its public entrances on any building elevation, regardless of whether such entrance fronts a numbered avenue, Surf, Ocean or J.F.K. Avenue or the western or eastern (if not fronting the beach or Boardwalk) facade of the building. Additionally, hotels and motels fronting the beach or Boardwalk shall be designed with direct access to the lobby and registration area from the beach or Boardwalk.

**(b)**Delivery and loading areas, mechanical equipment, garbage and recycling storage and similar back-of-the-house functions shall be enclosed within the building and shall be screened so as not to be visible from any public right-of-way or adjacent property.

**(c)**Each hotel or motel dwelling unit shall provide a minimum of 250 square feet of net habitable floor area for each unit containing one sleeping room and one bathroom and 350 square feet of net habitable floor area for each unit containing one sleeping room, one bathroom and cooking facilities. There shall be a residency limitation on all guests of 30 days, provided that the residency limitation shall not apply to an employee living on the premises.

**(d)**A permanent on-site superintendent's apartment or living quarters shall be permitted within a hotel or motel and shall be included in the calculation of the permitted density and the number of units with cooking facilities.

**(7)**Special standards for residential buildings.

**(a)**Dwelling units shall be a minimum of 20 feet wide.

**(b)**The front facade of every unit on the same building level must be offset by a minimum of five feet from the neighboring unit. All side walls of a building must contain bumpouts of at least two feet and no more than five feet for at least 30% of the length of the wall and no more than 50% of the length of the wall, but no single bumpout shall exceed 12 feet in length.

**(c)**There shall be no exterior open stairways. Open steps are permitted to access the first floor only.

**(d)**All exposed framing members of decks shall be painted or covered to match the building facade.

**(8)**Public parking lots.

**(a)**Public parking lots shall be no closer than six feet to any lot line, and said area shall be suitably landscaped. Landscaped islands, triangles or strips planted with shrubbery and trees shall be distributed throughout the parking lot in order to break the view of rows of parked cars but in a manner not impairing visibility.

**(b)**Any public parking lot open for business after dark will be illuminated with lamps and lighting fixtures with shielding to prevent light spillage into adjacent residential uses, which must emit a minimum of one footcandle between the hours of 1/2 hour after sunset to 1/2 hour before sunrise, except when the parking lot is empty.

**(c)**All paid public parking lots shall be paved with macadam or concrete with striped parking spaces no less than nine feet by 18 feet. The parking lot surface shall be maintained in a clean and level fashion.

**(d)**Public parking lots shall be licensed by the City of North Wildwood and conform to applicable codes of the City.

**G.**General requirements.

**(1)**All buildings on a single site shall be compatibly designed, whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes. No building wall, except for hotels/motels, that faces a street shall exceed 70 feet in length along said street.

**(2)**Merchandise, products, equipment or similar materials or objects can be displayed or stored outside so long as the merchandise, products, equipment or similar materials or objects shall be located/installed in such a manner that they do not interfere with and are not located in the sidewalk area to prevent free travel of pedestrians. No operation of a business in the OS Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway.

**(3)**Bicycle racks shall be located on the business site, with a minimum capacity of seven bicycles. No locking mechanisms need to be provided. The racks shall be located/installed in such a manner that they do not interfere with and are not located in the public/street right-of-way and/or sidewalk area.

**(4)**Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard setback; and as to any such equipment that is located in a side yard setback, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt from this regulation.

**(5)**No building or addition constructed thereon shall be constructed under this subsection on a lot less than 30 feet wide without variance relief.

**(6)**All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeded or similar plantings and maintained in good condition. Landscaping shall be provided in the front yard area and shall be reasonably distributed throughout the entire front yard area. Suggested plant species are referenced in Appendix A.**[3]**

**H.**Minimum off-street parking. Each individual use shall provide parking spaces according to the following minimum provisions. Where a permitted use of land includes different specific activities with different specific parking requirements, individually computing the parking requirements for each different activity and adding the resulting numbers together shall obtain the total number of required parking spaces.

**(1)**Residential uses referenced herein at § **276-20.1B** shall provide parking spaces in accordance with the standards established by the New Jersey Residential Site Improvement Standards (RSIS) (N.J.S.A. 5:21-1 et seq.). RSIS standards include parking requirements for residential uses based on unit (bedroom) size. If the applicant/developer does not specify the number of bedrooms per dwelling unit, then each dwelling unit shall be subject to the RSIS parking space requirements for a four-bedroom dwelling unit.

**(2)**Bed-and-breakfast establishments shall provide one space per sleeping room, plus two spaces for the permanent living quarters of the owner.

**(3)**Public parking lots: as determined by site plan review.

**(4)**Permitted uses such as those uses listed in § **276-20.1B(6)**, **(7)**, **(8)**, **(10)** and **(11)** shall provide parking at the ratio of one space per 400 square feet of gross floor area.

**(5)**Enclosed or open-air, active, sports-oriented entertainment/recreation elements, such as tennis courts, fitness centers, swimming pools, surfing pools, waterparks, miniature golf courses, bowling alleys, skating rinks, batting cages, active recreation simulators, and other like and similar attractions, shall provide one space per 250 square feet of gross floor area, plus one space for each employee, but in all cases a sufficient number of spaces shall be provided to accommodate expected needs for any permitted recreational use.

**(6)**Hotels and motels shall provide parking as follows:

|  | **Room Size**  **(square feet)** | **Parking Spaces**  **(per unit)** |
| --- | --- | --- |
|  | Under 375 | 1.1 |
|  | 376 to 800 | 1.25 |
|  | 801 to 1,250 | 1.5 |
|  | Over 1,250 | 2.0 |
|  | Plus 1 space for every 10 seats provided in an ancillary restaurant | |

**(a)**Freestanding parking garages or storage sheds are not permitted as part of a motel development. Accordingly, all garages and storage structures shall be physically attached to the motel. It is the City's intention not to permit traditional, open parking decks wherein parked vehicles are visible to the public from any right-of-way. Window-like cutouts and/or other architectural elements are required so as to resemble hotel/motel units while providing for garage ventilation as necessary. Parking garages may be attached by way of an enclosed walkway, which may be elevated or at grade. Off-site parking lots can be located off-site from the motel development within the block hosting the subject property and the block frontage facing the subject property.

**(b)**Restaurants, bars and/or taverns associated with a hotel or motel shall provide a minimum of one space for every six seats, but in all cases a sufficient number of spaces to prevent any parking along private driveways, fire lanes and aisles. Outdoor seating/dining areas intended for use during spring, summer and autumn months shall not be considered when calculating the number of parking spaces required by this subsection.

**(c)**For the purpose of this section:

**[1]**The term "block hosting the subject property" shall mean the entirety of the block on which the property proposing the expansion of multifamily development units is located; and

**[2]**The term "block frontage facing the subject property" shall mean the (typically 1/2) portion of the block across the street from the subject property between intersecting streets.

**(7)**Child-care centers shall provide parking at a ratio of one parking space per employee, plus one additional parking space for every eight children. Adequate spaces shall be provided for the loading and unloading of children, which shall take place on site and not in the public right-of-way.

**(8)**Outdoor seating/dining areas intended for use during spring, summer and autumn months shall not be considered when calculating the number of parking spaces required by this subsection.

**(9)**Shared parking use of open parking lots with other permitted uses of the OS Zoning District is highly encouraged.

**(10)**See § **276-35** (requirements for parking) for additional standards.

**I.**Permitted signs.

**(1)**General signage standards. The following design standards shall be considered by the Planning Board, as the case may be, at the time of site plan review:

**(a)**While not located on the Boardwalk, the signage section of the Design Guidelines for the Wildwoods Boardwalk (Appendix XX and referenced and incorporated herein)**[4]** shall serve as the philosophical underpinnings for the standards for signage in the OS Zoning District, with specific standards established accordingly hereinbelow. All exterior signs shall identify uses, activities or functions of the development on which the sign is located. No advertising of any product, use or activity outside of the development shall be permitted.

**(b)**Signage for similar project elements shall be coordinated and similarly themed to provide a unifying style. All signs for individual uses shall conform in character with all other signs in the complex and shall blend with the overall architectural scheme of the district.

**(c)**This regulation shall not be construed to mean that all signs must be identical or to prohibit unique sign designs where necessary and appropriate, but rather that, absent specific justification (i.e., branding/themeing requirements for themed retail outlets or food and beverage outlets), sign design shall be complimentary and consistent.

**(d)**No vacant signs or sign boxes shall be permitted. Where vacancies occur, corresponding signage shall be immediately replaced with general development or other appropriate signage. Similarly, any sign which falls into a state of disrepair shall immediately be repaired or replaced.

**(e)**This regulation shall not be construed to include intentional removal of sign faces in the off-season, which is a typical practice along the Wildwoods Boardwalk. However, upon any such intentional removal, an aesthetically treated replacement panel shall be employed so as not to leave a visibly vacant sign box.

**(f)**All signs must be professionally designed and constructed. Homemade-type plywood, coroplast or cardboard signs or home-computer-generated-type signs are expressly prohibited.

**(g)**Sign lighting shall be appropriate for the type and style of sign proposed and may include LED, neon or other illumination. Similarly, the use of neon lighting or similar material to create sculptural logo or iconographic images is encouraged.

**(h)**No restrictions are established for interior project signage (defined as the interior wall area of a project, whether within an enclosed structure or on the inward-facing frontage of a structure internal to a project.). Developers are encouraged to establish a creative interior sign package consistent with the type and scope of project proposed.

**(2)**Project identification signage. Each individual use in an individual building may have one sign attached to the building not exceeding an area equivalent to 25% of the front facade of the business to which it is attached or 150 cumulative square feet, whichever is smaller. Where an individual activity has direct access from the outside, a sign not exceeding four square feet identifying the name of the activity may also be attached to the building at the entrance to the activity, exclusive of the cumulative sign square-foot requirement.

**(3)**See § **276-40** (requirements for signs) for additional standards.

**J.**Minimum off-street loading; trash, recycling and garbage locations.

**(1)**The need for, location and design of off-street loading and unloading areas shall be considered and determined at the time of site plan review. Off-street loading and unloading areas shall take place on site but not in the public/street right-of-way.

**(2)**The need for, location and design of trash and garbage locations shall be considered and determined at the time of site plan review. Recycling, trash and garbage loading and unloading areas shall take place on site but not in the public/street right-of-way. All solid waste not stored within a building shall be stored within an enclosed container.

**(3)**Each use must include provisions for the collection, disposition and recycling of recyclable materials, including newspapers, leaves, white high-grade paper, glass bottles and jars, aluminum, corrugated cardboard, and tin and bimetal cans. The amount of recyclable material generated weekly by each use shall be quantified and reviewed during site plan review to determine whether the storage area to contain a week's accumulation of recyclable material is adequate in size and location. The storage area shall be designed for truck access for pickup of materials and be suitably screened from view if located outside a building.

**(4)**Recycling, trash and garbage loading and unloading areas shall be marked with yellow cross-striping pavement markings and marked with signage as "No Parking or Standing Zones" if adjacent to automobile traffic or parking areas.

**(5)**For hotels/motels, delivery and loading areas, mechanical equipment, garbage and recycling storage and similar back-of-the-house functions shall be enclosed within the building and shall be screened so as not to be visible from any public right-of-way or adjacent property.

§ 276-21**SC Shopping Center.**

**A.**Purpose statement.

**(1)** The purpose of the Shopping Center Zone is to provide for an appropriate mix of retail-oriented commercial, office and other uses designed to support the needs of the residents and businesses of the City of North Wildwood as well as those of the Wildwoods in general.

**(2)**The zone boundary lines for the SC Zoning District are to be modified to reflect current parcel geometry.

**B.**Principal permitted uses on the land and in buildings:

**(1)**Regionally oriented commercial activities, defined as uses designed to provide for the needs of the citizens and visitors to the Wildwoods. Examples include: supermarkets; pharmacies (with drive-through); convenience stores with or without fuel-dispensing facilities; general retail, dry-goods stores; package liquor stores (with drive-through); "big-box" retail, appliance, furniture or home improvement stores; department stores; "chain"/franchise hobby stores, sporting goods stores, including bicycle sale, rental and repair, pet stores, toy stores and bookstores; financial institutions with drive-through facilities, such as banks and loan offices; video rental and sales (with drive-through); and like and similar activities.

**(2)**Regionally oriented service activities, defined as uses designed to provide for the needs of the citizens and visitors to the Wildwoods. Examples include; hair and nail salons, barber- and beauty shops; day spas and similar personal services; tailor and shoe repair shops; retail dry cleaners (no commercial cleaning on the premises); general appliance repair; upholstery/furniture repair; and like and similar activities.

**(3)**Grocery and specialty food stores. Examples include: bakeries, candy stores, and meat or seafood markets.

**(4)**Professional, legal, tax, real estate, administrative, contracting, construction, property management and consulting services offices, including medical and dental complexes; additionally, administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or federal governmental services.

**(5)**Eating and drinking establishments, including restaurants, defined as non-alcoholic-beverage-served restaurants with sit-down table service, drive-in restaurants, fast-food restaurants and specialty food outlets, including those with drive-up window service for take-out fare.

**(6)**Commercial parking facilities owned and/or operated by the City of North Wildwood.

**(7)**Specialized entertainment venues, such as theaters, arenas, performing arts centers, movie theaters, amphitheaters, aquariums, museums (cultural or popular), and other like and similar attractions.

**(8)**Public utilities' central substations (see § **276-7** for definition), subject to the following:

**(a)**The proposed installation in a specific location must be necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is located.

**(b)**The design of any structure in connection with such facility must not adversely affect the safe, comfortable enjoyment of property rights in the surrounding area.

**(c)**Adequate fencing and other safety devices shall be provided and shall be installed in accordance with the applicable requirements of the New Jersey Board of Public Utilities and/or other applicable codes.

**(d)**Site landscaping shall be provided in sufficient quantity and placement in order to create a visual buffer from all public rights-of-way or adjacent properties. Suggested plant species are referenced in Appendix A.**[1]**

**(e)**Off-street parking shall be provided as determined by the needs of the facility.

**(9)** Wireless antennas provided that new antennas utilize co-location or are installed on existing structures.

**C.**Accessory uses permitted:

**(1)**Off-street parking.

**(2)**Fences and walls.

**(3)**Signs.

**(4)**Garages and storage buildings.

**(5)**Satellite dish antennas. All satellite dish antennas shall be no larger than four feet in diameter, located on the principal structure, or as an accessory structure meeting accessory structure yard requirements stated below and located in the rear yard. For all practical purposes, satellite dish antennas shall not be seen from the front facade of the building or the street.

**(6)**Temporary construction trailers and one sign not exceeding 50 square feet, advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction, beginning with the issuance of a construction permit and concluding with the issuance of a certificate of occupancy or one year, whichever is less, provided said trailer(s) and sign are on the site where construction is taking place and set back at least 10 feet from all street and lot lines.

**(7)**Public utility cabinet(s) not exceeding three feet in height, with adequate landscaping screening as necessary and not located in sight triangle easements at street corner intersections. It is recommended that public utility cabinet(s) be located underground in watertight vaults. Suggested plant species are referenced in Appendix A.**[2]**

**(8)**Solar energy systems (see § **276-76** through § **276-83**).

**(9)**Christmas tree sales. The annual sale of Christmas trees is permitted between December 1 and December 25, inclusive.

**(10)**Public election voting places. The provisions of this chapter shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

**(11)**Outdoor dining areas with tables on the sidewalk in front of or on the side of the non-automobile-oriented restaurant's premises. Outdoor dining areas shall take place on site but not be located in the public sidewalk and/or public street right-of-way for food markets and specialty food outlets, excluding those with window service for take-out fare. Examples include: delicatessens; bakeries; candy stores; ice cream stores; meat and/or seafood markets or take-out restaurants; food markets; non-automobile-oriented restaurants, defined as non-alcoholic-beverage-served restaurants with sit-down table service which exclude drive-in facilities and/or fast-food restaurants. Outside tables and seats may be situated outside of the building on the parcel/lot but not in the public/street right-of-way. No operation of a business in the SC Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway.

**(a)**The hours of operation of outdoor dining areas shall be limited to the hours of operation of the associated restaurant. In no event shall hours of operation go past 12:00 midnight.

**(b)**Outdoor dining is separate from a sidewalk cafe, as it is defined as any part of a food establishment located outdoors.

**(c)**Adequate lighting shall be provided to promote safe passage of pedestrians and for patrons.

**(d)**Awnings and/or umbrellas may be used in conjunction with the outdoor dining areas. Awnings shall be adequately secured. Awnings, including supporting structures, must be within the property line. The bottom of the awning shall be seven feet from the ground.

**D.**Maximum building height. No building height shall exceed 36 feet in height from the base flood elevation (BFE) and a maximum of 2 1/2 stories, except as allowed in § **276-47**.

**(1)**The following structures may be erected above the heights prescribed by this chapter, but in no case shall the height of any of these appurtenances exceed a height equal to 10% more than the maximum height permitted for the particular use in the zoning district:

**(a)**Mechanical rooms and other roof structures for the housing of stairways, tanks, ventilating fans, HVAC equipment or similar equipment required to operate and maintain the building.

**(b)**Skylights, spires, cupolas, flagpoles, chimneys or similar structures.

**(c)**Safety enclosures of rooftop areas of hotels and motels used for sundecks and other recreational purposes.

**(2)**Cellular telephone antennas and/or associated equipment are expressly excluded from this provision.

**E.**Area and yard requirements.

|  | **Requirement** | | **Shopping Centers** |
| --- | --- | --- | --- |
|  | Principal building, minimum | |  |
|  |  | Lot area | 50,000 square feet |
|  |  | Lot frontage | 200 feet |
|  |  | Lot width | 200 feet |
|  |  | Lot depth | 250 feet |
|  |  | Side yard (each) | 25 feet |
|  |  | Front yard | 100 feet |
|  |  | Rear yard | 50 feet |
|  | Accessory building, minimum | |  |
|  |  | Distance to side line | 25 feet |
|  |  | Distance to rear line | 50 feet |
|  |  | Distance to other building | 20 feet |
|  | Maximum building coverage of principal building | | 60% |
|  | Floor area ratio | | 0.75 |
|  | Impervious lot coverage | | 75% |

**F.**General requirements.

**(1)**Any principal building may contain more than one permitted use and/or organization, provided that the total building coverage of the combined activities does not exceed the maximum building coverage specified for the district and, further, that each activity occupies a minimum gross floor area of 500 square feet for shopping center uses.

**(2)**More than one principal building shall be permitted in shopping centers only. All buildings shall be separated by a minimum of 20 feet, provided such separation is to be used solely for pedestrian circulation. All buildings shall be separated by a minimum of 50 feet where any part of such separation is to be used for parking or vehicular circulation; however, the separation requirements should not be construed to prohibit covered pedestrian walkways when the roof or covering of such walkway extends between the buildings. Pedestrian circulation zones shall be marked with yellow cross-striping pavement markings and marked with signage such as "No Parking or Standing Zones" if adjacent to automobile traffic or parking areas.

**(3)**All buildings on a single commercial site shall be compatibly designed, whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes.

**(4)**Merchandise, products, equipment or similar materials or objects can be displayed or stored outside so long as the merchandise, products, equipment or similar materials or objects shall be located/installed in such a manner that they do not interfere with or are not located in the sidewalk area so as to prevent free travel of pedestrians. No operation of a business in the SC Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway.

**(5)**All areas not utilized for buildings, parking, loading, access aisles, driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or similar plantings and maintained in good condition. Suggested plant species are referenced in Appendix A.**[4]**

**(6)**Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard setback; and as to any such equipment that is located in a side yard setback, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt from this regulation.

**(7)**Landscaping shall be provided in the front yard area and shall be reasonably distributed throughout the entire front yard area. Suggested plant species are referenced in Appendix A.**[5]**

**(8)**Bicycle racks shall be located on the business site with a minimum capacity of seven bicycles. No locking mechanisms need to be provided. The racks shall be located/installed in such a manner that they do not interfere with or are not located in the public street right-of-way and/or sidewalk area.

**G.**Minimum off-street parking.

**(1)**Shopping centers shall provide parking at the ratio of one space per 200 square feet of gross floor area.

**(2)**See § **276-35** for additional standards.

**H.**Permitted signs.

**(1)**Each shopping center may have one freestanding sign along each road which the tract in question abuts, provided there exists at least 200 feet of unbroken frontage. Such sign shall not exceed a height of 25 feet, shall be set back from the street rights-of-way and driveways at least 50 feet, shall be set back from any property line a minimum of 100 feet, shall not exceed an area of 150 square feet, and shall be used only to display the shopping center's name and/or individual store/use name(s).

**(2)**Signage for shopping center and/or individual store/use name(s) shall be consolidated to one location wherever possible. Where uses share a common walkway, each use served by the walkway may have one additional sign, which shall be either attached flat against the building or be suspended in perpendicular fashion from the roof over the common walkway. Suspended signs shall be no closer than eight feet at their lowest point to the finished grade level below them. No such sign shall exceed 10 square feet in area.

**(3)**All signs in a shopping center shall conform in character with all other signs in the complex and shall blend with the overall architectural scheme of the shopping center.

**(4)**See § **276-40** for additional standards.

**I.**Minimum off-street loading; trash and garbage locations.

**(1)**The need for, location and design of off-street loading and unloading areas shall be considered and determined at the time of site plan review. Off-street loading and unloading areas shall take place on site but not in the public street right-of-way.

**(2)**The need for, location and design of trash and garbage locations shall be considered and determined at the time of site plan review. Recycling, trash and garbage loading and unloading areas shall take place on site but not in the public street right-of-way.

**(3)**Each use must include provisions for the collection, disposition and recycling of recyclable materials, including newspapers, leaves, white high-grade paper, glass bottles and jars, aluminum, corrugated cardboard, and tin and bimetal cans. The amount of recyclable material generated weekly by each use shall be quantified and reviewed during site plan review to determine whether the storage area to contain a week's accumulation of recyclable material is adequate in size and location. The storage area shall be designed for truck access for pickup of materials and be suitably screened from view if located outside a building. Recycling, trash and garbage loading and unloading areas shall be marked with yellow cross-striping pavement markings and marked with signage such as "No Parking or Standing Zones" if adjacent to automobile traffic or parking areas.

§ 276-22**BB Bayside Business.**

**A.**Purpose statement.

**(1)**The purpose of the BB Bayside Business Zone is to provide for an appropriate mix of water-dependent uses designed to maximize the use of the City's bayside waterfront and to enhance the opportunities for economic development in the form of ecotourism in the City.

**(2)**In addition to the regulations established herein, the expansion, extension, improvement or renovation of structures and properties of the BB Zoning District may be subject to the requirements of the Coastal Area Review Act (N.J.A.C. 7:7E-1.1 et seq.) (CAFRA) and the New Jersey Department of Environmental Protection Waterfront Development Regulations, as well as other relevant regulations of governmental agencies having jurisdiction over lands within the boundary of tidal waters.

**(3)**The zone boundary lines for the Bayside Business (BB) Zoning District are to be modified to reflect current parcel geometry.

**B.**Principal permitted uses and structures on the land and in buildings:

**(1)**Water-dependent uses (as defined in § **276-7**).

**(a)**Development that cannot physically function without direct access to the body of water along which it is proposed. Uses, or portions of uses, that can function on sites not adjacent to the water are not considered water-dependent, regardless of the economic advantages that may be gained from a waterfront location. Maritime activity, commercial fishing, public waterfront recreation and marinas are examples of water-dependent uses, but only the portion of the development requiring direct access to the water is water-dependent. The test for water dependency shall assess both the need of the proposed use for access to the water and the capacity of the proposed water body to satisfy the requirements and absorb the impacts of the proposed use. A proposed use will not be considered water-dependent if either the use can function away from the water or if the water body proposed is unsuitable for the use. For example, in a maritime operation, a dock or quay and associated unloading area would be water-dependent, but an associated warehouse would not be water-dependent.

**(b)**Examples of water-dependent uses include, but are not limited to: docks; piers; marina activities requiring access to the water, such as launching, commissioning or decommissioning of new and/or used boats and/or watercraft; boat storage/repair; automobile parking for persons participating in a water-dependent activity; port activities requiring the loading and unloading of boats; residential uses limited to vessels designed and manufactured for such purpose, registered as a vessel by the State of New Jersey, provided that such vessels are able to navigate under their own power or by sail and are connected to municipal or otherwise approved water and sanitary infrastructure (portable sanitary facilities are expressly prohibited in meeting this test); and water-borne recreational activities.

**(c)**Examples of uses which are not water-dependent include but are not limited to: land-based housing; hotels and motels; warehousing; manufacturing facilities; automobile parking for persons not participating in a water-dependent activity; and non-water-borne recreational activities.

**(2)**Watercraft sales and rentals and ancillary uses commonly associated with such use.

**(3)**Water-oriented uses (see § **276-7** for definition) as conditional uses under N.J.S.A. 40:55D-67, provided that the following conditional use facilities take full advantage of any waterfront location:

**(a)**Hotels and motels, (see § **276-7** for definition).

**(b)**Eating and drinking establishments, including restaurants and specialty food outlets (including those with window service for take-out fare), but excluding drive-in or fast-food restaurants.

**(c)**Bars (defined as an establishment serving alcoholic beverages, but not food) and taverns (defined as an establishment serving alcoholic beverages and cooked-to-order food which is prepared and served on the premises).

**(d)**Specialized entertainment venues, such as theaters, arenas, amphitheaters, aquariums, museums (cultural or popular), and other like and similar attractions.

**(e)**Public utilities' central substations (see § **276-7** for definition), subject to the following:

**[1]**The proposed installation in a specific location must be necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is located;

**[2]**The design of any structure in connection with such facility must not adversely affect the safe, comfortable enjoyment of property rights in the surrounding area;

**[3]**Adequate fencing and other safety devices shall be provided and shall be installed in accordance with the applicable requirements of the New Jersey Board of Public Utilities and/or other applicable codes. Barbed-wire-topped fences or similar trespassing-deterrent devices are expressly discouraged; and

**[4]**Off-street parking shall be provided as determined by the needs of the facility.

**(4)**Age-restricted housing (see § **276-7** for definition).

**(5)**New detached single-family dwelling units, single-family semidetached (duplex) dwelling units and two-family stacked (multistory) dwelling units will be permitted subject to the following area, yard, height and off-street parking standards:

**(a)**Area and yard requirements.

|  | **Category** | | | **Detached Single-Family Dwellings** | **Single-Family Semidetached (Duplex); Two-Family Stacked (Multistory)** |
| --- | --- | --- | --- | --- | --- |
|  | Principal building, minimum | | |  |  |
|  |  | Lot area | | 4,000 square feet | 6,000 square feet |
|  |  | Lot frontage | | 40 feet | 60 feet |
|  |  | Lot width | | 40 feet | 60 feet |
|  |  | Lot depth | | 100 feet | 100 feet |
|  |  | Side yard (each)1, 2 | | 6 feet | 10 feet |
|  |  | Front yard1, 2, 3 | | 10 feet | 10 feet |
|  |  | Rear yard1, 2, 3 | | 10 feet | 10 feet |
|  |  | Maximum building coverage (all buildings) | | 70% | 70% |
|  |  | Maximum impervious lot coverage (all buildings and impermeable surfaces) | | 80% | 80% |
|  | Accessory building, minimum | | |  |  |
|  |  | Distance to side line | | 4 feet | 4 feet |
|  |  | Distance to rear line | | 4 feet | 4 feet |
|  |  | Distance to other building | | 8 feet | 8 feet |
|  | **NOTES:** | | | | |
|  | 1 | | Existing stairs and porches may be replaced with identical stairs and porches regardless of the setback requirements of the district in which the subject property is located. For new construction/reconstruction of open porches, stairs and/or steps, they must meet applicable zoning requirements and shall require a zoning and/or construction permit where required, as applicable, in order to permit construction in this regard. | | |
|  | 2 | | Eaves, cornices or overhangs more than 10 feet above lot grade may project into yard setback areas a maximum of 24 inches. In order to create an aesthetically pleasing building facade along the side of a building which fronts a street, bay windows or other architectural detailing more than 10 feet above lot grade may extend into the front yard setback a maximum of 24 inches. | | |

**(b)**Maximum building height. No building height shall exceed 36 feet, or three stories, whichever is less, in height from the base flood elevation (BFE), except as allowed as follows:

**[1]**Height limits. The following structures may be erected above the heights prescribed by this chapter, but in no case shall the height of any of these appurtenances exceed a height equal to 10% more than the maximum height permitted for the particular use in the zoning district:

**[a]**Mechanical rooms and other roof structures for the housing of stairways, tanks, ventilating fans, HVAC equipment or similar equipment required to operate and maintain the building.

**[b]**Skylights, spires, cupolas, flagpoles, chimneys or similar structures.

**[c]**Safety enclosures of rooftop areas of hotels and motels used for sundecks and other recreational purposes.

**[2]**Cellular telephone antennas and/or associated equipment are expressly excluded from this provision.

**(c)**Minimum off-street parking. Each individual use shall provide parking spaces according to the following minimum provisions:

**[1]**All dwelling units described in this chapter shall provide parking spaces in accordance with the standards established by the New Jersey Residential Site Improvement Standards (RSIS) (N.J.S.A. 5:21-1 et seq.). RSIS standards include parking requirements for residential uses based on unit (bedroom) size. If the applicant/developer does not specify the number of bedrooms per dwelling unit, then each dwelling unit shall be subject to the RSIS parking space requirements for a four-bedroom dwelling unit.

**[2]**Places of worship shall provide one space per every three permanent seats. (One seat shall be considered 22 inches in calculating the capacity of pews or benches.)

**[3]**See § **276-35**, Off-street parking, loading areas and driveway, for additional standards.**[1]**

**(6)** Wireless antennas provided that new antennas utilize co-location or are installed on existing structures.

**C.**Accessory uses permitted:

**(1)**Off-street parking.

**(2)**Fences and walls.

**(3)**Signs.

**(4)**Off-street parking and private garages [see § **276-22G** hereinbelow and § **276-35** (Off-street parking, loading areas and driveways)]. Detached garages to the principal structure shall require the front of the garage to be set back a minimum of 20 feet from the front facade of the principal structure, not exceeding 15 feet in height, and altogether not exceeding 400 square feet in gross floor area.

**(5)**Satellite dish antennas. All satellite dish antennas shall be no larger than four feet in diameter, located on the principal structure, or as an accessory structure meeting accessory structure yard requirements stated below and located in the rear yard. For all practical purposes, satellite dish antennas shall not be seen from the front facade of the building or the street.

**(6)**Recreational facilities as are usual and customary to a permitted principal use.

**(7)**Temporary construction trailers and one sign not exceeding 50 square feet advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction, beginning with the issuance of a construction permit and concluding with the issuance of a certificate of occupancy or one year, whichever is less, provided said trailer(s) and sign are on the site where construction is taking place and set back at least 10 feet from all street and lot lines.

**(8)**For lots which abut the City's canals or bayside waterways, boat slips for the tie-up of private boats owned and/or used by the residents of the premises and/or rented to other private individuals on a contractual basis. All boats shall be licensed as required with the appropriate agencies.

**(9)**Public utility cabinet(s) not exceeding three feet in height, with adequate landscaping screening as necessary and not located in sight triangle easements at street corner intersections. It is recommended that public utility cabinet(s) be located underground in watertight vaults. Suggested plant species are referenced in Appendix A.**[2]**

**(10)**Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard setback; and as to any such equipment that is located in a side yard setback, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt from this regulation.

**(11)**Solar energy systems (see Article **XII**).

**(12)**Christmas tree sales. The annual sale of Christmas trees is permitted between December 1 and December 25, inclusive.

**(13)**Public election voting places. The provisions of this chapter shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

**(14)**Outdoor dining areas with tables on the water's edge of the property and/or sidewalk in front of or on the side of the non-automobile-oriented restaurants and specialty food outlets premises. Outdoor dining areas shall take place on site but not be located in the public sidewalk and/or public/street right-of-way for permitted uses, unless approved by Mayor and Council. Examples include: meat and/or seafood restaurants or take-out establishments; non-automobile-oriented restaurants, defined as non-alcoholic-beverage-served restaurants with sit-down table service which exclude drive-in facilities and/or fast-food restaurants. Outside tables and seats may be situated outside of the building on the parcel/lot, or on elevated and/or floating docks, but not in the public/street right-of-way, unless approved by Mayor and Council. No operation of a business in the BB Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway.

**(a)**The hours of operation of outdoor dining areas shall be limited to the hours of operation of the associated restaurant. In no event shall hours of operation go past 12:00 midnight.

**(b)**Outdoor dining is defined as any part of a food establishment located outdoors. See also § **276-22G**. Outdoor dining is permitted in locations subject to the exclusive approval of the Mayor and Council. The inclusion of outdoor dining will not require any additional parking based upon the number of permitted tables and/or permitted seats.

**(c)** Parklets shall be permitted in locations subject to the exclusive approval of the Mayor and Council.

**(d)**Adequate lighting shall be provided to promote safe passage of pedestrians and for patrons.

**(e)**Awnings and/or umbrellas may be used in conjunction with the outdoor dining areas. Awnings shall be adequately secured. Awnings, including supporting structures, must be within the property line. The bottom of the awning shall be seven feet from the ground.

**(f)**Dockage for recreational boats is permitted, where legally part and parcel to the property. Adequate staff to assist in docking is required. Adequate dockage security is needed for eating, drinking establishments and bars to screen patrons below the minimum alcoholic beverage age entering the establishment from waterside dockage.

**D.**Maximum building height. Hotels and motels are permitted to a maximum building height of 65 feet from the base flood elevation (BFE) or six stories, whichever is less. No other permitted use shall have a building height that shall exceed 36 feet in height from the BFE or three stories, whichever is less, except as follows:

**(1)**The following structures may be erected above the heights prescribed by this chapter, but in no case shall the height of any of these appurtenances exceed a height equal to 10% more than the maximum height permitted for the particular use in the zoning district:

**(a)**Mechanical rooms and other roof structures for the housing of stairways, tanks, ventilating fans, HVAC equipment or similar equipment required to operate and maintain the building.

**(b)**Skylights, spires, cupolas, flagpoles, chimneys or similar structures.

**(c)**Safety enclosures of rooftop areas of hotels and motels used for sundecks and other recreational purposes.

**(2)**Cellular telephone antennas and/or associated equipment are expressly excluded from this provision.

**E.**Area and yard requirements.

|  | **Category** | | **Requirement** |
| --- | --- | --- | --- |
|  | Principal buildings, minimum | |  |
|  |  | Lot area | 3,000 square feet |
|  |  | Lot frontage1 | 30 feet |
|  |  | Lot width1 | 30 feet |
|  |  | Lot depth | 100 feet |
|  |  | Side yard (each) | 6 feet |
|  |  | Front yard | 10 feet |
|  |  | Rear yard | 15 feet |
|  | Maximum coverage of principal building | | 60% |
|  | Maximum lot (impervious) coverage | | 75% |
|  | Accessory building, minimum | |  |
|  |  | Distance to side line | 4 feet |
|  |  | Distance to rear line | 4 feet |
|  |  | Distance to other building | 4 feet |
|  | Floor area ratio | | 0.75 |
|  | NOTES: | | |
|  | 1 | No building or addition constructed thereon shall be constructed under this subsection on a lot less than 30 feet wide without variance relief. | |

**F.**General requirements.

**(1)**Any principal building may contain more than one permitted use and/or organization, provided that the total building coverage of the combined activities does not exceed the maximum building coverage specified for the district and, further, that any building shall have a maximum of three permitted uses within it, and that each activity occupies a minimum gross floor area of 750 square feet for individual uses.

**(2)**Merchandise, products, equipment or similar materials or objects can be displayed or stored outside so long as the merchandise, products, equipment or similar materials or objects shall be located/installed in such a manner that they do not interfere with or are not located in the sidewalk and/or sidewalk area to prevent free travel of pedestrians.

**(3)**All areas not utilized for buildings, parking, loading, access aisles, driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or similar plantings and maintained in good condition. Suggested plant species are referenced in Appendix A.**[3]**

**(4)**The conditional uses in the BB District shall be subject to review by the Planning Board for a determination of the appropriateness of the proposed use as it relates to existing adjoining uses and the community at large.

**(5)**No use creating a nuisance as determined by the City under applicable codes and regulations shall be permitted.

**(6)**Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard setback; and as to any such equipment that is located in a side yard setback, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt from this regulation.

**(7)**Landscaping shall be provided in the front yard area and shall be reasonably distributed throughout the entire front yard area. Suggested plant species are referenced in Appendix A.**[4]**

**(8)**Bicycle racks shall be located on the business site, with a minimum capacity of seven bicycles. No locking mechanisms need to be provided. The racks shall be located/installed in such a manner that they do not interfere with or are not located in the public/street right-of-way and/or sidewalk area.

**G.**Minimum off-street parking. Each individual use shall provide parking spaces according to the following minimum provisions. Where a permitted use of land includes different specific activities with different specific parking requirements, the total number of required parking spaces shall be obtained by individually computing the parking requirements for each different activity and adding the resulting numbers together.

**(1)**Water-dependent uses, watercraft sales and rentals and ancillary uses shall provide parking at the ratio of one space per 150 square feet of gross floor area.

**(2)**Hotels and motels shall provide two spaces per room, plus one space for every 10 seats provided in ancillary restaurant and convention facilities.

**(3)**Eating and drinking establishments, including restaurants and specialty food outlets, bars and taverns shall provide a minimum of one space for every four seats, but in all cases a sufficient number of spaces to prevent any parking along public rights-of-way or private driveways, fire lanes and aisles.

**(4)**Water-dependent uses and any other permitted uses shall provide parking as determined during site plan review.

**(5)**Outdoor seating/dining areas intended for use during spring, summer and autumn months shall not be considered when calculating the number of parking spaces required by this subsection.

**(6)**All residential dwelling units described in this chapter shall provide parking spaces in accordance with the standards established by the New Jersey Residential Site Improvement Standards (RSIS) (N.J.S.A. 5:21-1 et seq.). RSIS standards include parking requirements for residential uses based on unit (bedroom) size. If the applicant/developer does not specify the number of bedrooms per dwelling unit, then each dwelling unit shall be subject to the RSIS parking space requirements for a four-bedroom dwelling unit.

**(7)**See § **276-35** for additional standards.

**H.**Permitted signs.

**(1)**Each individual use in an individual building may have one primary sign attached to the building not exceeding an area equivalent to 5% of the first-floor portion of the front facade or 50 square feet, whichever is smaller. Each individual use may have one freestanding sign along each road on which the tract in question abuts. Such sign shall not exceed a height of 25 feet, shall be set back from the street rights-of-way and driveways at least five feet, or shall be set back from any property line a minimum of five feet, shall not exceed an area of 150 square feet, and shall be used only to display the individual activity name. Where an individual activity has direct access from the outside, a sign not exceeding four square feet identifying the name of the activity may also be attached to the building at the entrance to the activity.

**(2)**Bars and taverns in an individual building may have one primary sign attached to the building not exceeding an area equivalent to 5% of the first-floor portion of the front facade or 50 square feet, whichever is smaller. Each individual use may have one freestanding sign along each road on which the tract in question abuts. Such sign shall not exceed a height of 25 feet, shall be set back from the street rights-of-way and driveways at least five feet, or shall be set back from any property line a minimum of five feet, shall not exceed an area of 150 square feet, and shall be used only to display the individual activity name. Where an individual activity has direct access from the outside, a sign not exceeding four square feet identifying the name of the activity may also be attached to the building at the entrance to the activity. Eating and drinking establishments, including restaurants and specialty food outlets, and bars and taverns shall have a total maximum of 500 square feet of signage on the property.

**(3)**"Open for business" window signs, if located in a storefront window, shall be excluded from the overall sign calculations as long as the sign does not exceed 10 square feet in area. Signs, typically the A-frame/sandwich-board style, ancillary to the permitted use shall be permitted on the sidewalk area, at the curb or against the building wall. The sign shall not exceed four square feet, identifying the name of the location, exclusive of the cumulative sign square feet requirement. No operation of a business in the BB Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway. Signs in this style shall be a maximum of eight square feet. All signs as permitted by this subsection must be removed when the business is closed for operation. On corner properties/street intersections, no handicapped sidewalk curbs ramps shall be blocked by said signs.

**(4)**Temporary sign banners, such as "clearance," "sale," "end of year," etc., are permitted to be attached to the building facade so long as the banner is not posted for more than 10 calendar days.

**(5)**All signs on one property shall conform in character with all other signs in the complex and shall blend with the overall architectural scheme of the property.

**(6)**All exterior signs shall identify uses, activities or functions of the development on which the sign is located. No advertising of any product, use or activity outside of the development is permitted.

**(7)**Signage for similar project elements on one property shall be coordinated and similarly themed to provide a unifying style. All signs for individual uses shall conform in character with all other signs on the property. This regulation shall not be construed to mean that all signs must be identical or to prohibit unique sign designs where necessary and appropriate, but rather that, absent specific justification (i.e., branding/themeing requirements for themed retail outlets or food and beverage outlets), sign design shall be complementary and consistent.

**(8)**No vacant signs or sign boxes shall be permitted. Where vacancies occur, corresponding signage shall be immediately replaced with general development or other appropriate signage. Similarly, any sign which falls into a state of disrepair shall immediately be repaired or replaced.

**(9)**All signs must be professionally designed and constructed. Homemade-type plywood, coroplast or cardboard signs or home-computer-generated-type signs are expressly prohibited.

**(10)**Sign lighting shall be appropriate for the type and style of sign proposed and may include LED, neon or other illumination. Similarly, the use of neon lighting or similar material to create sculptural logo or iconographic images is encouraged.

**(11)**See § **276-40** for additional standards.

**I.**Minimum off-street loading; trash and garbage locations.

**(1)**The need for, location and design of off-street loading and unloading areas shall be considered and determined at the time of site plan review. Off-street loading and unloading areas shall take place on site but not in the public street right-of-way.

**(2)**The need for, location and design of trash and garbage locations shall be considered and determined at the time of site plan review. Recycling, trash and garbage loading and unloading areas shall take place on site but not in the public street right-of-way.

**(3)**Each use must include provisions for the collection, disposition and recycling of recyclable materials, including newspapers, leaves, white high-grade paper, glass bottles and jars, aluminum, corrugated cardboard, and tin and bimetal cans. The amount of recyclable material generated weekly by each use shall be quantified and reviewed during site plan review to determine whether the storage area to contain a week's accumulation of recyclable material is adequate in size and location. The storage area shall be designed for truck access for pickup of materials and be suitably screened from view if located outside a building.

**(4)**Recycling, trash and garbage loading and unloading areas shall be marked with yellow cross-striping pavement markings and marked with signage and as "No Parking or Standing Zones" if adjacent to automobile traffic or parking areas.

§ 276-23**D & E Dining and Entertainment.**

**A.**Purpose statement. The purpose of the Dining and Entertainment (D & E) Zoning District is to revitalize the City's historic "Tavern District" by providing for a critical mass of restaurant, nightlife and such other entertainment-oriented amenities as are customary to such a district, as well as allowing residential above commercial in order to further support the success of the District.

**B.**Principal permitted uses on the land and in structures:

**(1)**Restaurants, including drive-in facilities and fast-food restaurants.

**(2)**Bars (defined as an establishment serving alcoholic beverages but not food) and taverns (defined as an establishment serving alcoholic beverages and cooked-to-order food which is prepared and served on the premises).

**(3)**Specialized entertainment venues, such as theaters, arenas, performing arts centers, movie theaters, amphitheaters, aquariums, museums (cultural or popular), and other like and similar attractions.

**(4)**Retail sales of goods customarily required/desired by the City's tourist visitor base, including, but not limited to, beach accessory, bicycle and water-sport sales and rental (with bicycle repair); hobby and craft items; books; photographic and video items; seashore-related clothing and dry goods; antiques; artworks; toys; gifts; novelties, notions and variety items; jewelry; and like and similar items. Such use shall be construed to include sales or rental venues (storefronts) for off-site pickup or activity.

**(5)**Retail sales of services customarily required/desired by the City's tourist visitor base, including, but not limited to, barber, beauty and nail services; specialized day spa services; and like and similar personal services.

**(6)**Specialty food and beverage outlets, such as bakeries, candy stores, ice cream parlors, and like and similar uses. Such establishments may be enclosed or open-air and serve in a dine-in or take-out manner.

**(7)**Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or federal governmental services.

**(8)**Fraternal, social or charitable facilities.

**(9)**Commercial parking facilities owned and/or operated by the City of North Wildwood.

**(10)**Residential flats, as conditional uses. Residential flats above ground-floor permitted principal uses only. Parking must follow the Residential Site Improvement Standards. All requirements of the CBD Central Business Zone for conditional residential use must be met.

**(11)** Wireless antennas provided that new antennas utilize co-location or are installed on existing structures.

**C.**Accessory structures and uses permitted:

**(1)**Off-street parking (see § **276-23G** and § **276-35**).

**(2)**Fences and walls (see § **276-30**).

**(3)**Signs (see § **276-23H** and § **276-40**).

**(4)**Garages and storage buildings.

**(5)**Automated teller machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building; it being the intent not to permit freestanding exterior ATM kiosks. ATM kiosks wholly located and accessed from the interior of a building are permitted.

**(6)**Satellite dish antennas. All satellite dish antennas shall be no larger than four feet in diameter, located on the principal structure, or as an accessory structure meeting accessory structure yard requirements stated below and located in the rear yard. For all practical purposes, satellite dish antennas shall not be seen from the front facade of the building or the street.

**(7)**Public utility cabinet(s) not exceeding three feet in height, with adequate landscaping screening as necessary, and not located in sight triangle easements at street corner intersections. It is recommended that public utility cabinet(s) be located underground in watertight vaults. Suggested plant species are referenced in Appendix A.**[2]**

**(8)**Public utility lines. Public utility lines for the transportation and distribution and control of water, electricity, gas, oil, steam, telegraph and telephone communications, and their supporting members, other than buildings or structures, shall not be required to be located on a lot, nor shall this chapter be interpreted as to prohibit the use of a property in any zone for the above uses.

**(9)**Solar energy systems (see Article **XII**).

**(10)**Christmas tree sales. The annual sale of Christmas trees is permitted between December 1 and December 25, inclusive.

**(11)**Public election voting places. The provisions of this chapter shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

**(12)**Outdoor dining with tables on the sidewalk in front of or on the side of the non-automobile-oriented restaurant's premises. Outdoor dining shall take place on site but not be located in the public sidewalk and/or public/street right-of-way for food markets and specialty food outlets, excluding those with window service for take-out fare. Examples include: delicatessens; bakeries; candy stores; ice cream stores; meat and/or seafood markets or take-out restaurants; food markets; non-automobile-oriented restaurants, defined as non-alcoholic-beverage-served restaurants with sit-down table service which exclude drive-in facilities and/or fast-food restaurants, unless approved by Mayor and Council. Outside tables and seats may be situated outside of the building (except as referenced in the conditional uses section herein) on the parcel/lot but not in the public/street right-of-way, unless approved by Mayor and Council.

**(a)**The hours of operation of outdoor dining shall be limited to the hours of operation of the associated restaurant. In no event shall the hours of operation go past 12:00 midnight.

**(b)**Outdoor dining is a separate accessory use, as it is defined as any part of a food establishment located outdoors. Outdoor dining is permitted in locations subject to the exclusive approval of the Mayor and Council. The inclusion of outdoor dining will not require any additional parking based upon the number of permitted tables and/or permitted seats.

**(c)**Adequate lighting shall be provided to promote safe passage of pedestrians and for patrons.

**(d)**Awnings and/or umbrellas may be used in conjunction with the outdoor dining area. Awnings shall be adequately secured. Awnings, including supporting structures, must be within the property line. The bottom of the awning shall be seven feet from the ground.

**(e)** Parklets shall be permitted in locations subject to the exclusive approval of the Mayor and Council.

**(13)**Temporary construction trailers and one sign not exceeding 50 cumulative square feet advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction, beginning with the issuance of a construction permit and concluding with the issuance of a certificate of occupancy or one year, whichever is less, provided said trailer(s) and sign are on the site where construction is taking place and set back at least 10 feet from all street and lot lines.

**D.**Area and yard requirements applicable to the D & E District.

|  | **Category** | | **Requirement** |
| --- | --- | --- | --- |
|  | Principal buildings, minimum | |  |
|  |  | Lot area | 4,000 square feet |
|  |  | Lot frontage | 40 feet |
|  |  | Lot width |  |
|  |  | Lot depth | 100 feet |
|  | Minimum setback1 | |  |
|  |  | Side yard (each)2 | 6 feet |
|  |  | Front yard | 0 feet |
|  |  | Rear yard | 15 feet |
|  | Maximum building height3 | | 36 feet in height from the base flood elevation (BFE) or three stories, whichever is less |
|  | Maximum coverage of principal building | | 65% |
|  | Accessory building, minimum | |  |
|  |  | Distance to side line | 4 feet |
|  |  | Distance to rear line | 4 feet |
|  |  | Distance to other building | 4 feet |
|  | Maximum lot (impervious) coverage | | 80% |
|  | NOTES: | | |
|  | 1 | For the purposes of this section, setbacks shall be clear, unoccupied and unobstructed space measured at right angles between a lot line and the building envelope and shall extend from grade to sky, except for the permitted encroachments detailed in the design standards (§ **276-23F**hereinbelow), provided that such encroachments do not inhibit the free flow of pedestrian traffic. Setbacks shall be construed as minimum distances. Greater setbacks are permitted, provided that the specific distances and design relate to the architecture of the subject building elevation, and further provided that the setback area is heavily treated with a combination of elements detailed in the design standards (§ **276-23F** hereinbelow). | |
|  | 2 | Zero-foot setback to the nearest interior property line, provided that two or more adjoining property owners agree to build to this standard, and then only if access to the rear of the building is maintained via a service alley or shared parking. | |
|  | 3 | Height limits. The following structures may be erected above the heights prescribed by this chapter, but in no case shall the height of any of these appurtenances exceed a height equal to 10% more than the maximum height permitted for the particular use in the zoning district: mechanical rooms and other roof structures for the housing of stairways, tanks, ventilating fans, HVAC equipment or similar equipment required to operate and maintain the building; skylights, spires, cupolas, flagpoles, chimneys or similar structures; and safety enclosures of rooftop areas of hotels and motels used for sundecks and other recreational purposes. Cellular telephone antennas and/or associated equipment are expressly excluded from this provision. | |

**E.**General requirements applicable to the D & E District.

**(1)**Any principal building may contain more than one permitted use, provided that the total building coverage of the combined activities does not exceed the maximum building coverage specified for the district and, further, that any building shall have a maximum of three permitted uses within it, and that each activity occupies a minimum gross floor area of 750 square feet for individual uses.

**(2)**All buildings on a single commercial site shall be compatibly designed, whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes.

**(3)**Large blank walls facing Olde New Jersey, New Jersey/Spruce Avenue(s) are prohibited.

**(4)**All buildings located in the district shall have entrance doors set back into an opening allowing for outward egress (for Fire Code purposes) without opening the entrance door onto the sidewalk and/or in the public/steet right-of-way.

**(5)**First-floor facades intended for retail use must face the street right-of-way with large, clear storefront glass areas to display the nature of the business and produce an interesting streetscape. Storefront windows may be either typical large, single panes or multiple smaller panes separated by mullions.

**(6)**Merchandise, products, equipment or similar materials or objects can be displayed or stored outside so long as the merchandise, products, equipment or similar materials or objects are not displayed within 10 feet of any street curb and shall be located/installed in such a manner that they do not interfere with the free travel of pedestrians. No operation of a business in the D & E Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway. All merchandise must be removed when the business is closed for operation.

**(7)**Landscaping shall be provided in the front yard area and shall be reasonably distributed throughout the entire front yard area. All areas not utilized for buildings, parking, loading, access aisles, driveways or on pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or similar plantings and maintained in good condition. Suggested plant species are referenced in Appendix A.**[3]**

**(8)**Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard setback; and as to any such equipment that is located in a side yard setback, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt from this regulation.

**(9)**Bicycle racks shall be located on the business site, with a minimum capacity of seven bicycles. No locking mechanisms need to be provided. The racks shall be located/installed in such a manner that they do not interfere with or are not located in the public/street right-of-way and/or sidewalk area.

**F.**Special design standards applicable to the D & E District. The following design standards shall be considered by the Planning Board, as the case may be, at the time of site plan review in order to enhance the City's tourist economic base while creating an attractive and inviting pedestrian-scaled environment in the D & E Zoning District. Such standards shall apply to all development in this zoning district. While specific themeing for development in the D & E Zoning District is not recommended, designers are strongly encouraged to recognize the historic setting of North Wildwood as a seashore resort when designing the proposed development. It is required that the following regulations shall be treated as design elements for each new development subject to "c" variance relief or conditional use standards subject to "d" variance relief should requirements not be met.

**(1)**The entirety of all building elevations fronting Olde New Jersey, New Jersey/Spruce, Walnut, Chestnut, 1st and/or or 2nd Avenue(s), regardless of building height, shall be considered a front yard and primary elevation, with facades and appurtenances treated accordingly. No exterior building wall shall have an uninterrupted horizontal run along a single plane for more than 25 linear feet, and no exterior building wall shall have an uninterrupted vertical run for more than 24 feet. The intent of this regulation may be achieved via structural or ornamental treatment.

**(2)**Building elevations which do not front Olde New Jersey, New Jersey/Spruce, Walnut, Chestnut, 1st and/or or 2nd Avenue(s), when adjacent to a parking lot or other open space and therefore visible from a public right-of-way, shall be considered a front yard and the primary elevation, with facades and appurtenances treated accordingly.

**(3)**All buildings located on Olde New Jersey and/or New Jersey/Spruce Avenue(s) shall be oriented to front toward and relate to such right-of-way both functionally and visually (as opposed to the intersecting side streets). Within this context, such buildings shall have primary entrances accessed directly from the sidewalk on Olde New Jersey and/or New Jersey/Spruce Avenue(s). Such sidewalks shall extend from the building facade to the curb.

**(4)**All building elevations shall coordinate form, materials, color and detailing to achieve design harmony and continuity. There shall be no open stairways leading to the second floor/story off Olde New Jersey and/or New Jersey/Spruce Avenue(s).

**(5)**In considering facade treatment, the developer/applicant is encouraged to include a combination of rich detailing, texture, shadow lines and color. Such treatment may include, but need not be limited to:

**(a)**Awnings and canopies.

**(b)**Building articulation.

**(c)**Signage.

**(d)**Coping, fascia, soffits and architectural filigree.

**(e)**Use of color, light and shadows.

**(f)**Other aesthetic features as applicable.

**(6)**The above notwithstanding, the main entrance to a development in the D & E Zoning District need only be located on a single elevation, with facades and appurtenances treated accordingly.

**(7)**All areas not utilized for buildings, parking, loading, access aisles, driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or similar plantings. All such areas shall include automatic/mechanical irrigation (with rain sensors to prevent nonessential watering) and shall be maintained in good condition.

**(8)**First-floor facades shall be designed with large, clear storefront glass areas to display the nature of the business and produce an interesting streetscape. Storefront windows may be either typical large, single panes or multiple smaller panes separated by mullions.

**(9)**In a multitenant building, each commercial operation shall have its own frontage. Frontages may either have identical designs to reinforce the whole building design or varied designs to express the different businesses. Frontages should be separated from the roofline or a second floor by a horizontal architectural element such as a sash, cornice, frieze, molding or similar architectural element.

**(10)**Stairways (including Fire Code required stairs) leading to the second floor (or higher) of a building shall be enclosed and treated as part of the building's architecture if located on the building's frontage, it being the intent not to overwhelm the street frontage with unaesthetic open-stair structures. Stairways shall be accessed off the side yard and/or rear yards behind the building front facade. There shall be no open stairways leading to the second floor/story off Olde New Jersey and/or New Jersey/Spruce Avenue(s).

**(11)**Site landscaping shall be provided in sufficient quantity and placement in order to create a visual and noise buffer from abutting residential districts and uses.

**(12)**HVAC condensers or compressors in buildings abutting residential districts and uses shall be so located and adequately buffered so that the noise from such condensers or compressors does not interfere with the quiet enjoyment of the residential unit. HVAC compressor or condenser units are prohibited in all setback areas of the lot/parcel.

**G.**General requirements applicable for minimum off-street parking. Recognizing the extremely limited space available in the D & E Zoning District, the public parking spaces created by the City in this section of the City of North Wildwood and the public safety implications of encouraging driving to such a district, the following minimum off-street parking regulations are established. The lack of an off-street parking requirement notwithstanding, any off-street parking required shall be constructed to the standards contained in § **276-35**.

**(1)**Outdoor patios, decks, terraces and other similar areas for outdoor dining and consumption attendant to a permitted restaurant, bar and/or tavern: no minimum parking requirement. Outdoor patios, decks, terraces and other similar seating area(s) are exempt from any parking requirement. Any outdoor patios, decks, terraces and other similar areas may be enclosed in seasonal and/or canvas/plastic enclosures to meet this exemption but may not be fitted out with any hard-surfaced, walled enclosure(s).

**(2)**Indoor tables or other seating attendant to a permitted restaurant, bar or tavern: one off-street parking space for every 10 any-style seats.

**(3)**Remaining permitted uses: shall provide parking at the ratio of one space per 400 square feet of gross floor area.

**(4)**Where a permitted use of land includes different specific activities with different specific parking requirements, the total number of required parking spaces shall be obtained by individually computing the parking requirements for each different activity and adding the resulting numbers together. Credit shall be given on a 50% basis (rounded to the higher number) for on-street parking spaces towards the nonresidential component of a project's parking requirement [e.g., seven on-street spaces will get credit for four on-site spaces (7 x 50% = 3.5, and 3.5 rounded to the higher number is 4)]. The on-street spaces shall be directly adjacent to the subject property, be clearly indicated on the site plan, measure eight feet by 22 feet, and not interfere with loading or delivery operations, fire lanes, bikeways, bus stops, sight triangles, pedestrian crossings or driveways.

**(5)**A developer may satisfy up to two spaces of nonresidential parking deficiency by contributing to a municipal parking capital improvement fund for the design, purchase, construction and maintenance of municipal parking lots. The developer shall make a contribution of $4,000 per deficient space. Full payment is required as a condition of the issuance of the first construction permit.

**(6)**See § **276-35** for additional standards.

**H.**General signage standards.

**(1)**While not located on the Boardwalk, the signage section of the Design Guidelines for the Wildwoods Boardwalk (Appendix XX and referenced and incorporated herein)**[4]** shall serve as the philosophical underpinnings for the standards for signage in the D & E Zoning District, with specific standards established accordingly hereinbelow. All exterior signs shall identify uses, activities or functions of the development on which the sign is located. No advertising of any product, use or activity outside of the development shall be permitted.

**(2)**All signage shall be restricted to the Olde New Jersey and/or New Jersey/Spruce Avenue side of the building and to the first 30 feet on the side street measured from the Olde New Jersey/New Jersey/Spruce Avenue building wall.

**(3)**Eating and drinking establishments, including restaurants and specialty food outlets, bars and taverns shall have a total maximum of 500 square feet of signage on the property.

**(4)**All exterior signs shall identify uses, activities or functions of the development on which the sign is located. No advertising of any product, use or activity outside of the development is permitted.

**(5)**Signage for similar project elements shall be coordinated and similarly themed to provide a unifying style. All signs for individual uses shall conform in character with all other signs in the complex and shall blend with the overall architectural scheme of the district. This regulation shall not be construed to mean that all signs must be identical or to prohibit unique sign designs where necessary and appropriate, but rather that, absent specific justification (i.e., branding/themeing requirements for themed retail outlets or food and beverage outlets), sign design shall be complementary and consistent.

**(6)**No vacant signs or sign boxes shall be permitted. Where vacancies occur, corresponding signage shall be immediately replaced with general development or other appropriate signage. Similarly, any sign which falls into a state of disrepair shall immediately be repaired or replaced. This regulation shall not be construed to include intentional removal of sign faces in the off-season, which is a typical practice along the Wildwoods Boardwalk. However, upon any such intentional removal, an aesthetically treated replacement panel shall be employed so as not to leave a visibly vacant sign box.

**(7)**All signs must be professionally designed and constructed. Homemade-type plywood, coroplast or cardboard signs or home-computer-generated-type signs are expressly prohibited.

**(8)**Sign lighting shall be appropriate for the type and style of sign proposed and may include LED, neon or other illumination. Similarly, the use of neon lighting or similar material to create sculptural logo or iconographic images is encouraged.

**(9)**"Open for business" window signs, if located in a storefront window, shall be excluded from the overall sign calculations as long as the sign does not exceed 10 square feet in area. Signs, typically the A-frame/sandwich-board style, ancillary to the permitted use shall be permitted on the sidewalk area, at the curb or against the building wall. The sign shall not exceed four square feet, identifying the name of the location, exclusive of the cumulative sign square-foot requirement. No operation of a business in the D & E Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway. Signs in this style shall be a maximum of eight square feet. All signs as permitted by this subsection must be removed when the business is closed for operation. On corner properties/street intersections, no handicapped sidewalk curb ramps shall be blocked by said signs.

**(10)**Temporary sign banners, such as "clearance," "sale," "end of year," etc., are permitted to be attached to the building facade so long as the banner is not posted for more than 10 calendar days.

**(11)**All signs mounted to building facades over public sidewalk areas must be eight feet from grade elevation.

**(12)**All signs in the D & E District shall conform in character with all other signs in the district and shall blend with the overall architectural scheme of the district.

**(13)**No restrictions are established for interior project signage (defined as the interior wall area of a project, whether within an enclosed structure or on the inward-facing frontage of a structure internal to a project.). Developers are encouraged to establish a creative interior sign package consistent with the type and scope of the project proposed.

**(a)**Project identification signage.

**[1]**Each individual use in an individual building may have one sign attached to the building not exceeding an area equivalent to the lesser of 5% of the first-floor portion of the front facade or 150 square feet, whichever is smaller. Where an individual activity has direct access from the outside, a sign not exceeding four square feet, identifying the name of the activity, may also be attached to the building at the entrance to the activity (see § **276-40**for additional standards).

**[2]**Each elevation of a principal building may have one building-mounted project identification sign depicting the name of the project and such other logo or corporate iconography as may be appropriate.

**[3]**While the size, location and configuration of such signage shall be appropriate to the elevation on which such sign is located, such sign shall be located at the uppermost section of the building, but shall be no higher than the roofline of the wall on which such sign is affixed, and shall have a total sign area not exceeding 10 feet in height multiplied by the width of the building elevation on which such sign is affixed. However, each such sign may extend to a maximum of 20 feet in height multiplied by the width of the building elevation on which such sign is affixed, provided the sign conforms to the conditional signage standards detailed hereinbelow.

**[4]**The bottom edge of such sign shall be a minimum of 10 feet from finished grade if located on Olde New Jersey/New Jersey Avenue, Spruce Avenue or Chestnut or 1st Avenue, but shall in no case project below the awning, canopy or other element on which such sign is affixed.

**[5]**In addition to the project identification signs as permitted herein, each porte cochere or primary entranceway of a principal building may have one building-mounted project identification sign depicting the name of the project and such other logo or corporate iconography as may be appropriate.

**[6]**While the size, location and configuration of such signage shall be appropriate to the porte cochere or entranceway on which such sign is located, such sign shall not exceed the length of the awning, canopy or other element over which such sign is affixed. The bottom edge of such sign shall be a minimum of 10 feet from finished grade if located on a numbered avenue (i.e., 26th or 25th Avenue), Surf Avenue or Atlantic Avenue, but in no case project below the awning, canopy or other element on which such sign is affixed.

**[7]**The height of such sign shall be 12 feet from finished grade, but in no case higher than the awning, canopy or other element on which such sign is affixed, and shall have a total sign area not exceeding two feet in height multiplied by the width of the awning, canopy or other element on which such sign is affixed. However, such signage may extend to a maximum of four feet in height multiplied by the width of the awning, canopy or other element on which such sign is affixed, provided such sign conforms to the conditional signage standards detailed herein. In such case, the height of such sign shall be 14 feet from finished grade.

**[8]**Each principal building may have one freestanding project identification (pole) sign per street frontage, depicting the name of the project and such other logo or corporate iconography as may be appropriate. The location and configuration of such signage shall be appropriate to the street frontage on which such sign is located. However, freestanding signs shall respect the building setbacks as provided for herein. Each such identification sign shall not exceed 150 square feet in area or 25 feet in height. However, each such sign may extend to a maximum of 1,000 square feet in area and 50 feet in height, provided it conforms to the conditional signage standards detailed hereinbelow.

**[9]**See § **276-40** for additional standards.

**I.**Minimum off-street loading; trash and garbage locations.

**(1)**The need for location and design of off-street loading and unloading areas shall be considered and determined at the time of site plan review. Off-street loading and unloading areas shall take place on site but not in the public/street right-of-way.

**(2)**The need for, location and design of trash and garbage locations shall be considered and determined at the time of site plan review. Recycling, trash and garbage loading and unloading areas shall take place on site but not in the public/street right-of-way.

**(3)**Each use must include provisions for the collection, disposition and recycling of recyclable materials, including newspapers, leaves, white high-grade paper, glass bottles and jars, aluminum, corrugated cardboard, and tin and bimetal cans. The amount of recyclable material generated weekly by each use shall be quantified and reviewed during site plan review to determine whether the storage area to contain a week's accumulation of recyclable material is adequate in size and location. The storage area shall be designed for truck access for pickup of materials and be suitably screened from view if located outside a building.

**(4)**Recycling, trash and garbage loading and unloading areas shall be marked with yellow cross-striping pavement markings and marked with signage as "No Parking or Standing Zones" if adjacent to automobile traffic or parking areas.

§ 276-24**MC Motel Commercial.**

**A.**Purpose statement.

**(1)**The purpose of the Motel Commercial (MC) Zone is to revitalize the City's lodging industry by protecting existing motel facilities from demolition and/or conversion to nontransient use and by encouraging the renovation of existing motels to modern standards, thereby supporting the City's tourist-oriented economy as well as supporting the Wildwoods Convention Center, both as an amenity in and of itself and as an economic generator for the region.

**(2)**As recommended in the 2010 Comprehensive Master Plan Update ("Master Plan"), the portions of the former R-1/OB-2 Zoning District at the intersection of Surf Avenue between (generally) 16th and 17th Avenue and the portion of the R-1/OB-2 Zoning District between 22nd and 26th Avenue have been reclassified as new MC Zoning Districts.

**(3)** In order to provide for new investment and the reasonable use of smaller parcels located within the MC zone, the development of single family detached dwelling and single family semidetached dwelling units shall be permitted.

**B.**Principal permitted uses on the land and in buildings, as defined in § **276-7** (Definitions and word usage). Multiple principal uses are permitted within a single lot or building.

**(1)**Hotels and motels, as defined in § **276-7** (Definitions and word usage).

**(2)**Bed-and-breakfast establishments.

**(3)**Retail sales of goods customarily required/desired by the City's tourist visitor base, including, but not limited to, sporting goods; hobby and craft items; books; photographic and video items; seashore-related clothing and dry goods; antiques; artworks; toys; gifts; novelties, notions and variety items; jewelry; and like and similar items.

**(4)**Retail sales of services customarily required/desired by the City's tourist visitor base, including, but not limited to, barber, beauty and nail services; specialized day spa services; and like and similar personal services.

**(5)**Bicycle, beach accessory and water-sport sales and rental, including sales or rental venues (storefronts) for off-site pickup or activity.

**(6)**Restaurants, bars and taverns (defined as an establishment serving alcoholic beverages and cooked-to-order food which is prepared and served on the premises), and specialty food and beverage outlets, such as bakeries, candy stores, ice cream parlors and like and similar uses, including those serving alcoholic beverages. Such establishments may be enclosed or open-air and may serve in a dine-in or (with the exception of alcoholic beverages) take-out manner.

**(7)**Public parking lots.

**(8)**Enclosed active, sports-oriented entertainment/recreation elements, such as fitness centers, swimming pools, bowling alleys, skating rinks, and other like and similar attractions, excluding amusement arcades.

**(9)**Traditional open-air, active, sports-oriented entertainment/recreation elements, such as tennis courts and miniature golf courses.

**(10)**Publicly oriented tourist information centers, public safety substations for municipal service providers, public restrooms and other public purpose uses.

**(11)** Detached single family dwelling units, as defined in § 276-7, pursuant to the bulk requirements and standards located within the R-1 zone, as set forth within §276-15(D).

**(12)** Single-family semidetached dwelling units, as defined in § 276-7, provided that they are designed so as to appear as though they are a detached single family dwelling unit, pursuant to the bulk requirements and standards located within the R-2 zone, as set forth within §276-16(E).**C.**Prohibited uses. All uses not specifically permitted are prohibited.

**D.**Permitted accessory structures and uses:

**(1)**Such ancillary uses as are normal and customary to a permitted principal use in a family-oriented, seashore environment, including, but not limited to, fitness centers, tennis courts, swimming pools, bathhouses and changing areas, lounges, bars (defined as an establishment serving alcoholic beverages but not food), and kiosks serving alcoholic beverages.

**(2)**Automated teller machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building, it being the intent not to permit freestanding exterior ATM kiosks. ATM kiosks wholly located and accessed from the interior of a building are permitted.

**(3)**Off-street parking lots and/or structures attributed to a principal use.

**(4)**Fences and walls (see § **276-30**, Fences, walls and sight triangles).

**(5)**Private residential sheds for the storage of objects by the residents of the property, on the same lot and/or parcel, each not exceeding 15 feet in height from grade/ground elevation, and altogether not exceeding 150 square feet in gross floor area. All residential sheds must be anchored in accordance with § **276-51B(6)(a)** to prevent flotation, collapse, or lateral movement of the structure. Private residential sheds may not encroach into the front yard required for the residential use in the zoning district in which it is located.

**(6)**Signs [see § **276-24I** referenced herein and § **276-40** (requirements for signs)].

**(7)**Permanently installed garages and storage buildings.

**(8)**Satellite dish antennas (see Chapter **212** of the Code). All satellite dish antennas shall be no larger than four feet in diameter, located on the principal structure, or as an accessory structure meeting the accessory structure yard requirements stated below and located in the rear yard. For all practical purposes, satellite dish antennas shall not be seen from the front facade of the building or the street.

**(9)**Public utility cabinet(s) not exceeding three feet in height, with adequate landscaping screening as necessary and not located in sight triangle easements at street corner intersections. It is recommended that public utility cabinet(s) be located underground in watertight vaults. Suggested plant species are referenced in Appendix A.**[2]**

**(10)**Handicapped access to structures. A ramp to provide handicapped access to structures may encroach into the front, side or rear yard required for the permitted use in the zoning district in which it is located, provided:

**(a)**The intrusion shall be into the front yard only if it is impossible to provide handicapped access to the side or rear of the building premises.

**(b)**The intrusion into the front, side or rear yard shall not be allowed any closer than five feet to the applicable property line.

**(c)**The ramp shall be constructed so as to comply with all applicable construction standards as to size, slope and other details.

**(11)**Public utility lines for the transportation, distribution, or control of water, electricity, gas, oil, steam, CATV and telephone communications, and their supporting members, other than buildings or structures, shall not be required to be located on a lot, nor shall this chapter be interpreted as to prohibit the use of a property in any zone for the above uses. All public utility lines shall be located in the utility strip if paralleling the street and shall be installed underground as practical as possible.

**(12)**Solar energy systems (see Article **XII**).

**(13)**Christmas tree sales. The annual sale of Christmas trees is permitted between December 1 and December 25, inclusive.

**(14)**Public election voting places. The provisions of this chapter shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

**(15)**Outdoor dining with tables on the sidewalk in front of or on the side of the use as permitted in § **276-24B(6)** as listed above. Outdoor dining shall take place on site but not be located in the public sidewalk and/or public/street right-of-way. Outside tables and seats may be situated outside of the building on the parcel/lot but not in the public/street right-of-way. No operation of a business in the MC Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway.

**(a)**The hours of operation of outdoor dining shall be limited to the hours of operation of the associated restaurant. In no event shall the hours of operation go past 12:00 midnight.

**(b)**Outdoor dining is a separate accessory use, as it is defined as any part of a food establishment located outdoors.

**(c)**Adequate lighting shall be provided to promote safe passage of pedestrians and for patrons.

**(d)**Awnings and/or umbrellas may be used in conjunction with the outdoor dining area. Awnings shall be adequately secured. Awnings, including supporting structures, must be within the property line. The bottom of the awning shall be seven feet from the ground.

**(16)**Temporary construction trailers and one sign not exceeding 50 cumulative square feet advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction, beginning with the issuance of a construction permit and concluding with the issuance of a certificate of occupancy or one year, whichever is less, provided said trailer(s) and sign are on the site where construction is taking place and set back at least 10 feet from all street and lot lines.

**E. Permitted Conditional Uses.**

**(1)** Accessory apartments, as conditional uses, and the requirements for all of those residences shall be the same as for single-family residences within this zone. Accessory apartments can be developed as an optional development scheme and are subject to the following:

**(a)**Conditional accessory apartments that are not located within a single-family detached dwelling unit are prohibited.

**(b)**Studio apartments are prohibited.

**(c)**Conditional accessory apartments in the R-1.5 Zoning District shall be limited to one such accessory apartment per the lesser of one lot or one single-family detached dwelling unit.

**(d)**Conditional accessory apartments shall be no larger than 40% of the net habitable floor area of the single-family detached dwelling unit in which they are located and shall contain no less than the minimum net habitable floor area as required by the City's Affordable Housing Ordinance, regardless of whether or not the conditional accessory apartment is to be created under the City's Affordable Housing Ordinance, as applicable.

**(e)**Any increase in the number of bedrooms on the lot in question caused by the addition of a conditional accessory apartment to an existing single-family detached dwelling shall require compliance with the parking requirements of the RSIS (N.J.S.A. 5:21-1 et seq.).

**(f)**Entrances to conditional accessory apartments shall be limited to the front or side elevations of the single-family detached dwelling unit in which they are located. If located on a side elevation, such entrance shall be situated within the front 1/3 of the structure.

**(g)**All conditional accessory apartments shall comply with the Americans with Disabilities Act (ADA) and the accessibility and adaptability requirements of N.J.A.C. 5:94-3.14.

**F.** Area and yard requirements for permitted uses and accessory structures.

|  |  | | | **Requirement** | |
| --- | --- | --- | --- | --- | --- |
|  | **Category** | | | **Hotels/Motels** | **Other Uses** |
|  | Principal buildings, minimum | | |  |  |
|  |  | Minimum lot area | | 10,000 square feet | 5,000 square feet |
|  |  | Minimum lot frontage | | 100 feet | 50 feet |
|  |  | Minimum lot width | | 100 feet | 50 feet |
|  |  | Minimum lot depth | | 100 feet | 100 feet |
|  |  | Minimum setback1 | |  |  |
|  |  |  | Side yard, each | 8 feet2 | 8 feet2 |
|  |  |  | Front yard | 10 feet | 10 feet |
|  |  |  | Rear yard | 15 feet | 15 feet |
|  | Maximum building height | | | 49 feet | 36 feet from base flood elevation (BFE) or three stories, whichever is less |
|  | Maximum building coverage | | | 80% | 80% |
|  | Maximum lot coverage | | | 80% | 80% |
|  | Accessory building, minimum | | |  |  |
|  |  | Distance to front line | | N/A | N/A |
|  |  | Distance to side line | | 4 feet | 4 feet |
|  |  | Distance to rear line | | 4 feet | 4 feet |
|  |  | Distance to other buildings | | 4 feet | 4 feet |
|  | NOTES: | | | | |
|  | 1 | For the purposes of this section, setbacks shall be clear, unoccupied and unobstructed space measured at right angles between a lot line and the building envelope and shall extend from grade to sky, except for the permitted encroachments detailed hereinbelow, provided that such encroachments do not inhibit the free flow of pedestrian traffic. Setbacks shall be construed as minimum distances. Greater setbacks are permitted, provided that the specific distances and design relate to the architecture of the subject building elevation, and further provided that the setback area is heavily treated with a combination of elements detailed hereinbelow. | | | |
|  | 2 | Zero-foot setback where adjoining structures are constructed with a common party wall, provided that access to the rear of each side of the structure is maintained via a service alley, and further provided that the parking requirements for each use are maintained via a shared parking or similar arrangement. | | | |

**G.**Design standards. The following design standards have been established in order to enhance the City's tourist economic base while creating an attractive and inviting pedestrian-scaled environment in the Motel Commercial Zoning District. While this chapter does not mandate a specific theme for a development in the MC Zoning District, designers are strongly encouraged to recognize the historic setting of North Wildwood as a family-oriented seashore resort when selecting a design theme. The following regulations shall be treated as design elements subject to variance relief:

**(1)**The entirety of all building elevations fronting a numbered avenue(s), such as Surf and/or Atlantic Avenue(s), regardless of building height, shall be considered a front yard and primary elevation, with facades and appurtenances treated accordingly.

**(2)**Elevations of all buildings which do not front a numbered avenue(s), such as Surf and/or Atlantic Avenue(s), when visible from a public right-of-way (i.e., above the height of adjacent buildings, whether present or prospective), shall be considered a front yard and primary elevation, with facades and appurtenances treated accordingly.

**(3)**All building elevations, including those of accessory buildings, shall coordinate form, materials, color and detailing to achieve design harmony and continuity.

**(4)**In considering facade treatment, the applicant/developer is encouraged to include a combination of rich detailing, texture, shadow lines and color. Such treatment may include, but need not be limited to:

**(a)**Awnings and canopies.

**(b)**Building articulation.

**(c)**Coping, fascia, soffits and architectural filigree.

**(d)**Signage.

**(e)**Use of color, light and shadows.

**(f)**Other aesthetic features consistent with the Design Guidelines for the Wildwoods Boardwalk (Appendix XX), as applicable.**[3]**

**(5)**The above notwithstanding, the main entrance to a development in the MC Zoning District need only be located on a single elevation, with facades and appurtenances treated accordingly.

**(6)**For public parking lots:

**(a)**Public parking lots shall be no closer than six feet to any lot line, and said area shall be suitably landscaped. Landscaped islands, triangles or strips planted with shrubbery and trees shall be distributed throughout the parking lot in order to break the view of rows of parked cars but in a manner not impairing visibility.

**(b)**Any public parking lot open for business after dark will be illuminated with lamp fixtures emitting a minimum of one footcandle between the hours of 1/2 hour after sunset to 1/2 hour before sunrise, except when the parking lot is empty.

**(c)**All paid public parking lots shall be paved with macadam or concrete with striped parking spaces no less than nine feet by 18 feet. The parking lot surface shall be maintained in a clean and level fashion.

**(d)**Public parking lots shall be licensed by the City of North Wildwood and conform to applicable codes of the City.

**(7)**For hotels and motels, the following standards are applicable:

**(a)**The public lobby, registration (check-in) and information station (front desk) serving a hotel and/or motel in the MC Zoning District may have its public entrances on any building elevation, regardless if whether such entrance fronts a numbered avenue(s), such as Surf and/or Atlantic Avenue(s).

**(b)**Each hotel or motel dwelling unit shall provide a minimum of 250 square feet of net habitable floor area for each unit containing one sleeping room and one bathroom and 350 square feet of net habitable floor area for each unit containing one sleeping room, one bathroom and cooking facilities. There shall be a residency limitation on all guests of 30 days, provided that the residency limitation shall not apply to an employee living on the premises.

**(c)**A permanent on-site superintendent's apartment or living quarters shall be permitted within a hotel or motel and shall be included in the calculation of the permitted density and the number of units with cooking facilities.

**(8)**In order to create an attractive and inviting pedestrian-scaled environment in the MC Zoning District, long runs of blank, unarticulated or unadorned walls, at the pedestrian level or above, are prohibited. Designers are encouraged to include both horizontal and vertical building articulation, combinations of windows (faux or real), architectural detailing and ornamentation to create an attractive and exciting design on all building facades. In furtherance of this requirement:

**(a)**No exterior building wall shall have an uninterrupted horizontal run along a single plane for more than 50 linear feet, and no exterior building wall shall have an uninterrupted vertical run for more than 24 feet. The intent of this regulation may be achieved via structural or ornamental treatment.

**(b)**Horizontal articulation of rooflines is strongly encouraged.

**(c)**While glass elements are permitted as architectural features, blank walls and the use of glass curtain wall construction are prohibited.

**(d)**The uses of dramatic corporate icons and outdoor theatrical lighting are encouraged in harmony with the historic setting of North Wildwood as a family-oriented seashore resort.

**(e)**Where the exterior wall(s) of a building abut an adjacent residential use, the facade shall be heavily landscaped and buffered from such residential use.

**(f)**Street frontages. In order to maximize the vibrancy of the street frontage within the MC Zoning District:

**[1]**With the exception of ground-floor garage entry/exitways, the ground-floor frontage of all structures within the Motel Zoning District abutting a numbered avenue(s), such as Surf and/or Atlantic Avenue(s), shall be devoted to active uses or shall be designed as a decorative streetscape with such treatment and features as may be required to provide a sense of excitement and vibrancy along an otherwise lifeless facade.

**[2]**Excessive building runs on the same plane at the ground-floor level shall be avoided. A combination of building articulation, facade differentiation and other architectural treatments shall be required to provide the illusion of active uses (e.g., storefronts).

**[3]**Where designed as an active use, such ground-floor frontage shall include clear storefront glass areas to display the nature of the use within. Such windows may be either typical large, single panes or multiple smaller panes separated by mullions.

**[4]**Each individual use shall have its own independent entryway from the sidewalk/street right-of-way. Frontage may either have identical designs to reinforce the overall design of the building or varied designs to express individual uses.

**[5]**Where designed as a decorative streetscape, such treatment may include, but need not be limited to, landscaping and hardscaping, benches and other street furniture, decorative lighting (both pedestrian and architectural lighting standards), statuary and other public art, and like and similar features which achieve the stated goal both during the day and nighttime hours, for the full 12 months of the year.

**[6]**With the exception of the decorative streetscape treatments described herein, sidewalks shall extend from the building facade to the curb.

**[7]**For the purposes of this section, setbacks shall be clear, unoccupied and unobstructed space measured at right angles between a lot line and the building envelope and shall extend from grade to sky, except for the following permitted encroachments, provided that such encroachments do not inhibit the free flow of pedestrian traffic:

**[a]**Awnings,\* canopies\* and porte cocheres.\*

**[b]**Flag/banner poles.

**[c]**Bicycle racks,\* benches,\* trash receptacles\* and other street furniture.\*

**[d]**Pedestrian walkways, breezeways and atria.

**[e]**Ornamental architectural features.\*

**[f]**Parking areas and access drives thereto.

**[g]**Tables for outdoor dining.\*

**[h]**Signage and lighting.

**[i]**Fences and landscaping.\*

**[j]**Like and similar features.

**(g)**Outdoor dining shall take place on site but not be located in the public sidewalk and/or public/street right-of-way. Outside tables and seats may be situated outside of the building on the parcel/lot but not in the public/street right-of-way. No operation of a business in the MC Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway.

**(h)**Setbacks shall be construed as minimum distances. Greater setbacks are permitted, provided that the specific distances and design relate to the architecture of the subject building elevation, and further provided that the setback area is heavily treated with a combination of elements designated above by asterisks(\*).

**(i)**Setbacks shall not apply to vacated rights-of-way. Awnings and canopies servicing street-level commercial space entryways may extend into/onto a public right-of-way at a distance to the curb, with support of said awnings and canopies at the curb and building facade. The public right-of-way underneath the awnings and canopies shall remain clear.

**H.**Screening.

**(1)**For hotels/motels, delivery and loading areas, mechanical equipment, garbage and recycling storage and similar back-of-the-house functions shall be enclosed within the building and shall be screened so as not to be visible from any public right-of-way or adjacent property.

**(2)**For all other uses, delivery and loading areas, mechanical equipment, garbage and recycling storage and similar back-of-the-house functions, functions shall be enclosed within the building to the extent practicable. Otherwise, such functions shall be screened so as not to be visible from any public right-of-way or adjacent property.

**(3)**Pergolas, trellises or other screening above parked vehicles is required where exposed flat roofs are used as parking decks and for mechanical and related items.

**I.**General requirements.

**(1)**Any principal building may contain more than one permitted use and/or organization, provided that the total building coverage of the combined activities does not exceed the maximum building coverage specified for the district and, further, that each activity occupies a minimum gross floor area of 500 square feet for uses in the zoning district.

**(2)**More than one principal building shall be permitted in all structures. All principal buildings shall be separated by a minimum of 20 feet, provided such separation is to be used solely for pedestrian circulation. All buildings shall be separated by a minimum of 50 feet where any part of such separation is to be used for parking or vehicular circulation. However, the separation requirements should not be construed to prohibit covered pedestrian walkways when the roof or covering of such walkway extends between the buildings. Pedestrian circulation zones shall be marked with yellow cross-striping pavement markings and marked with signage as "No Parking or Standing Zones" if adjacent to automobile traffic or parking areas.

**(3)**All buildings on a single commercial site shall be compatibly designed, whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes.

**(4)**Merchandise, products, equipment or similar materials or objects can be displayed or stored outside so long as the merchandise, products, equipment or similar materials or objects shall be located/installed in such a manner that they do not interfere with or are not located in the sidewalk area to prevent free travel of pedestrians. No operation of a business in the MC Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway.

**(5)**All areas not utilized for buildings, parking, loading, access aisles, driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or similar plantings and maintained in good condition. Suggested plant species are referenced in Appendix A.**[4]**

**(6)**Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard setback; and as to any such equipment that is located in a side yard setback, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt from this regulation.

**(7)**Landscaping shall be provided in the front yard area and shall be reasonably distributed throughout the entire front yard area. Suggested plant species are referenced in Appendix A.**[5]**

**(8)**Bicycle racks shall be located on the business site, with a minimum capacity of seven bicycles. No locking mechanisms need to be provided. The racks shall be located/installed in such a manner that they do not interfere with or are not located in the public/street right-of-way and/or sidewalk area.

**J.**Sign requirements.

**(1)**General signage standards.

**(a)**While not located on the Boardwalk, the signage section of the Design Guidelines for the Wildwoods Boardwalk (Appendix XX and referenced and incorporated herein)**[6]** shall serve as the philosophical underpinnings for the standards for signage in the MC Zoning District, with specific standards established accordingly hereinbelow. All exterior signs shall identify uses, activities or functions of the development on which the sign is located. No advertising of any product, use or activity outside of the development shall be permitted.

**(b)**Signage for similar project elements shall be coordinated and similarly themed to provide a unifying style. All signs for individual uses shall conform in character with all other signs in the complex and shall blend with the overall architectural scheme of the district.

**(c)**This regulation shall not be construed to mean that all signs must be identical or to prohibit unique sign designs where necessary and appropriate, but rather that, absent specific justification (i.e., branding/themeing requirements for themed retail outlets or food and beverage outlets), sign design shall be complementary and consistent.

**(d)**No vacant signs or sign boxes shall be permitted. Where vacancies occur, corresponding signage shall be immediately replaced with general development or other appropriate signage. Similarly, any sign, which falls into a state of disrepair shall immediately be repaired or replaced.

**(e)**This regulation shall not be construed to include intentional removal of sign faces in the off-season, which is a typical practice along the Wildwoods Boardwalk. However, upon any such intentional removal, an aesthetically treated replacement panel shall be employed so as not to leave a visibly vacant sign box.

**(f)**All signs must be professionally designed and constructed. Homemade-type plywood, coroplast or cardboard signs or home-computer-generated-type signs are expressly prohibited.

**(g)**Sign lighting shall be appropriate for the type and style of sign proposed and may include LED, neon or other illumination. Similarly, the use of neon lighting or similar material to create sculptural logo or iconographic images is encouraged.

**(h)**No restrictions are established for interior project signage (defined as the interior wall area of a project, whether within an enclosed structure or on the inward-facing frontage of a structure internal to a project.). Developers are encouraged to establish a creative interior sign package consistent with the type and scope of the project proposed.

**(2)**Project identification signage.

**(a)**Each elevation of a principal building may have one building-mounted project identification sign depicting the name of the project and such other logo or corporate iconography as may be appropriate. While the size, location and configuration of such signage shall be appropriate to the elevation on which such sign is located, such sign shall be located at the uppermost section of the building, but shall be no higher than the roofline of the wall on which such sign is affixed, and shall have a total sign area not exceeding 10 feet in height multiplied by the width of the building elevation on which such sign is affixed. However, each such sign may extend to a maximum of 20 feet in height multiplied by the width of the building elevation on which such sign is affixed, provided the sign conforms to the conditional signage standards detailed hereinbelow. The bottom edge of such sign shall be a minimum of 10 feet from finished grade if located on a numbered avenue (i.e., 26th or 25th Avenue), Surf Avenue or Atlantic Avenue, but in no case shall it project below the awning, canopy or other element on which such sign is affixed.

**(b)**In addition to the project identification signs as permitted herein, each porte cochere or primary entranceway of a principal building may have one building-mounted project identification sign depicting the name of the project and such other logo or corporate iconography as may be appropriate. While the size, location and configuration of such signage shall be appropriate to the porte cochere or entranceway on which such sign is located, such sign shall not exceed the length of the awning, canopy or other element over which such sign is affixed. The bottom edge of such sign shall be a minimum of 10 feet from finished grade if located on a numbered avenue, Surf Avenue or Atlantic Avenue, but in no case shall it project below the awning, canopy or other element on which such sign is affixed. The height of such sign shall be 12 feet from finished grade, but in no case higher than the awning, canopy or other element on which such sign is affixed, and shall have a total sign area not exceeding two feet in height multiplied by the width of the awning, canopy or other element on which such sign is affixed. However, such signage may extend to a maximum of four feet in height multiplied by the width of the awning, canopy or other element on which such sign is affixed, provided such sign conforms to the conditional signage standards detailed herein. In such case, the height of such sign shall be 14 feet from finished grade.

**(c)**Each principal building may have one freestanding project identification (pole) sign per street frontage depicting the name of the project and such other logo or corporate iconography as may be appropriate. The location and configuration of such signage shall be appropriate to the street frontage on which such sign is located. However, freestanding signs shall respect the building setbacks as provided for herein. Each such identification sign shall not exceed 150 square feet in area or 25 feet in height. However, each such sign may extend to a maximum of 1,000 square feet in area and 50 feet in height, provided it conforms to the conditional signage standards detailed hereinbelow.

**(3)**Use-oriented identification signage.

**(a)**Each permitted principal use within but visible from the outside of a hotel/motel may have one use-oriented identification sign mounted above the storefront of such use, depicting the name of the use and such other logo or corporate iconography as may be appropriate.

**(b)**Each individual use-oriented identification sign shall not exceed the length of the storefront over which such sign is affixed. The bottom edge of such sign shall be a minimum of 10 feet from finished grade if located on a numbered avenue, Surf Avenue or Atlantic Avenue, but in no case shall it project below the awning, canopy or other element on which such sign is affixed.

**(c)**Such sign shall be no higher than the awning, canopy or other element on which such sign is affixed and shall have a total sign area not exceeding two feet in height multiplied by the width of the awning, canopy or other element on which such sign is affixed. However, each such sign may extend to a maximum of four feet in height multiplied by the width of the awning, canopy or other element on which such sign is affixed, provided such sign conforms to the conditional signage standards detailed hereinbelow.

**(4)**See § **276-40** (requirements for signs) for additional standards.

**K.**Minimum off-street parking. Each individual use shall provide parking spaces according to the following minimum provisions. Where a permitted use of land includes different specific activities with different specific parking requirements, individually computing the parking requirements for each different activity and adding the resulting numbers together shall obtain the total number of required parking spaces.

**(1)**Hotels and motels shall provide parking as follows:

|  | **Room Size**  **(square feet)** | **Parking Spaces**  **(per unit)** |
| --- | --- | --- |
|  | Under 375 | 1.1 |
|  | 376 to 800 | 1.25 |
|  | 801 to 1,250 | 1.5 |
|  | Over 1,250 | 2.0 |
|  | Plus 1 space for every 10 seats provided in an ancillary restaurant | |

**(a)**Freestanding parking garages or storage sheds are not permitted as part of a motel development. Accordingly, all garages and storage structures shall be physically attached to the motel. It is the City's intention not to permit traditional, open parking decks wherein parked vehicles are visible to the public from any right-of-way. Window-like cutouts and/or other architectural elements are required so as to resemble hotel/motel units while providing for garage ventilation as necessary. Parking garages may be attached by way of an enclosed walkway, which may be elevated or at grade. Off-site parking lots can be located off site from the motel development within the block hosting the subject property and the block frontage facing the subject property.

**(b)**For the purpose of this section:

**[1]**The term "block hosting the subject property" shall mean the entirety of the block on which the property proposing the expansion of multifamily development units is located; and

**[2]**The term "block frontage facing the subject property" shall mean the (typically 1/2) portion of the block across the street from the subject property between intersecting streets.

**(2)**Bed-and-breakfast establishments shall provide one space per sleeping room, plus two spaces for the permanent living quarters of the owner.

**(3)**Permitted uses such as those uses listed in § **276-24B(3)**, **(4)**, **(5)** and **(8)** shall provide parking at the ratio of one space per 400 square feet of gross floor area.

**(4)**Traditional open-air, active, sports-oriented entertainment/recreation elements, such as tennis courts and miniature golf courses, shall provide one space per each hole, plus one space for each employee, but in all cases a sufficient number of spaces shall be provided to accommodate expected needs for any permitted recreational use.

**(5)**Permitted uses such as those uses listed in § **276-24B(6)** shall provide a minimum of one space for every six seats, but in all cases a sufficient number of spaces to prevent any parking along private driveways, fire lanes and aisles. Outdoor seating/dining areas intended for use during spring, summer and autumn months shall not be considered when calculating the number of parking spaces required by this subsection.

**(6)**Shared parking use of open parking lots with other permitted uses of the MC Zoning District is highly encouraged.

**(7)**See § **276-35** (requirements for parking) for additional standards.

**L.**Minimum off-street loading; trash and garbage locations.

**(1)**The need for, location and design of off-street loading and unloading areas shall be considered and determined at the time of site plan review. Off-street loading and unloading areas shall take place on site but not in the public/street right-of-way.

**(2)**The need for, location and design of trash and garbage locations shall be considered and determined at the time of site plan review. Recycling, trash and garbage loading and unloading areas shall take place on site but not in the public/street right-of-way. All solid waste not stored within a building shall be stored within an enclosed container.

**(3)**Each use must include provisions for the collection, disposition and recycling of recyclable materials, including newspapers, leaves, white high-grade paper, glass bottles and jars, aluminum, corrugated cardboard, and tin and bimetal cans. The amount of recyclable material generated weekly by each use shall be quantified and reviewed during site plan review to determine whether the storage area to contain a week's accumulation of recyclable material is adequate in size and location. The storage area shall be designed for truck access for pickup of materials and shall be suitably screened from view if located outside a building.

**(4)**Recycling, trash and garbage loading and unloading areas shall be marked with yellow cross-striping pavement markings and marked with signage as "No Parking or Standing Zones" if adjacent to automobile traffic or parking areas.

**(5)**For hotels/motels, delivery and loading areas, mechanical equipment, garbage and recycling storage and similar back-of-the-house functions shall be enclosed within the building and shall be screened so as not to be visible from any public right-of-way or adjacent property.

**(6)**See § **276-44** for additional standards.















§ 276-25 **B Boardwalk**

**A.** Boundary

**(1)** Properties which are located within 100 feet of the Boardwalk between 16th Avenue and 26th Avenue shall be located within the Boardwalk zone. In the event a Property fronts the Boardwalk and it located more than 100 feet from the Boardwalk itself the entire property shall be governed by the standards set forth herein.

**B.**Principal permitted uses on the land and in buildings:

**(1)**Bed-and-breakfast establishments.

**(2)**Retail sales of goods customarily required/desired by the City's tourist visitor base, including, but not limited to, sporting goods; hobby and craft items; books; photographic and video items; seashore-related clothing and dry goods; antiques; artworks; toys; gifts; novelties, suntan lotions and variety items; jewelry; and like and similar items.

**(3)**Retail sales of goods customarily required/desired by the City's tourist visitor base, including, but not limited to, specialty food and beverage outlets, such as bakeries, candy stores, ice cream parlors, and like and similar uses.

**(4)**Retail sales of services customarily required/desired by the City's tourist visitor base, including, but not limited to, barber, beauty and nail services; specialized day spa services; and like and similar personal services.

**(5)**Bicycle, beach accessory and water-sport sales and rental, including sales or rental venues (storefronts) for off-site pickup or activity.

**(6)**Specialized open-air entertainment/recreation elements, such as amphitheaters and themed attractions.

**(7)**Public parking lots.

**(8)**Specialized enclosed entertainment/recreation elements, such as theaters, arenas, aquariums, museums (cultural or popular), themed attractions, and other like and similar attractions.

**(9)**Enclosed active, sports-oriented entertainment/recreation elements, such as fitness centers, swimming pools, surfing pools, waterparks, bowling alleys, skating rinks, batting cages, active recreation simulators and other like and similar attractions.

**(10)**Miniature golf courses.

**(11)**Enclosed amusement arcades, provided that they front on and have direct access to the Boardwalk.

**(12)**Publicly oriented tourist information centers, public safety substations for municipal service providers, public restrooms and other public purpose uses.

**(13)** Wireless antennas provided that new antennas utilize co-location or are installed on existing structures.

**C.** Accessory structures and uses permitted:

**(1)**Such ancillary uses as are normal and customary to a permitted principal use in a family-oriented, seashore environment, including, but not limited to, tennis courts, swimming pools, bathhouses and changing areas, lounges, bars, and kiosks serving alcoholic beverages.

**(2)**Enclosed amusement arcades which do not front on or have direct access to the Boardwalk, associated with a permitted use.

**(3)**Automated teller machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building, it being the intent not to permit freestanding exterior ATM kiosks. ATM kiosks wholly located and accessed from the interior of a building are permitted.

**(4)**Off-street parking (see § **276-25I** hereinbelow and § **276-35**).

**(5)**Fences and walls (see § **276-30**).

**(6)**Signs (see § **276-25H** hereinbelow and § **276-40**).

**(7)**Garages and storage buildings.

**(8)**Home occupations (see § **276-7** for definitions and requirements).

**(9)**Satellite dish antennas. All satellite dish antennas shall be no larger than four feet in diameter, located on the principal structure, or as a accessory structure meeting accessory structure yard requirements and located in the rear yard. Satellite dish antennas shall not be seen from the front facade of the building or the street right-of-way.

**(10)**Public utility cabinet(s) not exceeding three feet in height, with adequate landscaping screening as necessary, and not located in sight triangle easements at street corner intersections. It is recommended that public utility cabinet(s) be located underground in watertight vaults. Suggested plant species are

**(11)**Christmas tree sales. The annual sale of Christmas trees is permitted between December 1 and December 25, inclusive.

**(12)**Public election voting places. The provisions of this chapter shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

**(13)**Public utility lines for the transportation and distribution and control of water, electricity, gas, oil, steam, telecommunications, and their supporting members, other than buildings or structures, shall not be required to be located on a lot, nor shall this chapter be interpreted as to prohibit the use of a property in any zone for the above uses.

**(14)**Outdoor dining areas with tables on the sidewalk in front of or on the side of the permitted and conditional use premises. Outdoor dining areas shall take place on site but not be located in the public sidewalk and/or public/street right-of-way for the premises. Outside tables and seats may be situated outside of the building on the parcel/lot but not in the public/street right-of-way. No operation of a business in the RH Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway.

**(a)**The hours of operation of an outdoor dining area shall be limited to the hours of operation of the associated restaurant. In no event shall the hours of operation go past 3:00 a.m.

**(b)**Outdoor dining is separate from a sidewalk cafe/restaurant, as it is defined as any part of a food establishment located outdoors.

**(c)**Adequate lighting shall be provided to promote safe passage of pedestrians and for patrons.

**(d)**Awnings and/or umbrellas may be used in conjunction with the outdoor dining areas. Awnings shall be adequately secured. Awnings, including supporting structures, must be within the property line. The bottom of the awning shall be seven feet from the ground.

**(15)**Solar energy systems (see Article **XII**).

**(16)**Temporary construction trailers and one sign not exceeding 50 cumulative square feet advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction, beginning with the issuance of a construction permit and concluding with the issuance of a certificate of occupancy or one year, whichever is less, provided said trailer(s) and sign are on the site where construction is taking place and set back at least 10 feet from all street and lot lines.

**D.**Prohibited uses. All uses not specifically permitted are prohibited.

**E.**Conditional uses permitted.

(**1**) Hotels and motels, as defined in § **276-7** (Definitions and word usage), from 2nd Avenue to 26th Avenue, conditioned upon said hotels and motels directly front the Boardwalk, the Beach or John F. Kennedy Boulevard. Hotels and Motels shall also be conditioned upon compliance with the applicable area and yard requirements set forth within § **276-24(F) as** applicable to hotels and motels.

**(2)**Resort hotel structures, to be defined as a structure which contains, but is not necessarily solely comprised of, resort hotel units (as defined in § **276-7**) which are designed, designated and intended to be used, let or hired out for compensation for transient occupancy to the general public by reservation or walk-up without reservation, but in any case without lease, for occupancy in periods of not less than one night and not more than 20 continuous nights; except that resident management shall not be subject to the occupancy limitation.

**(a)**To qualify as a resort hotel structure, such structure shall:

**[1]**Maintain a public lobby or registration (check-in) and information station (front desk) serving the guest rooms with in-house staff available on a twenty-four-hour basis.

**[2]**Maintain a linen closet, ice machine and beverage/candy vending area, at a minimum, on alternating floors.

**[3]**Provide the following amenities: restaurants, banquet or dining rooms, conference rooms, swimming pools and other aquatic facilities designed for use on a year-round basis, room service, linen service and other normal and customary elements to such facilities.

**[4]**Be designed with back-of-the-house linen and garbage chutes accessing all floors.

**[5]**Maintain full-time, on-site staff and management.

**[6]**Maintain a published business phone number and, to the extent that such advertising is part of the facilities' business model, advertise daily rentals and hotel-like services to the general public.

**[7]**Pay sales tax, use tax and tourism room tax as required by the Tourism Improvement and Development District Act (N.J.S.A. 40:54D-1 et seq.).

**[8]**Be designed and managed such that each utility (water, sewer, electric, natural gas, telephone and cable television) servicing a resort hotel structure shall commonly meter its service to all resort hotel units within such structure and shall commonly bill such service to the resort hotel management entity.

**(b)**Individually owned units within a resort hotel structure. Recognizing that the economics of developing the type of resort hotel structures described herein may benefit from the inclusion of some number of units that have been submitted to the condominium form of ownership, such units shall be permitted within a resort hotel structure, subject to the definitions and regulations as follows:

**[1]**Investment condominium units (as defined in § **276-7**) are individually owned units within a resort hotel structure made available for sale for investment purposes only. While individually owned, such units shall be designed and operated as transient resort hotel units. Investment condominium units shall be designed and operated as transient resort hotel units only and shall not be considered or used as ownership condominium units.

**[2]**Ownership condominium units (as defined in § **276-7**) are individually owned units within a resort hotel structure made available for sale for residential use in accordance with the following:

**[a]**Recognizing that the owners of ownership condominium units may wish to derive income from the rental of their unit when not in use by such owner, and that such rental, if managed properly, can result in an increase in the City's hotel room inventory in accordance with the Master Plan, such rental shall be permitted.

**[b]**Recognizing that certain conflicts are inherent when mixing rental-based (i.e., hotel) and ownership-based (i.e., condominium) uses (such conflicts include, but are not limited to, the differing expectations of owners vs. renters regarding the vacation experience), and that such conflicts have the potential be detrimental to the overall success of the resort hotel, the following regulations are established:

**[i]**In order to provide for continuity in rental pricing for ownership condominium units, maximize efficiency in rental operations (e.g., reservations, registration, check in/check out, etc.) for ownership condominium units, and coordinate advertising for ownership condominium unit rentals within each respective resort hotel structure, no ownership condominium unit in a resort hotel structure shall be rented, leased or otherwise offered for use by any individual or entity other than the resort hotel management entity for such resort hotel structure. Such regulation shall not extend to the sale of ownership condominium units. Owners who wish to sell their units may employ the real estate professional of their choice. To ensure enforcement of this regulation, no real estate sales or rental signage may be permitted on any property in which resort hotel units are located. Similarly, no real estate sales or rental equipment (e.g., flier stands, lock boxes or related items) may be permitted on any property in which resort hotel units are located.

**[ii]**Ownership condominium units shall be permanently and irrevocably restricted against rental, lease or similar use by any entity other than by the resort hotel management entity. In addition to the regulations contained herein, an appropriate restriction shall be placed in each individual deed for each individual ownership condominium unit as well as in the master deed for the resort hotel structure, which deeds shall be properly recorded with the Cape May County Clerk.

**[iii]**Ownership condominium units may have individually metered utilities and may contain full kitchens and laundry facilities.

**(c)**It is critical that resort hotel structures be designed and utilized predominantly for transient lodging and not residential use. Accordingly, where resort hotel structures contain investment and ownership condominium units, the ratio of such units shall be:

**[1]**Not less than 55% of the total number of units in the resort hotel structure shall be designed and operated as transient resort hotel units. All such units shall be under common ownership and control.

**[2]**Not more than 25% of the total number of units in a resort hotel structure shall be investment condominium units. Such units shall be designed and operated as transient resort hotel units.

**[3]**Not more than 20% of the total number of units in the resort hotel structure shall be designed and operated as ownership condominium units. Any third-party rental of such units shall be in conformance with Subsection **E(3)(b)** hereinabove.

**[4]**These regulations shall specifically be construed to prohibit resort hotel units within a resort hotel structure from being occupied or otherwise used as multiple dwellings, as defined by the NJDCA under the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq.

(**d**)The public lobby, registration (check-in) and information station (front desk) serving a hotel/motel or a resort hotel in the Resort Hotel Zone may have its public entrances on a numbered avenue, Surf Avenue, Ocean Avenue or the western or eastern (if not fronting the Boardwalk) facade of the building. Additionally, hotels/motels and resort hotels in the Resort Hotel Zone fronting the Boardwalk shall be designed with a direct access to the lobby and registration area from the Boardwalk.

**(e)**Freestanding garages or storage sheds are not permitted as part of a resort hotel development. Accordingly, all garages and storage structures shall be physically attached to the resort hotel structure, and all recycling and refuse storage shall be within the resort hotel structure. Parking garages may be attached by way of an encircled walkway, which may be elevated or at grade.

**[1]**It is the City's intention not to permit traditional, open parking decks wherein parked vehicles are visible to the public from any right-of-way. Window-like cutouts and/or other architectural elements are required so as to resemble resort hotel units while providing for garage ventilation as necessary.

**[2]**Boardwalk frontage. In order to maximize the vibrancy of this significant frontage:

**[i]**The entire Boardwalk frontage of a development shall be devoted to active permitted principal uses, including, but not limited to, retail and/or food and beverage uses or accessways to a hotel/motel or resort hotel lobby and registration area, if applicable.

**[ii]**Such Boardwalk frontage shall include clear storefront glass (which may be tinted) areas to display the nature of the use within and produce an interesting pedestrian streetscape. Such windows may be either typical large, single panes or multiple smaller panes separated by mullions.

**[iii]**Each individual use shall be oriented to and have its own independent entryway from the Boardwalk. Frontages may either have identical designs to reinforce the overall design of the building or varied designs to express individual uses.

**[iv]**Only restaurants, permitted retail and commercial uses, banquet or dining rooms, conference rooms, swimming pools, and like and similar amenities shall be located along the fifteen-foot-high, zero-setback portion of the Boardwalk facade as described hereinabove, it being the intention to buffer lodging units from the boisterous environment of the Boardwalk.

**[v]**Awnings and canopies servicing Boardwalk-level commercial space may extend into the Boardwalk right-of-way no further than four feet from the building facade.

**(f)**Screening.

**[1]**For resort hotel structures, delivery and loading areas, mechanical equipment, garbage and recycling storage and similar back-of-the-house functions shall be enclosed within the building to the extent practicable. Otherwise, such functions shall be screened so as not to be visible from any public right-of-way or adjacent property.

**[2]**All solid waste not stored within a building shall be stored within an enclosed container.

**[3]**Pergolas, trellises or other screening above parked vehicles is required where exposed flat roofs are used as parking decks and for mechanical and related items.

**[4]**With the exception of miniature golf courses or similar outdoor sporting venues, no merchandise, products, equipment or similar materials or objects shall be displayed or stored outside.

**(g)**Use-oriented identification signage.

**[1]**Signage attendant to a permitted principal use not located within a conditional resort hotel shall be subject to the provisions of project identification signage hereinabove.

**[2]**Signage associated with a conditional resort hotel shall be subject to the provisions of project identification signage hereinabove for the resort hotel structure. Signage attendant to permitted principal uses within a conditional resort hotel but visible from the outside of such structure (i.e., a storefront located within a resort hotel but visible and accessible from the street or Boardwalk) shall be subject to the provisions of Subsection **H(2)(b)** hereinabove.

**[3]**Each permitted principal use within but visible from the outside of a conditional resort hotel (i.e., a storefront located within a resort hotel but visible and accessible from the street or Boardwalk) may have one use-oriented identification sign mounted above the storefront of such use, depicting the name of the use and such other logo or corporate iconography as may be appropriate. Each individual use-oriented identification sign shall not exceed the length of the storefront over which such sign is affixed. The bottom edge of such sign shall be a minimum of 10 feet from finished grade if located on a numbered street (i.e., 26th Avenue) or Ocean Avenue and 16 feet from the Boardwalk level if located on the Boardwalk, but in no case shall it project below the awning, canopy or other element on which such sign is affixed. Such sign shall be no higher than the awning, canopy or other element on which such sign is affixed and shall have a total sign area not exceeding two feet in height multiplied by the width of the awning, canopy or other element on which such sign is affixed. However, each such sign may extend to a maximum of four feet in height multiplied by the width of the awning, canopy or other element on which such sign is affixed, provided such sign conforms to the conditional signage standards detailed herein.

**[4]**Conditional signage standards. The signage section of the Design Guidelines for the Wildwoods Boardwalk (Appendix XX herein)**[4]** shall serve as the conditional use standards for signage in the RH Zoning District.

**[5]**See § **276-40** (requirements for signs) for additional standards.

**[6]**Resort hotels shall provide parking as follows:

|  | **Room Size**  **(square feet)** | **Parking Spaces**  **(per unit)** |
| --- | --- | --- |
|  | Under 375 | 1.1 |
|  | 376 to 800 | 1.25 |
|  | 801 to 1,250 | 1.5 |
|  | Over 1,250 | 2.0 |
|  | Plus 1 space for every 10 seats provided in an ancillary restaurant | |

**[7]**Restaurants, bars and/or taverns associated with or without a resort hotel shall provide a minimum of one space for every six seats, but in all cases a sufficient number of spaces to prevent any parking along private driveways, fire lanes and aisles. Outdoor seating/dining areas intended for use during spring, summer and autumn months shall not be considered when calculating the number of parking spaces required by this subsection.

**[8]**Eating and drinking establishments, including restaurants and specialty food outlets, bars and taverns shall provide a minimum of one space for every four seats. Outdoor seating/dining areas intended for use during spring, summer and autumn months shall not be considered when calculating the number of parking spaces required by this subsection.

**[9]**Credit shall be given on a 50% basis (rounded to the higher number) for on-street parking spaces towards the nonresidential component of a project's parking requirement [e.g., seven on-street spaces will get credit for four on-site spaces (7 x 50% = 3.5, and 3.5 rounded to the higher number is 4)]. The on-street spaces shall be directly adjacent to the subject property, be clearly indicated on the site plan, measure eight feet by 22 feet, and not interfere with loading or delivery operations, fire lanes, bikeways, bus stops, sight triangles, pedestrian crossings or driveways.

**[10]**A developer may satisfy up to two spaces of nonresidential parking deficiency by contributing to a municipal parking capital improvement fund for the design, purchase, construction and maintenance of municipal parking lots. The developer shall make a contribution of $4,000 per deficient space. Full payment is required as a condition of the issuance of the first construction permit. Upon full payment by an applicant/developer to the parking fund, no contribution is refundable.

**[11]**Shared parking use of open parking lots with other permitted uses of the RH Zoning District is permitted.

**[12]**See § **276-35** (requirements for parking) for additional standards.

**(h)**Minimum off-street loading; trash, recycling and garbage locations.

**(1)**The need for, location and design of off-street loading and unloading areas shall be considered and determined at the time of site plan review. Off-street loading and unloading areas shall take place on site but not in the public/street right-of-way.

**(2)**The need for, location and design of trash and garbage locations shall be considered and determined at the time of site plan review. Recycling, trash and garbage loading and unloading areas shall take place on site but not in the public/street right-of-way. All solid waste not stored within a building shall be stored within an enclosed container.

**(3)**Each use must include provisions for the collection, disposition and recycling of recyclable materials, including newspapers, leaves, white high-grade paper, glass bottles and jars, aluminum, corrugated cardboard, and tin and bimetal cans. The amount of recyclable material generated weekly by each use shall be quantified and reviewed during site plan review to determine whether the storage area to contain a week's accumulation of recyclable material is adequate in size and location. The storage area shall be designed for truck access for pickup of materials and be suitably screened from view if located outside a building.

**(4)**Recycling, trash and garbage loading and unloading areas shall be marked with yellow cross-striping pavement markings and marked with signage as "No Parking or Standing Zones" if adjacent to automobile traffic or parking areas.

**(5)**For resort hotels, delivery and loading areas, mechanical equipment, garbage and recycling storage and similar back-of-the-house functions shall be enclosed within the building and shall be screened so as not to be visible from any public right-of-way or adjacent property.

**(**3) Conditional UseArea and yard requirements.

|  | | | |  | | | **Requirement** | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | | | | **Category** | | | **Hotels/Motels and Apartment/**  **Condominium Buildings**  **(as defined herein)** | **Other Uses** |
|  | |  | | | | | **Requirement** | |
|  | | **Category** | | | | | **Hotels/Motels and Apartment/**  **Condominium Buildings**  **(as defined herein)** | **Other Uses** |
|  | | Principal buildings, minimum | | | | |  |  |
|  | |  | | Minimum lot area | | | 6,000 square feet | 5,000 square feet |
|  | |  | | Minimum lot frontage | | | 60 feet | 50 feet |
|  | |  | | Minimum lot width | | | 60 feet | 50 feet |
|  | |  | | Minimum lot depth | | | 100 feet | 100 feet |
|  | |  | | Minimum setback1 (except where abutting the Boardwalk, Surf or Ocean Avenues and a numbered avenue2) | | |  |  |
|  | |  | |  | | Side yard, each | 8 feet3 | 8 feet3 |
|  | |  | |  | | Front yard | 10 feet | 10 feet |
|  | |  | |  | | Rear yard | 15 feet | 15 feet |
|  | |  | | Boardwalk setback, regardless of whether front, side or rear yard | | | 0 feet | 0 feet |
|  | |  | | Surf and Ocean Avenue setback, regardless of whether front, side or rear yard | | | 8 feet | 8 feet |
|  | |  | | Setback along a numbered avenue,4regardless of whether front, side or rear yard | | |  | |
|  | |  | |  | | Between the Boardwalk and 30 feet west of the Boardwalk, grade to 15 feet from the Boardwalk level | 0 feet | 0 feet |
|  | |  | |  | | Between the Boardwalk and 30 feet west of the Boardwalk, 15 feet from the Boardwalk level to 48 feet from grade | 8 feet | 8 feet |
|  | |  | |  | | 30 feet west of the Boardwalk to the western edge of the block: grade to 48 feet from grade | 8 feet | 8 feet |
|  | | Maximum building height | | | | | 66 feet, subject to the building envelope restrictions established for conditional vertical development. (See Conceptual Building Envelope Diagrams following this schedule.) | 36 feet from base flood elevation (BFE) or three stories, whichever is less |
|  | | Maximum building coverage | | | | | 80% | 80% |
|  | | Maximum lot (impervious) coverage | | | | | 80% | 80% |
|  | | Accessory building, minimum (no accessory building shall abut the Boardwalk) | | | | |  |  |
|  | |  | | Distance to front line | | | N/A | N/A |
|  | |  | | Distance to side line | | | 4 feet | 4 feet |
|  | |  | | Distance to rear line | | | 4 feet | 4 feet |
|  | |  | | Distance to other buildings | | | 4 feet | 4 feet |
|  | | Minimum lot area | | | | | No minimum established. Lot area shall be calculated by multiplying the minimum lot width by the minimum lot depth. | No minimum established. Lot area shall be calculated by multiplying the minimum lot width by the minimum lot depth. |
|  | | Minimum lot width/street frontage | | | | |  |  |
|  | |  | | Properties abutting the Boardwalk | | | 400 feet5 | 400 feet5 |
|  | |  | | Properties not abutting the Boardwalk whose most westerly line is within the easterly 1/3 of the block6 | | | 150 feet | 150 feet |
|  | |  | | Remaining properties | | | 100 feet | 100 feet |
|  | | Lot depth (absolute) | | | | | 200 feet (street to street) |  |
|  | | At-grade setbacks (subject to the building envelope restrictions established herein). See Conceptual Building Envelope Diagrams following this schedule. | | | | | | |
|  | |  | | Boardwalk frontage | | |  |  |
|  | |  | |  | | Grade to 15 feet from Boardwalk level | 0 feet | 0 feet |
|  | |  | | Numbered avenue7 | | |  |  |
|  | |  | |  | | Between the Boardwalk and 30 feet west of the Boardwalk, grade to 15 feet from the Boardwalk level | 0 feet | 0 feet |
|  | |  | |  | | Between the Boardwalk and 30 feet west of the Boardwalk, 15 feet from the Boardwalk level to 48 feet from grade | 8 feet | 8 feet |
|  | |  | |  | | 30 feet west of the Boardwalk to the western edge of the block: grade to 48 feet from grade | 8 feet | 8 feet |
|  | |  | | Surf and Ocean Avenues | | |  |  |
|  | |  | |  | | Grade to 48 feet from grade | 8 feet | 8 feet |
|  | |  | | Eastern and western yards (when not abutting the Boardwalk, Surf or Ocean Avenues) | | |  |  |
|  | |  | |  | | Grade to 48 feet from grade | 15 feet from the property line of a contiguous vertical development | 15 feet from the property line of a contiguous vertical development |
|  | |  | |  | | Remaining properties | 8 feet | 8 feet |
|  | | Maximum building coverage | | | | | 75% | 75% |
|  | | Maximum lot (impervious) coverage | | | | | 80% | 80% |
|  | | Maximum building height (subject to the building envelope restrictions established herein). See Conceptual Building Envelope Diagrams following this schedule. | | | | |  |  |
|  | |  | | Properties abutting the Boardwalk | | | 150 feet | 150 feet |
|  | |  | | Properties not abutting the Boardwalk where any portion thereof is within the easterly 1/3 of the block | | | 120 feet | 120 feet |
|  | |  | | Properties not abutting the Boardwalk where no portion thereof is within the easterly 1/3 of the block | | | 65 feet | 65 feet |
|  | | ALL PROPERTIES  Fully screened mechanical rooms or other roof structures for the housing of stairways, tanks, ventilating fans, air-conditioning or similar equipment required to operate and maintain the building; telecommunications antennas, satellite dishes and related systems; skylights, spires, cupolas, flagpoles, chimneys or similar architectural features may be erected above the heights prescribed herein to a maximum of 20% of such heights, provided that the screening is found acceptable by the Planning Board or Zoning Board of Adjustment, as the case may be.  Similarly, project identification signage may be erected above the heights prescribed herein to a maximum of 20% of such heights, provided that, at the sole discretion of the Planning Board or Zoning Board of Adjustment, as the case may be, such signage contributes to the iconographic architectural identity of the project. | | | | | | |
|  | | Building envelope (in addition to the at-grade setbacks established herein). See Conceptual Building Envelope Diagrams following this schedule. | | | | | | |
|  | |  | | Any portion of a structure abutting the Boardwalk | | | 15 feet from the Boardwalk level Thereafter, the structure shall step back 2 feet of horizontal distance from the westerly vertical plane of the Boardwalk for every 1 foot of building height until it intersects its maximum building height or a lower portion of the building envelope. | 15 feet from the Boardwalk level Thereafter, the structure shall step back 2 feet of horizontal distance from the westerly vertical plane of the Boardwalk for every 1 foot of building height until it intersects its maximum building height or a lower portion of the building envelope. |
|  | |  | | Any portion of a structure abutting a numbered avenue | | | In addition to the building envelope established by the Boardwalk, Surf/Ocean Avenue or the eastern/western yard height restrictions, step backs are required, at a minimum:  Between the Boardwalk and 30 feet west of the Boardwalk, 15 feet from the Boardwalk level to 48 feet from grade: 8 feet  At the 48-foot level, between the 70-foot and 100-foot levels and between the 100-foot and 130-foot levels (provided the structure, or portion thereof, reaches such heights)8 | In addition to the building envelope established by the Boardwalk, Surf/Ocean Avenue or the eastern/western yard height restrictions, step backs are required, at a minimum:  Between the Boardwalk and 30 feet west of the Boardwalk, 15 feet from the Boardwalk level to 48 feet from grade: 8 feet  At the 48-foot level, between the 70-foot and 100-foot levels and between the 100-foot and 130-foot levels (provided the structure, or portion thereof, reaches such heights)8 |
|  | |  | | Any portion of a structure abutting Surf Avenue or Ocean Avenue | | | 48 feet from grade  Thereafter, the structure shall step back at a 30° angle from the westerly vertical plane of the structure until it intersects with its maximum building height or a lower portion of the building envelope. | 48 feet from grade  Thereafter, the structure shall step back at a 30° angle from the westerly vertical plane of the structure until it intersects with its maximum building height or a lower portion of the building envelope. |
|  | |  | | Eastern and western yards (when not abutting the Boardwalk, Surf or Ocean Avenues) | | | In addition to the at-grade setbacks established herein, step backs are required, at a minimum, at the 48-foot level, between the 70-foot and 100-foot levels and between the 100-foot and 130-foot levels (provided the structure, or portion thereof, reaches such heights) | In addition to the at-grade setbacks established herein, step backs are required, at a minimum, at the 48-foot level, between the 70-foot and 100-foot levels and between the 100-foot and 130-foot levels (provided the structure, or portion thereof, reaches such heights) |
|  | | NOTES: | | | | | |
|  | | 1 | | For the purposes of this section, setbacks shall be clear, unoccupied and unobstructed space measured at right angles between a lot line and the building envelope and shall extend from grade to sky, except for the permitted encroachments. | | | |
|  | | 2 | | Setbacks shall be construed as minimum distances. Greater setbacks are permitted, provided that the specific distances and design relate to the architecture of the subject building elevation. | | | |
|  | | 3 | | Zero feet where adjoining structures are constructed with a common party wall, provided that access to the rear of each side of the structure is maintained via a service alley, and further provided that the parking requirements for each use are maintained via a shared parking or similar arrangement. | | | |
|  | | 4 | | E.g., 24th Avenue. | | | |
|  | | 5 | | For the purposes of this section, Boardwalk frontage must be a minimum of 60 contiguous linear feet. Properties that abut the Boardwalk for less than 60 contiguous linear feet shall not qualify under this requirement. Height allowance applies only to that portion of the lot running street to street. Where less than street to street, the maximum building height for standard development (i.e., not conditional vertical development) shall govern. | | | |
|  | | 6 | | Where a block's Boardwalk frontage is angled, distance is measured from the most westerly Boardwalk corner of the block. | | | |
|  | | 7 | | E.g., 24th Avenue, regardless of whether the elevation is a front, side or rear yard. | | | |
|  | | 8 | | Specific step backs are not dictated but shall be appropriate to the architecture of the project. However, minimum step backs equal to 50% of the rise to the next step-back level are recommended, unless it can be demonstrated, to the Board's satisfaction, that a step back of less than 50% of the rise provides a more-appropriate design in light of the visual impact from grade, the degree of shadow impact and the totality of the aesthetics of the building. Deviations from the 50% minimum shall be considered a design waiver and not a variance. Such articulation need not be on the same horizontal plane and should be designed to provide differentiation and interest to the structure's massing. | | | |

|  |
| --- |
| **Conceptual Building Envelope**  276 Plan View.tif |
| 276 Side View.tif |
| 276 Boardwalk View.tif |

|  |
| --- |
| 276 Surf Ocean Avenue Views.tif |

**F.** Boardwalk Design Standards.

(**1**) The Wildwood Boardwalk Design Standards which were prepared as a joint undertaking between the City of North Wildwood and the City of Wildwood by the Wildwoods Boardwalk Design Guidelines Committee, and identified as **Appendix B-1**, are adopted and incorporated herein by reference.

§ 276-26**P Pier.**

**A.**Principal permitted uses on the land and in buildings:

**(1)**Existing amusement piers upon which are permitted concession stands and booths for food and games, amusement rides and other similar uses; however, tattoo parlors and adult businesses, including, but not limited to, adult motion-picture theaters, adult bookstores, adult cabarets, adult massage parlors, and adult model studios as defined in §**110-9** of the Code of the City of North Wildwood, New Jersey, are prohibited, as are new amusement piers.

**(2)**Restaurants located on existing amusement piers, including restaurants located on existing amusement piers having a license for the sale of alcoholic beverages, as conditional uses under § **276-46**.

**(3)**Existing water park facilities having a license for the sale of alcoholic beverages as conditional uses under § **276-46**.

**(4)** Wireless antennas provided that new antennas utilize co-location or are installed on existing structures.

**B.**Accessory uses permitted:

**(1)**Signs (see § **276-26F** hereinbelow and § **276-40**).

**(2)**Fences and walls (see § **276-30**).

**C.**Maximum building or structure height. No building or structure height shall exceed 35 feet in height and 2 1/2 stories from the Boardwalk level except as further provided in § **276-47** of this chapter. No amusement ride shall exceed 150 feet in height from the Boardwalk level.

**D.**Area and yard requirements. All buildings and structures located on piers on the ocean side of the Boardwalk in the City of North Wildwood shall be subject to the following:

**(1)**Said piers shall maintain an open space or aisle through the entire length of the pier, not less than 20 feet in width. If, at any point on the pier, said aisle splits into two or more aisles, at least two of the aisles shall be not less than 15 feet in width each.

**(2)**Said piers shall maintain an access to the beach on the north and south sides of the pier, with one access to be located within 50 feet of the center line of the length of the pier and the other access to be located within the middle 1/3 of the pier. The width of the two accesses shall total 20 feet; however, neither access shall be less than eight feet in width. Each access shall maintain its width until it connects with at least one open space or aisle running the entire length of the pier. Stairways from the pier to the public lands below shall be permitted.

**(3)**Said piers shall maintain, at the easterly terminus, an access from the pier to the beach at least 20 feet in width. If two or more accesses are provided, the total width of the combined accesses must be at least 20 feet, and each access shall not be less than eight feet in width. Stairways from the pier to the public lands below shall be permitted.

**(4)**Any pier which maintains a concrete water park on the easterly portion of the pier shall be required to maintain 20 feet of open space or aisle through the water park. However, if at any point through the water park said open space or aisle splits into two aisles, the total width of the combined aisles must be at least 20 feet, and each aisle shall not be less than eight feet in width. Said aisle or aisles must connect to the access or accesses leading off the easterly terminus of the pier.

**(5)**If any piers are unable to maintain said open space, aisle or aisles, access or accesses, then, in that event, that pier shall maintain a four-foot setback around the entire perimeter of the pier, i.e., no building or structure shall be located closer at any point to the pier or Boardwalk perimeter than four feet.

**E.**General requirements.

**(1)**No merchandise, products, accessory equipment or similar material or objects shall be displayed or stored outside except for amusement rides located on existing amusement piers. No use or activity associated with a use shall encroach onto the Boardwalk or obstruct pedestrian circulation on the Boardwalk.

**(2)**The expansion, extension, improvement or renovation of existing amusement piers is subject to the requirements pursuant to the New Jersey State Division of Coastal Resources, N.J.A.C. 7:7E-1.1 et seq.

**(3)**More than one principal building or structure is permitted on each pier. More than one principal use is permitted on each pier.

**(4)**All building walls facing any street, beach, Boardwalk or public area shall be suitably finished for aesthestic purposes.

**(5)**Each use shall provide for its own garbage, recycling and unloading needs, the location and design of which shall be considered at the time of site plan review and shall be subject to Board approval. All solid waste not stored within a building shall be stored within a closed container.

**(6)**Perimeters of any Boardwalk section or a pier not enjoined or abutting a structure and remaining open shall be enclosed by fencing with a railing four feet in height, with spaces between vertical spindles or not more than five inches, or chain-link fence at least four feet in height.

**F.**Signs.

**(1)**Each individual use may have one sign attached to a building or structure not exceeding an area equivalent to 25 feet. Additionally, each individual pier may have one freestanding sign identifying the name of the pier, not exceeding 50 square feet in area or 25 feet in height.

**(2)**See § **276-40** for additional standards.

§ 276-27**SPRA Seaport Pier Redevelopment Area.**

**A.**Purpose statement.

**(1)**Seaport Pier is an approximately 51,543 square foot property located between 22nd Avenue and 23rd Avenue on the eastern (beach) side of the Boardwalk. The property was formerly known as the "North Wildwood Fishing Pier" but has more recently been known as the "Seaport Village Pier." As one of only three piers in the City, and the only pier to be municipally owned, Seaport Pier should not only provide North Wildwood with substantial positive revenue but has the potential of being a primary agent for the revitalization of the City's Boardwalk (tourist) economy.

**(2)**City policymakers believed that the investment required to return the Pier to a condition where it was able to receive visitors was too burdensome for the City to undertake on its own and that transferring such a substantial renovation cost to a private-sector operator under the standard municipal auction process would materially impact the marketability of the Pier, thereby limiting the potential return to the taxpayers. Further, policymakers recognized that the turnaround of Seaport Pier could not be accomplished without the tools and incentives possible that are available only under the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq., as amended) ("Redevelopment Law"). The Redevelopment Law provides municipalities the ability to address un/underdeveloped, underproductive or deteriorated areas and to actively (re)develop such areas into productive assets for the community. Utilizing a comprehensive set of planning tools and techniques afforded municipalities under this law, municipalities may reprogram lands and buildings for specific desired uses, provide for the clearance of lands or the renovation of buildings, install infrastructure and/or other site improvements, provide favorable tax and other financial incentives for development, and solicit for, negotiate with and transfer lands to private entities in order to promote development that will be conducive to the social and economic improvement of the municipality.

**(3)**As required under the Redevelopment Law, the City submitted its action to the New Jersey Department of Community Affairs (NJDCA) for approval. Such approval was issued by NJDCA in January 2006. The Redevelopment Plan was prepared by a City planning consultant and submitted to the Planning Board for review and recommendation prior to action by the governing body. The guiding purpose of the plan was to provide a mechanism for a public/private partnership leading to the redevelopment and reactivation of the pier as a destination anchor for the Wildwoods Boardwalk. The Planning Board held its public hearing on the Redevelopment Plan in May 2006. At the conclusion of such hearing, the Planning Board adopted a resolution finding the Redevelopment Plan to be fully consistent with the North Wildwood Master Plan, as revised via reexamination, and further finding that the Redevelopment Plan was designed to effectuate the City's policy to revitalize the economic base of the Wildwoods and to address the physical conditions on the Boardwalk. The City adopted the Redevelopment Plan in June 2006.

**(4)**In February 2007, the governing body directed the Planning Board to conduct the necessary investigations, make the requisite public notice and hold the statutorily mandated public hearing to determine whether or not the Block 291 Study Area, or any portion thereof, along with contiguous municipal rights-of-way, did or did not meet the statutory criteria for designation as an "area in need of redevelopment" pursuant to N.J.S.A. 40A:12A-5 or an "area in need of rehabilitation" pursuant to N.J.S.A. 40A:12A-14.

**(5)**In March 2007, the Planning Board accepted the directive of the governing body and directed the City planning consultant to undertake the preliminary investigation on its behalf.

**(6)**In June and July 2007, the Planning Board reviewed the report of findings and held a duly noticed public hearing regarding this analysis. At the end of said hearing, the Planning Board adopted a resolution recommending to the governing body that the Block 291 Study Area be declared to be in need of redevelopment under the Redevelopment Law. The governing body received the report of findings, resolution and the recommendation of the Planning Board and, after due consideration, declared the Block 291 Study Area to be in need of redevelopment in August 2007. The governing body further directed the City planning consultant to expand the Seaport Pier Redevelopment Area to include the new redevelopment area (Block 291 Study Area). The City submitted its action to the NJDCA for approval. Such approval was issued in September 2006.

**(7)**The 2010 Comprehensive Master Plan ("Master Plan") and the City's Zoning Map recommended incorporation of the adoption of the Seaport Pier Redevelopment Plan and Area.

**(8)**The Master Plan recommended that the redevelopment plan for the Block 291 Redevelopment Area had yet to be adopted. The Master Plan recommended the Block 291 Study Area be classified within the RH (Resort Hotel) Zoning District until such time as a redevelopment plan for the Block 291 Study Area is adopted.

**B.**Permitted uses and structures. All uses and structures in the SPRA Zone shall be subject to the Seaport Pier Redevelopment Plan requirements and conditions as incorporated by reference and contained herein. All uses and structures in the SPRA Zone shall be subject to approval by the Planning Board.

[1]§ 276-27.1**through § 276-27.2. (Reserved) [1]**

**ARTICLE V: General Provisions and Design Standards**

§ 276-29**Drainage.**

All streets shall be provided with manholes, catch basins and pipes where the same may be necessary for proper drainage.

**A.**The system shall be adequate to carry off the stormwater and natural drainage water which originates within the lot or tract boundaries. No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems to create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions.

**B.**Techniques for computing water runoff shall be as prescribed by the City Engineer.

**C.**Bridges and culverts shall be designed for one-hundred-year storm minimum flow capacities.

**D.**All materials used in the construction of storm sewers, bridges and other drainage structures shall be in accordance with the specifications of the Standard Specifications for Road and Bridge Construction, 1983, as prepared by the New Jersey Department of Transportation, and any supplements, addenda and modifications thereto unless otherwise specified by the City Engineer.

**E.**Pipe sizes shall be determined by acceptable drainage design procedures, provided that the pipe size in a surface water drainage system shall in no instance be less than 15 inches in diameter. Moreover, underground pipes ordinarily shall be perforated in order to recharge the drained water into the ground. All piping and the manner installed shall be subject to approval by the City Engineer.

**F.**Stormwater may be required to be detained or retained on site in a manner and at a quantity as required by the City Engineer.

**G.**Drainage inlets shall be located at all intersections, with inlets on both sides of a street at intervals of not more than 400 feet or such shorter distances as required to prevent the flow of surface water from exceeding six cubic feet per second at the drainage inlet. Access manholes shall be placed at maximum five-hundred-foot intervals throughout the system and at pipe junctions where there are no drainage inlets.

**H.**Lots shall be graded away from the building(s). Additionally, drainage shall be provided in a manner which will prevent the collection of stormwater in pools or other unauthorized concentrations of flow, and water shall not flow across adjacent property lines at greater than predevelopment rates.

**I.**Approval of drainage structures shall be obtained from the appropriate municipal, county, state and federal agencies and offices. Where required, each applicant shall make application to the Division of Water Resources of the State Department Of Environmental Protection And Energy, the Cape May County Engineering Department and the City Engineer. Final approval shall not be effective until letters of approval from the proper governmental authorities shall be furnished to the Secretary of the Planning Board, with a copy of each letter forwarded to the City Engineer.

**J.**When required by the municipality and as indicated on an approved development plan, a drainage right-of-way easement shall be provided to the City where a tract or lot is traversed by a watercourse, surface or underground drainageway or drainage system, channel or stream. The drainage right-of-way easement shall conform substantially with the lines of such watercourse and, in any event, shall meet any minimum widths and locations as shown on any adopted Official Map on Master Plan. Such easement shall be expressed on the plat as follows: "Drainage easement granted for the purposes provided and expressed in the Land Development Ordinance of the City of North Wildwood."

§ 276-30**Fences, walls and sight triangles.**

**A.**All permitted fences shall be situated on a lot in such a manner that the finished side of the fence shall face adjacent properties. All poles, posts, etc., shall be erected on the inside of the fence. No fence shall be erected of barbed wire, broken glass, topped with metal spikes, nor constructed of any material or in any manner which may be dangerous to persons or animals.

**B.**All fences shall be constructed and maintained to withstand a wind load of no less than 15 pounds per square foot. Construction materials may be of wood board (picket or panel), metal chainlink fabric, picket or bent selvage on tip, or concrete panel; but shall not be solid concrete or concrete block. All materials shall be treated against infestation and corrosion.

**C.**All fences shall be symmetrical in appearance, with posts separated by identical distances, with the fencing conforming to a definite pattern and uniform design. Fences shall be kept in good repair, shall be regularly painted, and shall be maintained in a clean condition.

**D.**On any lot in any district, no wall or fence shall be erected or altered so that said wall or fence shall be over four feet in height in front yards, five feet in height in side yards, and six feet in height in rear yards with the following provisions:

**(1)**A dog run may have fencing a maximum of six feet in height, provided such area is located in rear yards only and is set back from any lot line the distance required for accessory buildings in the zoning district as stipulated in Article **IV**.

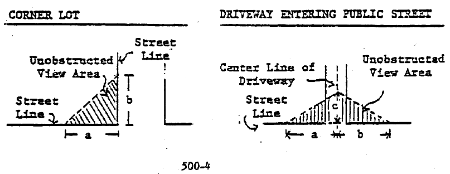
**(2)**A private residential swimming pool area must be surrounded by a fence at least four feet, but no more than six feet in height. Swimming pool areas shall be located in side and rear yards only. See § **276-42** for additional standards.

**(3)**A tennis court area, located in rear yards only, may be surrounded by a fence a maximum of 15 feet in height; said fence to be set back from any lot line the distance required for accessory buildings in the zoning district as stipulated in Article **IV**.

**(4)**Schools, playgrounds and parks in any district and commercial and industrial uses may erect security fences to control ingress and egress to all or part of the lot. Said fence shall be no more than 10 feet in height and constructed with a ratio of the open portion to the solid portion being not less than 6:1.

**E.** Retaining walls shall be permitted provided they are located up to and inside of existing property lines, and they will be permitted to be a maximum of 2ft. high from grade.  Any retaining walls which are proposed to be higher than 2ft. from grade will require variance relief from the Planning Board.  Any visible side of a retaining wall which fronts a public street must incorporate decorative features such as stucco, brickface or a similar finished surface in order to improve the aesthetic appearance of said retaining wall.  Retaining walls must be setback a minimum of 6ft. from the public right-of-way, and in the event a property owner elects to construct/incorporate a fence above the proposed retaining wall the height of the combined structure must conform to current maximum fence heights as set forth within § 276-30(D).

**F.**Sight triangle areas shall be required at intersections and driveways entering public streets, in addition to the specified right-of-way widths, in which no grading, planting or structure shall be erected or maintained more than 30 inches above the street center line, except for utility poles, street signs, fire hydrants and light standards. The "sight triangle" is defined as that area outside of the curb line and the straight line connecting sight points, one located on each curbline or driveway center line at a distance of 25 feet or one foot for each mile of allowed street speed limit, whichever is greater, or 15 feet along the center line of a driveway. Sight triangle easements shall be required for any new development and such easement dedication shall be expressed on the plat or plan as follows: "Sight triangle easement deeded for purposes provided for and expressed in the Land Development Ordinance of the City of North Wildwood."

[](https://ecode360.com/attachment/NO0238/276_30_E.tif.png)

§ 276-31**Lighting.**

**A.**Street lighting of a type supplied by the utility and of a type and number approved by the City Engineer may be required at all street intersections and along all arterial, collector and local streets and anywhere else deem necessary for safety reasons.

**B.**All parking areas and walkways thereto and appurtenant passageways and driveways serving commercial, public, office, multiple-family or other uses having common off-street parking and/or loading areas shall be adequately illuminated for security and safety purposes. The lighting plan in and around the parking areas shall provide for nonglare lights focused downward. The light intensity provided at ground level shall be indicated in footcandles on the submitted site plans and shall average at least 0.5 footcandles at intersections and 0.3 footcandles elsewhere in the area to be illuminated. Lighting shall be provided by fixtures with a mounting height not more than 25 feet or the height of the building, whichever is less, measured from the ground level to the center line of the light source.

**C.**Any outdoor lighting such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs and ornamental lighting, shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties and traffic safety. The objectives of these specifications is to minimize undesireable off-premises effects. No light shall shine into windows or onto streets and driveways in such a manner as to interfere with or distract driver vision. To achieve these requirements, the intensity of such light sources, the light shielding and similar characteristics shall be subject to site plan approval.

§ 276-32**Lot configuration.**

**A.**Insofar as is practical, side lot lines shall be either at right angles or radial to street lines.

**B.**Each lot must front upon an approved street.

**C.**All lots shall be suitable for the purpose(s) of their intended use. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as poor drainage conditions or flood conditions, the Board, after adequate investigation, may withhold approval of such lots. If approval is withheld, the Board shall give reasons and notify the applicant and enter the same in the minutes.

**D.**Concrete monuments shall be installed on both sides of all streets and elsewhere in accordance with the requirements of the New Jersey Map Filing Act.

§ 276-33**Natural features.**

**A.**Natural features such as trees, natural terrain, and open waters shall be preserved whenever possible in designing any development containing such features.

**B.**The stripping of topsoil and the excavation of clay, sand, gravel, rock or other such material shall be permitted and the material thus excavated may be sold only under the following conditions and in conformance with the requirements of this chapter:

**(1)**As part of the construction of a building or the construction or alteration of a street.

**(2)**The surface of the lot shall not be graded to a level below that of adjoining properties.

**(3)**Stripped and excavated materials are not required for the final grade and landscaping of the property.

**(4)**Stripped and excavated materials are changed or renewed in compliance with the provisions of this chapter and/or any condition of subdivision or site plan approval.

§ 276-34**Nonconforming lots, structures and uses.**

**A.**Lots.

**(1)**Whenever the owner of a lot existing at the time of adoption of this chapter has dedicated or conveyed land to the City in order to meet the minimum street width requirements of the Official Map or Master Plan of the City, the Construction Official shall issue construction and occupancy permits for lots whose depth and/or areas are rendered substandard only because of such dedication and where the owner has no other adjacent lands to provide the minimum requirements.

**(2)**Any existing lot on which a building or structure is located and which lot does not meet the minimum lot size, or a structure which violates any yard requirements, may have additions to the principal building and/or construction of an accessory building without an appeal for variance relief, provided the existing use(s) on the lot are conforming to the permitted use(s) stipulated in this chapter for the lot in question; the total permitted building coverage is not exceeded; the accessory building and/or addition does not violate any other requirements of this chapter such as, but not limited to, height, setback and parking and does not increase any existing nonconformity; and the lot is not reduced in size.

**(3)**Whenever title to two or more contiguous lots is held by the same owner, regardless of whether or not each of said lots have been approved as portions of a subdivision or acquired by separate conveyance or by other operation of law, and one or more of said individual lots should, by reason of exceptional shallowness, topographic conditions, substandard area or yard space or similar measurements, not conform with the minimum lot area and dimension requirements for the zone in which it is located, the two or more contiguous lots of said owner shall be considered as a single lot for the purposes of this chapter.

**B.**Structures and uses.

**(1)**Any preexisting nonconforming use or structure existing at the time of the passage of this chapter may be continued upon the lot or in the structure so occupied, and any such structure may be repaired in the event of partial destruction thereof.

**(2)**Repairs and maintenance work required to keep a structure in sound condition may be made to a nonconforming structure or a conforming structure containing a nonconforming use, including renovation which may require structural alterations or reconstruction.

**(3)**No structure containing a nonconforming use shall be enlarged, extended, or constructed in any manner without an appeal for variance relief. A nonconforming use may be extended within building in which it is located, provided that the building was manifestly designed for such use at the time of the adoption of this chapter and no use shall be extended outside the building. An addition of a second story, or part thereof, or the addition of lands associated with any alteration or improvements to a structure containing a nonconforming use, shall require variance approval pursuant to N.J.S.A. 40:55D-70d.

**(4)**Except where title to contiguous lot(s) is held by the same owner, any existing building or structure located on an existing lot which does not meet the applicable minimum lot size requirement of this chapter, or any existing structure which violates any yard requirement of this chapter, shall be permitted to construct additions to the principal building and/or construct accessory buildings without an appeal for variance relief, provided:

**(a)**The existing use(s) on the lot are conforming to the permitted use(s) stipulated in this chapter for the lot in question;

**(b)**The total permitted building and lot coverages and floor/area ratio stipulated in this chapter for the permitted use(s) are not exceeded; and

**(c)**The accessory building and/or addition to the principal building do not violate any requirements of this chapter such as, but not limited to, height, yard setbacks and parking.

**(5)**(Reserved)**[1]**

**(6)**Any nonconforming use or structure which has been changed to a conforming use or structure shall not be changed back again into a nonconforming use or structure.

**(7)**Any nonconforming use, structure or lot may change ownership and continue to function as the same nonconforming use, structure or lot, provided all other provisions of this chapter and other applicable laws are met.

**(8)**Any residential dwelling, whether a conforming or nonconforming use in the district in which it is located, and which is completely or partially destroyed by fire or other acts of nature, may be rebuilt on the same lot within the periphery of the same foundation even if the lot is undersized for the district.

**(9)**Any detached single-family dwelling located on an existing lot of record or any isolated vacant lot within the R-1, R-1.5 and R-2 Zoning Districts which does not meet the applicable minimum lot requirements of this chapter shall be permitted to be demolished and rebuilt, or a new construction built or an addition constructed thereon without variance relief, provided:

**(a)**The total permitted building and lot coverages, including impervious coverages, if applicable, stipulated in this chapter for the detached single-family dwelling on the lot in question are not exceeded.

**(b)**The proposed detached single-family dwelling on the lot conforms with the applicable yard requirements and parking requirements of this chapter except as follows:

**[1]**On lots having a lot frontage of 30 feet, the side yard setbacks shall total 10 feet (six feet for a corner lot having one side yard setback) with minimum setbacks of four feet (six feet for a corner lot having one side yard); and

**[2]**On lots having a lot frontage of 40 feet, minimum side yard setbacks shall be six feet per side yard.

**(c)**The maximum building height (as defined in § **276-7** of the Code of the City of North Wildwood) of the proposed detached single-family dwelling or a new construction built or an addition constructed thereon on the lot shall be reduced as shown in the applicable table(s) below. For lot frontages not listed, maximum building height shall be reduced to the next lowest height shown:

**[1]**For the R-1 Zoning District:

|  | **Type of Lot** | **Minimum Required Lot Frontage**  **(feet)** | **Maximum Building Height**  **(feet)** |
| --- | --- | --- | --- |
|  | Required | 50 | 36 or three stories, whichever is less |
|  | Undersized | 45 | 32 or three stories, whichever is less |
|  | Undersized | 40 | 28 or two stories, whichever is less |
|  | Undersized | 35 | 26 or two stories, whichever is less |
|  | Undersized | 30 or less | 24 |

**[2]**For the R-1.5 Zoning District:

|  | **Type of Lot** | **Minimum Required Lot Frontage**  **(feet)** | **Maximum Building Height**  **(feet)** |
| --- | --- | --- | --- |
|  | Required | 40 | 36 or three stories, whichever is less |
|  | Undersized | 35 | 27 or two stories, whichever is less |
|  | Undersized | 30 or less | 24 or two stories, whichever is less |

**[3]**For the R-2 Zoning District:

|  | **Type of Lot** | **Minimum Required Lot Frontage**  **(feet)** | **Maximum Building Height**  **(feet)** |
| --- | --- | --- | --- |
|  | Required | 40 | 36 or three stories, whichever is less |
|  | Undersized | 35 | 27 |
|  | Undersized | 30 or less | 24 |

**(d)**No building or addition constructed thereon shall be constructed under this subsection on a lot less than 30 feet wide without variance relief and/or Planning Board approval. In such case, the same lot frontage/width, building height and side yard setback ratios shall be employed as defined in the applicable table above and referenced herein.

**(e)**In keeping with the traditional seashore architecture of the single-family homes in North Wildwood, no building constructed under this subsection shall have a flat or mansard roof. All roofs for buildings so constructed shall be of gable, gambrel or hipped roof design and shall employ a slope of not less than four in 12, with steeper pitches encouraged. Parapets, cornices and similar architectural features shall be articulated and appropriately decorated. Architectural elements such as porches, bays and dormers are encouraged, to add interest and variety to the visual landscape.

§ 276-35**Off-street parking, loading areas and driveways.**

**A.**Lighting. Lighting used to illuminate off-street parking areas shall be arranged to reflect the light away from residential premises and public streets and shall be in accordance with § **276-31**. All parking facilities providing five or more parking spaces shall be lighted.

**B.**Paving and curbing.

**(1)**All paved parking and loading areas and access drives shall be paved as outlined below unless otherwise specified by the appropriate municipal agency and approved as part of the development application approval. All parking areas, regardless of size and location, shall be suitably drained and maintained.

**(a)**Areas of ingress or egress, loading and unloading areas, parking areas, interior driveways or access aisles and other areas likely to experience heavy traffic shall be paved with not less than six inches of soil aggregate base course prepared and constructed in accordance with Division 3, Section 2A, of the Standard Specifications for Road and Bridge Construction, 1983, as prepared by the New Jersey State Department of Transportation, and any supplements, addenda and modifications thereto. A minimum of two-inch compacted wearing surface of bituminous concrete (FABC) shall be constructed thereon in accordance with Division 3, Section 10, of the aforesaid New Jersey State Department of Transportation specifications and amendments thereto.

**(b)**Where subgrade conditions of proposed parking and loading areas are wet, springy or of such a nature that surfacing would be inadvisable without first treating the subgrade, the treatment of the subgrade shall be made in the following manner: The areas shall be excavated to a suitable depth below the proposed finished grade and filled with a suitable subgrade material as reasonably determined by the City Engineer. Where required by the City Engineer, a system of pourous concrete pipe subsurface drains or an alternate solution approved by the City shall be constructed beneath the surface of the parking area and connected to a suitable drain. After the subbase material has been properly placed and compacted, the parking area surfacing material, as described hereinabove, shall be spread thereon.

**(2)**All off-street parking lots shall have adequate designations to indicate traffic flow and parking spaces.

**(3)**Parking spaces shall be nine feet wide by 18 feet long.

**(4)**All off-street parking and loading areas shall be provided with curbing or curb stops so that vehicles cannot be driven onto required perimeter landscaped areas, buffer zones and street rights-of-way and so that each parking and loading area has controlled entrances and exits and drainage control. Curbing or wheel stops shall be located to prevent any part of a vehicle from overhanging internal sidewalks or landscaped areas. Parking and loading spaces shall not be an extension of any street right-of-way.

**(5)**A buffer planting strip not less than five feet in width shall be provided between any property line which abuts a residential use or district and any parking area with five or more parking spaces.

**(6)**At least 50% of the lot frontage shall be contiguous raised curb with landscaping only. The intent of the raised curb is to provide as much on-street parking as possible and to provide an open, landscaped area along the front of the property. In all zones other than R-1 and R-2 the Planning Board, at the time of site plan review, shall have the discretion to consider other than fifty-percent contiguous raised curb. For example, if fifty-percent raised curb would produce only one on-street parking space, the Board may consider the contiguous raised curb to be reduced to that required for one parking space (22 feet). The Board may also consider the raised curb along adjacent properties in combination with raised curb on subject property that would result in the maximum number of on-street parking spaces being provided. In all instances, the development must provide a minimum of 25% of lot frontage with contiguous raised curb and 50% of lot frontage with noncontiguous raised curb.

**C.**Access. Each lot developed with a detached single-family dwelling unit or a two-family building shall be permitted only one curb cut per each full 20 feet of lot frontage; and each curb cut shall be a minimum 10 feet wide and the curb cut and access drive shall be located on the side property line. Each lot developed with other than a detached single-family unit or a two-family building shall not be so restricted; however, curb cut access shall be limited by the City Planning Board, as deemed necessary, in order to provide as few curb cuts as necessary, and no curb cut shall be more than 20 feet in width. In all instances, due consideration to the proposed width, curbing, direction of traffic flow, radii of curves and method of dividing traffic lanes shall be given. Curbing, where required, shall be depressed at the driveway, and the curbing may be rounded at the corners. Driveways and access to any public street, except for single-family or two-family dwelling units, shall be located at least 35 feet feet from the intersection of the street at the curbline and shall be designed in a manner conducive to safe ingress and egress.

**D.**Location of parking and loading. Required off-street parking and loading spaces shall be located on the same lot or premises as the use served, regardless of the number of spaces required by this chapter, except that in cases when it is determined during site plan review that the requirements for on-site off-street parking cannot be met because of existing conditions, the location and adequacy of off-site parking spaces to service the use shall be specified on the site plan for approval by the Planning Board. All commercial parking spaces shall be provided within 200 feet of the front pedestrian access to the establishment. No parking of vehicles shall be permitted in fire lanes, streets, driveways, landscaped areas, aisles, buffer areas, sidewalks or turning areas. Parking may occupy front, side and rear yard areas subject to site plan approval. Where different specific activities with different parking requirements share the parking area, the total number of required parking spaces shall be the sum of the individual requirements for each activity.

**E.**Type of facility.

**(1)**Parking spaces may be on or above the surface of the ground. When parking spaces are provided within a garage or other structure, said structure shall adhere to the proper accessory or principal building setbacks, as applicable.

**(2)**The provision of parking and loading spaces shall also include adequate driveway and necessary turning areas for handling the vehicles for which provision is made. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Aisles providing access to parking areas shall have the following minimum dimensions:

|  | **Angle of Parking Space** | **One-Way Aisle**  **(feet)** | **Two-Way Aisle**  **(feet)** |
| --- | --- | --- | --- |
|  | 90º | 22 | 24 |
|  | 60º | 18 | 20 |
|  | 45º | 15 | 20 |
|  | 30º | 12 | 18 |
|  | Parallel | 12 | 18 |
|  | Where the angle of parking is different on both sides of the aisle, the larger aisle width shall prevail. | | |

**(3)**Stacked parking, where motor vehicles are parked one in front of the other and require, when fully utilized, the moving of one vehicle to allow the removal of another, is prohibited; except in the instance of residential units where two spaces are provided for a particular dwelling unit. Stacked parking is not permitted within an enclosed garage where vehicles must exit the site by backing out into the street. A car may be stacked in front of the garage if there is 20 feet from the garage to the property line.

**(4)**Where the separate designation of a specific loading space is not required for an activity, the required off-street parking area shall not be used for loading and unloading purposes except during hours when normal business operations are suspended.

**F.**Special standards applicable to the CBD Central Business District and D&E Dining and Entertainment Permitted Uses.

**(1)**Credit shall be given on a 50% basis (rounded to the higher number) for on-street parking spaces towards the nonresidential component of a project's parking requirement [e.g., seven on-street spaces will get credit for four on-site spaces (7 x 50% = 3.5 and 3.5 rounded to the higher number is four)]. The on-street spaces shall be directly adjacent to the subject property, be clearly indicated on the site plan, measure eight feet by 22 feet, and not interfere with loading or delivery operations, fire lanes, bikeways, bus stops, site triangles, pedestrian crossings or driveways.

§ 276-36**Performance standards for all uses.**

An application for a construction permit shall provide documentation that the intended use will comply with the performance standards enumerated below. In the case of a structure being built where the future use is not known, a construction permit may be issued with the conditions that no certificate of occupancy will be issued until such time as this documentation is submitted with respect to the particular occupant. These provisions shall not apply to any sewage treatment plant which has received approval by the State Department of Environmental Protection and Energy.

**A.**Electrical and/or electronic devices. All electric or electronic devices shall be subject to the provisions of Public Law 90-602, 90th Congress, HR 10790, dated October 18, 1968, entitled "An Act for the Protection of Public Health and Safety from the Dangers of Electronic Product Radiation" and the BOCA Basic Building Code as adopted by the State of New Jersey.

**B.**Glare. No use shall produce a strong, dazzling light or reflection of a strong, dazzling light or glare beyond its lot lines. Exterior lighting shall be shielded, buffered, and directed so that glare, direct light or reflection will not become a nuisance to adjoining properties, adjoining units, adjoining districts or streets.

**C.**Heat. No use shall produce heat perceptible beyond its lot lines. Further, no use shall be permitted which could cause the temperature to rise or fall in any body of water, except that this provision shall not apply to any sewerage treatment plant which has received approval by the State Department of Environmental Protection and Energy.

**D.**Noise. Noise levels shall be designated and operated in accordance with local regulations and those rules established by the New Jersey Department of Environmental Protection and Energy as they may be adopted and amended.

**E.**Odor. Odors shall not be discernible at the lot line or beyond. Any process which may involve the creation or emission or any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.

**F.**Storage and waste disposal.

**(1)**No flammable or explosive liquid, solids or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connected with energy devices, heating devices, or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.

**(2)**No provision shall be made for the depositing of materials or waste upon a lot where they may be transferred off the lot by natural causes or forces or where they can contaminate an underground aquifer or otherwise render such an underground aquifer undesirable as a source of water supply or recreation or where they will destroy aquatic life. Provision shall be made for all material or waste which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents and insects to be enclosed in appropriate containers to eliminate such hazards and stored outdoors. Such outdoor storage containers shall be surrounded by fencing and adequately screened from adjacent properties.

**G.**Ventilation. No use shall obstruct the natural ventilation of adjacent uses nor contaminate the air with excessive heat or odor. Further, no air conditioners or exhaust fans shall be permitted to discharge exhausted air unless set back within the building line.

**H.**Vibration. There shall be no vibration which is discernible to the human senses or which is at low or high frequencies capable of causing discomfort or damage to life or property.

**I.**Toxic and radioactive substances. There shall be no toxic or radioactive substances associated with any use.

**J.**Drainage. No stormwater or natural drainage which originates on the property or water generated by the activity (e.g., air conditioners, swimming pools, etc.) shall be diverted across property lines unless transported in an approved or existing drainage system.

**K.**Smoke control.

**(1)**No smoke shall be emitted from any chimney or other source visible gray greater than No. 1 on the Ringelmann Smoke Chart as published by the United States Bureau of Mines.

**(2)**Smoke of a shade not darker than No. 2 on the Ringelmann Chart may be emitted for not more than four minutes in any thirty-minute time period.

**(3)**These provisions, applicable to visible gray smoke, also shall apply to visible smoke of a different color, but with an equivalent apparent opacity.

**L.**Control of dust and dirt, fly ash, fumes, vapors and gases.

**(1)**No emission of dust, dirt, fly ash, fumes, vapors and gases shall be made which can cause any damage to health, animals or vegetation or other forms of property or which can cause any noticeable soiling at any point.

**(2)**No emission of liquid or solid particles from any chimney, etc., shall exceed 0.3 grains per cubic foot of the covering gas at any point.

**(3)**For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500º F. and 50% excess air.

§ 276-37**Principal buildings and uses per lot.**

Unless otherwise specifically permitted within this chapter, no more than one principal dwelling, building or use shall be permitted on one lot.

§ 276-38**Public utilities.**

**A.**All public services shall be connected to an approved public utilities system where one exists. The developer shall arrange with the servicing utility for the installation of the distribution supply lines and service connections, in accordance with the provisions of the applicable standard terms and conditions incorporated as part of its tariff, as the same are on file with the New Jersey State Board of Public Utility Commissioners.

**(1)**Upon submission of preliminary plats or plans for approval, the developer shall present a statement of interest, setting forth all public utility companies to serve the tract.

**(2)**Prior to the commencement of construction, the developer shall furnish the City Clerk a copy of the agreements with the applicable public utility companies certifying the jurisdiction of the public utility company for the particular portion of the City; indicating agreement with the proposed utility installation design; and stating who will construct the facility so that service will be available prior to occupancy. The form of such agreement(s) shall be reviewed and approved by the City Attorney prior to the commencement of construction.

**(3)**The developer shall provide the City with four copies of a final as-built plan showing the installed location of the facilities.

**B.**Easements along property lines or elsewhere for utility installation may be required. Such easements shall be at least 20 feet wide and located in consultation with the companies or City departments concerned and, to the fullest extent possible, shall be centered on or adjacent to lot lines. Such easement dedication shall be expressed on the plat or plan as follows: "Utility right-of-way easement granted for the purposes provided for and expressed in the Land Development Ordinance of the City of North Wildwood."

§ 276-39**Sanitary sewers.**

Where a public waste water treatment plant and collection system is accessible or proposed, the developer shall construct sanitary sewer lines and building connections in accordance with New Jersey Department of Environmental Protection and Energy permit requirements and in such a manner as to make adequate sewage treatment available to each lot and building within the development.

§ 276-40**Signs.**

**A.**General provisions. No signs shall be placed on or attached to a building or erected independently for any purpose other than to advertise a permitted business or use conducted on the same premises unless specifically permitted herein. Any sign having a message which in and of itself is lewd and licentious or advocates an act in violation of any municipal, county state or federal law shall be prohibited. No signs shall be erected, altered or replaced which are not in accordance with the standards established in this chapter. No sign except traffic signs and those of a duly constituted governmental body shall be erected within the street right-of-way, nor shall any sign be placed on any property without the consent of the property owner. No sign of any type shall be permitted to obstruct driving vision, traffic signals, traffic directional and identification signs, other places of business, or other signs or windows of the building on which they are located. No signs shall be attached to trees, fence posts, stumps, utility poles, but shall be freestanding or attached to buildings in an approved manner. No sign shall be erected so as to project over the property line or emit any sound, odor or other nuisance beyond the property line or above 25 feet. All signs shall require a construction permit unless specifically exempted herein. The applicant shall furnish the Construction Official a fee as required and the necessary information from which to determine whether the subject sign meets the terms of this chapter. Within 20 business days after the filing for the permit, the Construction Official shall either issue or deny the permit and, if denied, the Construction Official shall indicate in writing the reason(s) for such denial.

**(1)**Animated, flashing and illusionary signs. Signs using mechanical or electrical devices to revolve, flash or display movement or the illusion of movement are prohibited except in and upon structures abutting and facing the Boardwalk in the OS District and in the P Pier District. Self-changing time and temperature signs, which alternately reflect the time of day and temperature by mechanical or flashing devices, are prohibited in all residential districts only.

**(2)**Height. No freestanding or attached sign shall be higher than 10 feet in residential districts and 25 feet in commercial or industrial districts, except that no sign shall exceed any lesser height if particularly specified. Where signs project beyond a building facade or wall over a pedestrianway, the lowest portion of the sign shall be at least nine feet above the walkway.

**(3)**Freestanding signs. Freestanding signs shall be supported by one or more columns or uprights which are firmly imbedded in the ground. Exposed guy wires, chains or other connections shall not be a support of a freestanding sign.

**(4)**Illuminated signs. Illuminated signs shall be arranged to reflect the light and glare away from adjoining streets. No sign with red, green, blue or amber illumination in a beam, beacon or flashing form resembling an emergency light shall be erected in any location. Illuminated signs shall not be erected in residential districts.

**(5)**Information and direction signs. Street number designations, household name plates, postal boxes, private property, on-site directional and parking signs and warning signs are permitted in all zones but are not considered in calculating sign area. No such sign(s) shall exceed two square feet in area, and such sign(s) shall not require a construction permit.

**(6)**Maintenance. Signs and, in the case of permitted freestanding signs, the mounting area on the ground level beneath the sign, must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated or unsightly.

**(7)**Political signs. Political signs temporarily giving notice of political campaigns shall be located on private property and shall be set back at least 10 feet from all side property lines and shall not exceed 16 square feet in area. Signs shall be permitted within 30 days prior to any municipal, county, state or national election and shall be removed within five days after the election. All such signs do not need a sign permit.

**(8)**Real estate signs. Real estate signs temporarily advertising the sale, rental or lease of the premises or portion thereof shall be located on private property and, if not attached to the building, shall be set back from all street lines at least five feet. Signs shall not exceed six square feet in area. All such signs shall be removed at the expense of the advertiser within 30 days after the termination or completion of the matter of business being advertised. Sold signs shall be permitted between the signing of the contract of sale and the date of the legal closing. All real estate signs do not require a construction permit.

**(9)**Sign area. The area of a sign shall be measured around the edges of a framed or enclosed sign or by the area utilized by isolated words and/or symbols, including the background, whether open or enclosed, but said area shall not include any supporting framework arid bracing incidental to the display itself.

**(10)**Signs with two exposures. Such signs shall be measured for area by using the surface of one side of the sign only. Both sides may be used.

**(11)**Wall fascia or attached signs. Wall fascia or attached signs shall be firmly attached to the exterior wall of a building and shall not project more than 15 inches from the building.

**(12)**Window signs. Interior window signs shall not be considered in computing the allowable signs; provided, however, that such interior signs shall not exceed 50% of the total window area.

**(13)**Flag of the United States of America. The flag of the United States of America may be displayed in all zones, provided that all permanently installed poles used to display the flag shall require a construction permit.

**(14)**Temporary signs. All signs permitted in the BOCA Building Code, not in excess of 120 square feet, shall be permitted. All temporary signs shall be displayed for a period of not more than 30 days.

**(15)**Parking lot signs. All parking lots within the City of North Wildwood shall be required to have signs which shall be constructed in accordance with the provisions of this section, as well as with the provisions of the general sign section of the Ordinances of the City of North Wildwood, except that freestanding signs shall not be permitted without a building having been constructed on the parking lot. Parking lot signs shall meet the following specifications:

**(a)**The price for parking must be posted numerically on the sign, and said sign and price must be visible to prospective users of the parking lot from the street immediately adjacent to the entrance of the lot.

**(b)**The lettering on the sign shall be of a color that shall contrast with the background color of the sign and shall be adequately illuminated. The minimum size for each letter shall be eight inches.

**B.**Street signs. Street signs shall be of the type, design and standard previously installed elsewhere in the City. The location of the street signs shall be determined by the City, but there shall be at least two street signs furnished at each intersection. All signs shall be installed free of visual obstruction.

**C.**Exceptions. Notwithstanding the provisions of this section, the City of North Wildwood may, in its absolute and sole discretion, or by contract or agreement, provide advertising for any business or use when such advertising is deemed to be in furtherance of the public good, health, safety and general welfare.

§ 276-41**Streets, curbs and sidewalks.**

**A.**Streets.

**(1)**All developments shall be served by paved streets in accordance with the approved subdivision and/or site plan, and all such streets shall have an adequate crown. The arrangement of such streets not shown on the Master Plan or Official Map, as adopted by the City, shall be such as to provide for the appropriate extension of such streets.

**(2)**In all developments, the minimum public street right-of-way shall be measured from lot line to lot line and shall be in accordance with the following schedule, provided that any new street that is a continuation of an existing street shall be continued at a width equal to that of the existing street, although a greater width may be required in accordance with the following schedule, unless otherwise determined by the City Engineer:

|  | **Right-of-Way Width**  **(feet)** | **Traffic Lanes Number** | **Width**  **(feet)** | **Shoulder Width Within Gutters**  **(feet)** | **Width Outside Gutters On Each Side**  **(feet)** | **Width Between Gutters and Curbs**  **(feet)** |
| --- | --- | --- | --- | --- | --- | --- |
| Collector | 66 | 2 | 12 | 8 | 13 | 40 |
| Local | 50 | 2 | 15 | -- | 10 | 30 |

**(3)**In the event that a development adjoins or includes existing streets that do not conform to the street width requirements of this chapter, additional land along either or both sides of the street, sufficient to conform to the right-of-way requirements, shall be dedicated for the location, installation, repair and maintenance of streets, drainage facilities, utilities and other facilities customarily located on street rights-of-way. The necessary deeds of ownership shall be furnished and the dedication shall be expressed as follows: "Street right-of-way granted for the purposes provided for and expressed in the Land Development Ordinance of the City of North Wildwood." If the development is along one side only, 1/2 of the required extra width shall be dedicated and the road shall be improved, including excavation, base course, surfacing and drainage improvements in accordance with the approved application, which may require that the improvements extend across the center line of the road.

**(4)**No street shall have a name which will duplicate or so nearly duplicate the name of an existing street name that confusion results. The continuation of an existing street shall have the same name. The Board reserves the right to approve or name streets within a proposed development.

**(5)**The pavement width of streets and the quality of subsurfacing and base materials shall adhere to the minimum standards set forth by the County or State Engineers when said paving concerns roads under their jurisdiction and where such standards exist. Concerning streets under the jurisdiction of the City, the following standards shall apply:

**(a)**All construction shall be in accordance with the Standard Specifications for Road and Bridge Construction, 1983, as prepared by the New Jersey State Department of Transportation and any supplements, addenda and modifications thereto.

**(b)**On all municipal roads, the base course shall be six inches of soil aggregate.

**(c)**The surface course for all municipal roads shall consist of two inches of Bituminous Concrete, Type FABC, Mix No. I-5, applied according to the aforesaid New Jersey Department of Transportation specifications and amendments thereto.

**(d)**Where subgrade conditions of proposed street areas are wet, springy or of such a nature that surfacing would be inadvisable without first treating the subgrade, the treatment of the subgrade shall be made in the following manner: The areas shall be excavated to a suitable depth below the proposed finished grade and filled with a suitable subgrade material as reasonably determined by the City Engineer. Where required by the City Engineer, a system of pourous concrete pipe subsurface drains or an alternate solution approved by the City shall be constructed beneath the surface of the parking area and connected to a suitable drain. After the subbase material has been properly placed and compacted, the street surfacing material, as described hereinabove, shall be spread thereon.

**B.**Curbs. Curbing, either Belgian block, granite or concrete, is required along both sides of all streets. All curbing shall be laid in the manner approved by the City Engineer, including both horizontal and vertical alignments. Depressed curb ramps for the handicapped shall be installed at all radii in accordance with the laws of the State of New Jersey.

1. New curbs constructed in combination with new streets approved as part of a subdivision and/or site plan shall be constructed in accordance with the standards established by the New Jersey Residential Site Improvement Standards (RSIS) (NJSA 5:21-1 et. seq.)

2. Before any new construction work undertaken through a Construction Permit application and/or Board approved Resolution of Approval, areas of curb and sidewalk in existing disrepair, as determined by the Zoning Official, shall be repaired as part of the new construction in accordance with City standards. All sidewalks, curbs, and driveways, including repairs, replacement and reconstruction thereof, shall be constructed to the strict line and grade as established by the City Engineer and of the materials as specified by City standards.

A. Whenever a sidewalk corner curb is repaired or replaced, the repair or replacement shall comply with the requirements of the American with Disabilities Act (ADA) requiring a ramp leading from the sidewalk to the road, through the curb, so as to, provide a smooth unrestricted passageway between the road and the sidewalk. In connection with the repair or replacement of any other curbs, the same compliance with ADA may be required, depending upon the availability of other ramps in the general vicinity. The owner and/or constrained doing the work must apply at the City Zoning Office for a permit and shall be advised of the applicability of the ADA requirements at that time. Specifications therefor are on file in the City Zoning Office.

**C.**Sidewalks and aprons.

**1.** Existing sidewalks and aprons are required on both sides of all existing and proposed streets, and in accordance with approved City Typical Section. Pleas refer to Appendix XX.

**2.** Existing sidewalks shall be at least five (5) feet wide and shall be four (4) inches to six (6) inches thick, constructed on a subgrade properly prepared as required by, and with the approval of, the City Engineer and in accordance with approved City Typical Section. Please refer to Appendix XX.

**3.** New sidewalks and aprons constructed in combination with new streets approved as part of a subdivision and/or site plan shall be constructed in accordance with the standards established by the New Jersey Residential Site Improvement Standards (RSIS) (NJSA 5:21-1 et. seq.)

**D.** Liability of contiguous land owner and notice to repair.

1. The responsibility of maintaining the existing sidewalk, curb and private driveway all lying within the bed of a public street is upon the contiguous property owner, who should maintain said areas so that they do not become dangerous to the public. Said owner should replace, reconstruct, or repair same as needed. The responsibility of said owner does not depend upon being notified to make repair by the City. However, in the event the City of North Wildwood should determine that any existing sidewalk, curb or driveway, which is located within the public right of way, is in such condition that is should be replaced, reconstructed, or repaired, or does not conform to the provisions of this Ordinance, the zoning Officer is authorized to give notice to the property owner to replace, repair, or reconstruct the same within 30 days from the service of such notice.

2. Whenever any lot, tract or parcel of land is located in an area where public convenience and necessity require the construction of a curb or sidewalk, or both, the Zoning Official and/or Construction Official is hereby authorized and empowered to give notice to the property owner to cause the same to be constructed within 30 days from the service of the notice. Such areas are intended to mean those where the general public would be likely to pass or repass with reasonable frequency; those located where the lands abutting have improvements erected thereon, and lands located in vicinity which has been developed by the construction of improvements on other lands.

Whenever a notice is required by this Ordinance to be given by the Zoning Official and/or Construction Official, such notice shall be in writing. Service of the notice shall be by personal service upon the owner if the owner is domiciled in North Wildwood, or by service at the owner’s place of abode upon any member of the owner’s family who has attained 15 years of age. Service upon an owner who cannot be served as above set forth shall be deemed sufficient if mailed by registered mail or certified mail, with postage prepaid, to the owner at the owner’s address as disclosed by the latest official records of the Tax Assessor.

3. Work to be done by City

A. In the event the owner does not make the replacement, report or reconstruction as required by the notice and the provisions of this Ordinance herein, the City may make the necessary replacement, repair or reconstruction, and the cost of the work shall be assessed against the lands of the owner in the manner prescribed by law.

Additionally, whenever directed to act by the Mayor and Council in specific instances, the Construction Official or the Zoning Officer shall utilize the provisions of NJSA 40:65, by giving notice to the owner that unless the owner completes the particular replacement, repair or reconstruction of a sidewalk, curb, or driveway within 30 days after service of the notice, the City will make the improvement at the sole expense of the owner. The cost of the work shall be assessed against the real estate of the owner in the manner prescribed by law.

4. Enforcement

A. The Construction Official, Zoning Officer and Code Enforcement Officer hereby are empowered to enforce this article and the several provisions thereof. The Zoning Official and/or Construction Official are hereby further empowered to enforce the discretionary powers which are considered necessary in order to make the provisions hereof properly effective and useful for the benefit of the public. In order to avoid injustice, the possible abuse of discretion and to correct the possibility of error in judgement, any owner who received a notice from the Construction Official, Zoning Officer and Code Enforcement Officer has the right to appear to the Mayor and Council by filing a notice of appear with the City Clerk within the 30-day period heretofore mentioned. Upon receipt of any such notice of appeal, the Mayor and Council will hear the appear at its regular meeting, at which time the owner and any other persons appearing in the matter will be heard or afforded the opportunity to be hear. After the hearing, the Mayor and Council will consider the matter, reach a decision and notify the owner thereof.

§ 276-42**Swimming pools.**

**A.**Private residential.

**(1)**No private residential swimming pool shall be constructed or installed on any lot unless the lot contains a residence building. Pools and the fence surrounding it shall be located in side or rear yard area(s) only.

**(2)**A private residential swimming pool area must be enclosed by a suitable fence with a positive, self-latching gate at least four feet.

**(3)**A private residential pool may be lighted by both underwater or exterior lights, provided that all exterior lights are located so that the light is neither directed nor reflected upon adjacent properties. All standards used for exterior lighting shall not exceed 12 feet in height.

**(4)**A private residential swimming pool and all accessory equipment must be set back a minimum of four feet from the rear and side property line.

**B.**Public and commercial.

**(1)**The water area of any public or commercial pool or separate swimming tank shall be no closer to any property line than the setback distances prescribed for accessory uses in the applicable zoning district as prescribed in this chapter.

**(2)**The varying depths of the pool shall be prominantly marked in the pool as well as at the edge of the pool.

**(3)**The pool shall be lighted both internally and externally, but in no case shall any light be directed in a direct or indirect fashion upon any adjacent property. If any portion of the pool, part of the land devoted to the use of the pool, light standard or loud speakers are located closer to any residential building or any property line than 15 feet, adequate buffers of trees and shrubs shall be provided to protect against light and sound.

**(4)**The total land devoted to the use of the pool shall be enclosed with a fence no less than four feet in height.

**(5)**No pool shall be constructed or installed unless approved by the Board as part of a site plan approval. All pools shall be classified into types in accordance with their particular use and shall meet the appropriate design standards as set forth by the BOCA Basic Building Code, the National Swimming Pool Institute, or the Swimming Pool Code of New Jersey, 1970, whichever is more stringent.

§ 276-43**Water supply.**

Where public water is accessible, water mains shall be constructed in such a manner as to make adequate water service available to each lot or building within the development. The entire system shall be designed in accordance with the requirements and standards of the local and/or state agency having approval authority and shall be subject to their approval. The system shall also be designed with adequate capacity and sustained pressure and in a looped system with no dead-end lines whenever possible.

§ 276-44**Recycling.**

A recycling area shall be required for all new multifamily housing developments.

**A.**Definitions. The following definitions shall apply to this section:

**MULTI-FAMILY HOUSING DEVELOPMENT**

A building containing three or more dwelling units occupied or intended to be occupied by persons living independently of each other, or a group of such buildings.

**RECYCLING AREA**

Space allocated for collection and storage of source separated recyclable materials.

**B.**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. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the Municipal Recycling Coordinator and shall be consistent with the district recycling plan adopted pursuant to Section 3 of P.L. 1987, c. 102 (N.J.S.A. 13:1E-99.13) and any applicable requirements of the Municipal Master Plan, adopted pursuant to section 26 of P.L. 1987, c. 102.

**C.**The recycling area shall be conveniently located for the residential disposition of source separated recyclable materials, preferably near, but dearly separated from, a refuse dumpster.

**D.**The recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles 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.

**E.**The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. 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.

**F.**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.

**G.**Landscaping and/or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.

**(reserved)ARTICLE VI:** Exceptions, Modifications and Development Alternatives

§ 276-46**Conditional uses.**

Before a construction permit or certificate of occupancy shall be issued for any conditional use as permitted by this chapter, application shall be made to the Planning Board. The review by the Planning Board of a conditional use shall include any required site plan review pursuant to this chapter. Public notice and a hearing shall be required as stipulated in this chapter.

**A.**Public utility uses.

**(1)**For purposes of this chapter, the term "public utility uses" shall include such uses as telephone dial equipment centers, power substations and other utilities serving the public, such as sewage treatment plants, but shall exclude dumps and sanitary landfills.

**(2)**The proposed installation in a specific location must be necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is located.

**(3)**The design of any building in connection with such facilities must not adversely affect the safe, comfortable enjoyment of property rights in the surrounding area.

**(4)**Adequate fences and other safety devices must be provided as may be required. Fences, when used to enclose public utility facilities such as electrical power substations, shall be built in accordance with the applicable requirements of the New Jersey Board of Public Utility Commissioners and the National Electrical Code in effect at the time of the construction.

**(5)**Landscaping, including shrubs, trees and lawns, shall be provided and maintained.

**(6)**Off-street parking shall be provided as determined by the Planning Board during site plan review.

**B.**Car washes.

**(1)**The minimum lot size for a car wash shall be 24,000 square feet, the minimum frontage shall be 120 feet and the minimum lot depth shall be 200 feet. The front yard minimum shall be 40 feet and the side and rear yard minimums shall be 20 feet.

**(2)**All mechanical activities must be conducted within a totally enclosed building.

**(3)**Off-street parking shall be provided in accordance with the following schedule: Three access lanes for each mechanized car wash entrance with each lane having a minimum capacity for 15 vehicles at the entrance and six vehicles at the exit of the washing equipment; one separate space for each waxing, upholstery cleaning or similar specialized service area; and one space for each employee. All vehicle entrances shall be from the rear of the building and all parked and waiting vehicles shall be accommodated on the lot. Entrance access driveways shall not be located within 300 feet of the intersection of any two street lines or within 10 feet of any lot line.

**(4)**One sign shall be permitted, either freestanding or attached, not exceeding an area equivalent to 5% of the first floor portion of the front facade or 50 square feet, whichever is smaller. Freestanding signs shall be set back at least 10 feet from all street and lot lines.

**(5)**No car wash shall be located within 200 feet of any firehouse, school, playground, church, hospital, public building or institution. A minimum fifty-foot setback is required between any building or driveway on a lot utilized for a car wash and any residential use or district.

**(6)**All of the other area, yard, building coverage, height, and general requirements of the respective zone and other applicable requirements of this chapter must be met.

**C.**

Senior citizen housing.

**(1)**The maximum residential density shall not exceed 15 dwelling units per gross acre.

**(2)**No dwelling unit shall contain more than two bedrooms.

**(3)**The maximum building height shall not exceed 35 feet and 2 1/2 stories.

**(4)**A minimum of 1 1/4 parking spaces shall be provided for each dwelling unit.

**(5)**Individual dwelling units shall meet or exceed minimum design requirements specified by the New Jersey Housing Finance and Mortgage Agency.

**(6)**Prior to any City approval, the following prerequisites shall have been accomplished:

**(a)**Verification that there are adequate utility services and support facilities for the project, including existing and/or proposed transit and commercial establishments serving everyday needs, within a one-mile walking distance of the proposed site.

**(b)**Assurance that the occupancy of such housing will be limited to households, the single member of which, or either the husband or wife of which, or both, or any of a number of siblings or unrelated individuals of which, or a parent of children of which is/are 62 years of age or older, or as otherwise defined by the Social Security Act, as amended, except that this provision shall not apply to any resident manager on the premises.

**(c)**Verification of preliminary approval of the project by any state or federal agency which finances or assists the financing or operation of such housing.

**(7)**All other applicable requirements of this chapter must be met.

**D.**Service stations.

**(1)** The minimum lot size for service stations shall be 31,780 square feet and the minimum frontage shall be 140 feet. The front yard minimum shall be 40 feet and the side and rear yard minimums shall be 25 feet.

**(2)**No service station shall be located within 200 feet of any firehouse, school, playground, church, hospital, public building or institution. No service station shall be located within 400 feet of any other service station. A minimum fifty-foot setback is required between any building or driveway on a lot utilized for a service station and any residential use or district.

**(3)**All appliances, pits, storage areas and trash facilities other than gasoline filling pumps or air pumps shall be within a building. Gasoline filling pumps and air pump islands shall be a minimum of 20 feet apart. All lubrication, repair or similar activities shall be performed in a fully enclosed building, and no dismantled parts shall be displayed outside of an enclosed building.

**(4)**No junked motor vehicle or part thereof shall be permitted on the premises of any service station. Moreover, no more than six motor vehicles may be located upon any service station premises outside of a closed or roofed building for a period of time not to exceed seven days, and providing that the owners of said vehicles are awaiting their repair.

**(5)**Landscaping shall be provided in the front yard area and shall be reasonably distributed throughout the entire front yard area.

**(6)**The exterior display and parking of motor vehicles, trailers, boats or other similar equipment for sale shall not be permitted as part of a service station.

**(7)**Service stations shall provide at least six off-street parking spaces for the first lift, wheel alignment pit or similar work area; five additional spaces for a second work area; and an additional three spaces for each additional work area. Such spaces shall be separated from the driveway and general apron areas which give access to the gasoline and air pumps and service areas. No designated parking space shall obstruct access to such facilities. No parking shall be permitted on unpaved areas. Driveways shall be a minimum of 20 feet from all lot lines, street intersections and other driveways on the same lot.

**(8)**Service stations may be permitted one freestanding sign and one sign attached flat against the building. The freestanding sign shall not exceed an area of 20 square feet and shall be set back at least 10 feet from all street rights-of-way and lot lines. The attached sign shall not exceed 30 square feet in area.

**(9)**All of the other area, yard, and general requirements of the respective zone and other applicable requirements of this chapter must be met.

**E.**(Reserved)**[1]**

**F.**Adult business.

**(1)**Due to the exceptional land use characteristics and locational impacts of adult entertainment uses, which have a deleterious and destructive effect upon land uses and values within the City of North Wildwood, it is recognized that such businesses, to the extent that they promote obscenity or sell obscene material or display obscene acts, should be prohibited from the City, and those which are not determined to be obscene should be restricted in such a way as to minimize their adverse effect on property values, neighborhoods within the City, public health, safety, comfort, morals, convenience, and general welfare of the inhabitants and visitors of the City.

**(2)**Definitions. As used in this section, the following terms shall have the meanings indicated:

**ADULT BOOKSTORE**

An establishment having, as a substantially significant portion of its stock in trade, books, magazines, films for sale or viewing on premises, by use of motion-picture devices or other coin-operated means, or other periodicals which are distinguished or characterized by their emphasis on matters depicting or relating to specified sexual activities or specified anatomical areas.

**ADULT BUSINESS**

A business which displays, shows, sells, rents, or otherwise exhibits a display or depiction of a specific anatomical area for specified sexual activity which emits sensuality but is not obscene.

**ADULT CABARET**

A nightclub, theatre, or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, exotic strippers, or similar entertainers, where such performances are distinguished or characterized by emphasis upon specified sexual activity or specified anatomical areas.

**ADULT MASSAGE PARLOR**

A place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of, or in connection with, the specified sexual activities, or when any person, providing such treatment, manipulation, or service related thereto, exposes specified anatomical areas.

**ADULT MODEL STUDIO**

Any place where, for any form of consideration or gratuity, male or female figure models who display specified anatomical areas or provide to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.

**ADULT MOTION PICTURE THEATRES**

Enclosed buildings used for presenting films consisting of material distinguished or characterized by an emphasis on matters depicting, describing, relating to specified anatomical area or specified sexual activities.

**ADULT PRODUCTS**

Products which display or are a depiction of a specified anatomical area, or of a specified sexual activity which emits sensuality but is not obscene.

**OBSCENE ACTS**

Acts which depict or describe, in a patently offensive way, ultimate sexual acts, normal or perverted, actual or simulated, masturbation, excretory functions or lewd exhibition of the genitals, which acts lack serious literacy, artistic, political, or scientific value when taken as a whole, and which to the average person, applying contemporary community standards, has a dominant theme, taken as a whole, which appears to the purient interest.

**OBSCENE MATERIAL**

Shall be defined as in N.J.S.A. 2C:34-2 and as amended from time to time.

**SPECIFIED SEXUAL ACTIVITY OR ANATOMICAL AREA**

Shall be defined as in N.J.S.A. 2C:34-3 and as amended from time to time.

**(3)**It shall be unlawful to sell, offer for sale, or display obscene material.

**(4)**It shall be unlawful to own or operate any business such as an adult bookstore, adult motion-picture theatre, adult cabaret, adult massage parlor, or an adult movie studio in which obscene material is displayed or sold or in which any obscene acts are carried on.

**(5)**Adult businesses, including but not limited to, motion-picture theatres, adult bookstores, adult cabarets, adult massage parlors, and adult model studios, shall be subject to the following restrictions:

**(a)**No adult business shall be located within 1,000 feet of a church or school.

**(b)**No two adult businesses shall be located within 600 feet of each other.

**(c)**The hours of operation shall be from 10:00 a.m. until 11:00 p.m., Monday through Saturday only.

**(d)**The interior of each room shall be lighted and designed in such a way that all parts of the same shall be readily visible to the sales clerk, manager, operator and/or customers moving freely within the building.

**(e)**Advertisements and displays describing the goods or services operated within the adult business premises shall not be visible from the outside of the building, provided that the general nature of the business, such as the words "books," "motion pictures," "nightclub," "massage," "modeling studio" and similar words of general description shall be permitted upon signs permitted hereunder.

**(f)**No loudspeaker or sound equipment shall be used which will emit sound to the outside of the building.

**(g)**An adult business shall be operated solely within a building having at least 600 square feet used for the operation of the business and no more than 900 square feet for such use.

**(h)**Permitted signs shall be limited to lettering indicating the name, address, and general nature of the business only and shall conform in size to signs permitted within the CBD Central Business District.

**(i)**Any adult business use shall be located in buildings no closer than 200 feet to any residential use or district.

**(j)**The exterior of the business premises shall be so constructed, designed, or laid out so that no person outside the building can view the interior thereof. The doors and windows shall be kept closed, and adult products shall not be visible from the outside when the door is opened for the purpose of entering or exiting the business premises.

**(k)**Any person or association of persons desiring to own or operate an adult business in the City of North Wildwood shall be required to file an application and obtain a license therefor and comply with all other City codes.

**G.**Bed-and-breakfast establishments.

**(1)**Bed-and-breakfast establishments are permitted as conditional uses in the R-1 and R-2 Districts only. The use must be accommodated solely in an existing single-family dwelling which has been converted for such use and licensed by the New Jersey State Department of Community Affairs as a bed-and-breakfast establishment.

**(2)**The residential character of the lot and dwelling shall not be changed; if additions or expansions to the principal dwelling are proposed, such additions or expansions shall maintain the architectural style and facade of the principal dwelling.

**(3)**Whether or not a central dining area is provided, breakfast is the only meal to be served and shall be provided only to the registered guests of the bed-and-breakfast establishment.

**(4)**Sufficient off-street parking shall be provided on the lot to accommodate all guests and, in any case, one space per each sleeping room, plus two spaces for the permanent living quarters of the owner shall be provided at minimum.

**(5)**One attached sign, not to exceed six square feet in size, is permitted.

**(6)**All of the other area, yard, building coverage and height requirements of the respective zone and other applicable requirements of this chapter must be met.

**H.**Water-oriented uses.

**(1)**Principal uses which meet the definition of "water-oriented" uses pursuant to Article **II** shall be permitted in the BB District, subject to review by the Planning Board for a determination of the appropriateness of the proposed use. Said uses must serve the general public and shall be of a commercial type.

**(2)**The requirements of the respective zone and other applicable requirements of this chapter must be met except that the yard adjacent to the water or beach may be reduced to four feet and further that any structure, either attached or unattached, that extends beyond the setback area on the water side of the lot may do so if said structure is necessary for the operation of the principal use located on the lot.

**I.**Restaurants serving alcoholic beverages in the OS Zoning Districts. Restaurants serving alcoholic beverages shall be permitted in the OS Zoning Districts as conditional uses only, and only when the owner of the license complies with the following conditions and executes a written agreement with the City of North Wildwood agreeing to be bound by these conditions, unless or until same are vacated or modified:

**(1)**The restaurant must have a minimum of 100 seats for the service of meals.

**(2)**No alcoholic beverages may be removed from the restaurant premises by a patron at any time. No package good sales are permitted.

**(3)**The restaurant shall contain separate restroom facilities for men and women.

**(4)**The restaurant must be a full-service restaurant furnishing complete dinners with soup, salad, main entree, vegetables and dessert.

**(5)**The restaurant shall not use paper, plastic or other disposable plates, dishes, cups, containers, knifes, forks, or spoons, for the service or consumption of food or alcoholic beverages.

**(6)**Restaurants are permitted to have a separate customer waiting bar for the service of restaurant customers so long as the bar is within the confines of the restaurant. There shall be no exterior entrances to the bar, and the only means of access to the bar shall be first through the restaurant. The total number of seats at the bar shall not exceed 10% of the total number of seats in the restaurant for the service of meals.

**(7)**The gross sales of alcoholic beverages in any month shall not exceed 40% of the gross sales of the restaurant, The restaurant shall file with the City Clerk a certified statement on or before January 15, April 15, July 15, and October 15 of each year, certifying the gross sales of alcoholic beverages, the gross sale of items other than alcoholic beverages, and the total gross sales of the previous quarter.

**(8)**Sale of alcoholic beverages shall only be permitted between the hours of 10:00 a.m. and 1:00 a.m., prevailing time, and no consumption of alcoholic beverages shall be permitted within the restaurant after 1:30 a.m. and prior to 10:00 a.m., prevailing time.

**(9)**Live entertainment shall be limited to three musicians and three musical instruments played at one time, and the music shall be subdued background music, played low enough so as not to interfere with the patrons’ dinner conversation.

**(10)**No more than three restaurants serving alcoholic beverages shall be permitted in the Pier and Boardwalk Zoning Districts, combined. Hotel/motel licenses are exempt from this total.

**(11)**All regulations of the Alcoholic Beverage Control Authority and all regulations contained in Chapter **114** of the Code of the City of North Wildwood, to the extent not inconsistent with these conditions, shall remain applicable to the restaurant.

**(12)**No signs encouraging or promoting the sale and consumption of alcoholic beverages shall be permitted on the premises except that one sign of an area not to exceed 10 square feet, per side, may be placed upon the premises, which sign may only refer to alcoholic beverages in words associated with dinner, such as "dinner and cocktails."

**(13)**To the extent not inconsistent with this Subsection **I**, all applicable requirements of the zoning ordinance must be met.

**(14)**Approval of the transfer of a liquor license to the OS Zoning District must be approved by City Council after approval of the conditional use by the Planning Board, which approval shall be subject to the approval of the transfer of the liquor license.

**J.**Restaurants and water park facilities serving alcoholic beverages in the A Amusement Zoning District. Restaurants and water park facilities serving alcoholic beverages shall be permitted in the Pier Zoning District as conditional uses only, and only when the owner of the license complies with the conditions set forth below and executes a written agreement with the City of North Wildwood agreeing to be bound by these conditions, unless or until same are vacated or modified. All facilities serving alcoholic beverages in the Pier Zoning District must meet the conditions set forth in Subsection **J(1)** below. Additionally, restaurants serving alcoholic beverages in the Pier Zoning District must meet the requirements of Subsection **J(2)** below and water park facilities serving alcoholic beverages in the Pier Zoning District must meet the requirements of Subsection **J(3)** below. One liquor license may authorize service at both restaurants and water parks, provided the requirements set forth herein are met.

**(1)**General requirements for all facilities serving alcoholic beverages in the A Amusement Zoning District.

**(a)**No alcoholic beverages may be removed from the premises by a patron at any time. No packaged goods sales are permitted.

**(b)**Each licensed facility shall contain restroom facilities for men and women.

**(c)**No more than three restaurants serving alcoholic beverages shall be permitted in the A Amusement and B Boardwalk Zoning Districts, combined. Motel licenses shall be exempt from this total.

**(d)**All regulations of the Alcoholic Beverage Control Authority and all regulations contained in Chapter **114** of the Code of the City of North Wildwood, to the extent not inconsistent with these conditions, shall remain applicable to all facilities. The City wishes to emphasize the family theme of the Boardwalk and Amusement Districts, and to assure that no inappropriate behavior occurs as a result of the excessive consumption of alcoholic beverages.

**(e)**To the extent not inconsistent with this subsection, all applicable requirements of the zoning ordinance must be met for all facilities.

**(f)**Approval of the transfer of the liquor license to any facility in the A Amusement Zoning District must be approved by the City Council after approval of the conditional use(s) by the Planning Board, which approval shall be subject to the approval of the transfer of the liquor license.

**(g)**Signs indicating the legal drinking age and that the facility will check identification are to be displayed at every outlet where the public may purchase alcoholic beverages.

**(2)**Requirements for restaurants serving alcoholic beverages in the A Amusement Zoning District.

**(a)**The restaurant shall have a minimum of 100 seats for the service of meals.

**(b)**The restaurant shall be a full service restaurant capable of furnishing complete meals.

**(c)**The restaurant shall not use paper, plastic or other disposable plates, dishes, cups, containers, knives, forks or spoons for the service or consumption of food or alcoholic beverages, except for outside seating areas where paper, plastic or other disposable items are required for safety reasons.

**(d)**Restaurants are permitted to have a separate customer waiting bar for the service of restaurant customers so long as the bar is within the confines of the restaurant. There shall be no exterior entrances to the bar, and the only means of access to the bar shall be first through the restaurant. The total number of seats at the bar shall not exceed 10% of the total number of seats in the restaurant for the service of meals.

**(e)**Sale of alcoholic beverages shall only be permitted between the hours of 10:00 a.m. and 1:00 a.m., prevailing time, and no consumption of alcoholic beverages shall be permitted after 1:30 a.m. and prior to 10:00 a.m., prevailing time.

**(f)**No signs encouraging or promoting the sale and consumption of alcoholic beverages shall be permitted on the premises except that one sign, of an area not to exceed 40 square feet per side, may be placed upon the premises, which sign may be placed upon the licensed premises, which sign may only refer to alcoholic beverages in words associated with dinner such as “dinner and cocktails.”

**(3)**Requirements for facilities serving alcoholic beverages in water parks in the A Amusement Zoning District. Anything contained in the general requirements set forth in the subsections above to the contrary notwithstanding, facilities serving alcoholic beverages shall be permitted on existing amusement piers containing a comprehensively designed and themed water park containing no less than 30,000 square feet of contiguous space in accordance with the following additional regulations and requirements.

**(a)**Service of alcoholic beverages, in addition to the restaurant that is allowed in accordance with Subsection **J(2)** above, shall be limited to the water park area and any designated food service areas therein, which areas clearly shall be delineated on the drawings that are required to be appended to any application of any nature that is submitted to the City Clerk for action by the Mayor and Council under the alcoholic beverage control statutes of the State of New Jersey and administrative regulations thereunder. This area of the licensed premises shall be deemed to be the water park area, as opposed to the restaurant which may be independently licensed under the same license in accordance with Subsection **J(2)** above. Nothing in this subsection shall be interpreted as allowing an amusement ride or similar use to be part of an alcoholic beverage licensed area, and the possession of alcoholic beverages upon an amusement ride or similar use, including the entrances to and exits therefrom, strictly is prohibited.

**(b)**Service of alcoholic beverages in the water park area shall not be required to meet the general requirements of Subsection **J(2)** set forth above, but will require a water park area management plan to be submitted to the City Alcoholic Beverage Control Board, which demonstrates that alcoholic beverages shall be served in a controlled, dignified and upscale manner. This plan shall emphasize the culture of family fun, and shall mandate strict supervision by management to assure zero tolerance of inappropriate behavior resulting from the consumption of alcoholic beverages and no carrying of alcoholic beverages outside the licensed premises.

**(c)**Service of alcoholic beverages shall be limited to the hours of operation of the Amusement Pier, but no later than 1:00 a.m. and, in addition whether the Amusement Pier is open to the public or not, for special events during the off-season hours between 10:00 a.m. to 1:00 a.m., provided that 72 hours notice of an intent to serve alcoholic beverages during the special event has been given in writing to the Chief of Police and City Clerk.

**(d)**Only one sign may be placed at each water park facility or area where alcoholic beverages will be served. No such sign shall exceed 40 square feet per side.

**(e)**Water park areas where alcoholic beverages are served be bordered by fencing, landscaped areas, water features, or other buffers or signage which delineate and separate areas where alcoholic beverages are served from nonservice areas. In addition, trained staff shall be present at all entrances and exits to the water park during hours of service to assure that alcoholic beverages do not leave the licensed premises.

**(f)**Possession of alcoholic beverages in areas that are located outside of the designated alcohol service areas, as defined in the management plan, is prohibited.

**(g)**All rides and attractions shall have at least one public entrance and exit in a nonlicensed area.

**K.**Apartments/townhouses.

**(1)**Apartments/townhouses will be permitted in the BB Zone, except that the waterfront portion of the site shall be developed with water-dependant uses. The waterfront portion of the site is as defined under CAFRA regulation.

**(2)**The requirements of the APT/TH3 Zone and other applicable requirements of this zoning chapter must be met.

**L.**Residential flats above restaurants.

**(1)**Residential flats above restaurants in the GB Zone shall be permitted with the following conditions:

**(a)**Residential flats above restaurants in the GB Zone shall be owner-occupied; however, residential flats located above restaurants situate in the area bounded by New Jersey Avenue, between 1st Avenue to the south and Spruce Avenue to the north, N.J. Route 147 and New York Avenue to the west, and the easterly limits of the GB Zone to the east, need not be owner-occupied.

**(b)**Adequate provisions must be provided to buffer the noise from compressor or condenser units used in the operation of the restaurant from the residential flats.

**(c)**There must be provided an adequate and totally enclosed area for the storage and handling of solid waste and the recycling materials generated from the restaurant operation.

**(d)**The total number of flats shall not exceed one dwelling unit per 2,000 square feet of lot area.

**(e)**With regard to residential flats located above restaurants in the area bounded by New Jersey Avenue, between first Avenue to the south and Spruce Avenue to the north, N.J. Route 147 and New York Avenue to the west, and the easterly limits of the GB Zone to the east, parking shall be provided in compliance with the New Jersey Residential Site Improvement Standards.

§ 276-47**General exceptions and modifications.**

**A.**Christmas tree sale. The annual sale of Christmas trees is permitted between December 1 and December 25, inclusive.

**B.**Parking of commercial vehicles in residential zones. One registered commercial vehicle of a rated capacity not exceeding one ton on four wheels, owned or used by a resident of the premises, shall be permitted to be regularly parked or garaged on a lot in any residential district, provided that said vehicle is parked in a side or rear yard area, which area is relatively unexposed to neighboring properties and is screened from neighboring properties by plantings at least five feet in height. For purposes of this chapter, a "commercial vehicle" is a bus and/or vehicle containing advertising matter intending to promote the interest of any business, whether or not said vehicle is registered as a commercial vehicle with the New Jersey State Division of Motor Vehicles, except that this provision shall not be deemed to limit construction equipment which is used on the site for construction purposes.

**C.**Public election voting places. The provisions of this chapter shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

**D.**Public utility lines. Public utility lines for the transportation and distribution and control of water, electricity, gas, oil, steam, telegraph and telephone communications, and their supporting members, other than buildings or structures, shall not be required to be located on a lot nor shall this chapter be interpreted as to prohibit the use of a property in any zone for the above uses.

§ 276-48**Townhouses and apartments.**

No townhouse or apartment dwelling unit shall be constructed in the City unless the dwelling is part of an approved site plan and unless the following minimum standards are met in addition to other applicable requirements of this chapter:

**A.**Each building and complex of buildings shall have an architectural theme with appropriate variations in design to provide attractiveness to the development, compatible within the development and in relation to adjacent land uses. Such variations in design shall result from the use of landscaping and the orientation of buildings to the natural features of the site and to other buildings as well as from varying unit widths, using different exterior materials, changing roof lines and roof designs, varying building heights and changing window types, shutters, doors, porches and exterior colors. Architectural elevations shall be submitted to the Board for review and approval.

**B.**All dwelling units shall be connected to approved functioning water and sanitary sewer systems prior to the issuance of a certificate of occupancy.

**C.**All parking facilities shall be on the same site as the building and located within 150 feet of the nearest entrance of the building they are intended to serve. This distance requirement does not apply to townhouses or apartment dwelling units in the APT/TH District. Parking spaces shall be provided in areas designed specifically for parking and there shall be no parallel or diagonal parking along interior streets.

**D.**No outside area or equipment shall be provided for the hanging of laundry or the outside airing of laundry in any manner. Sufficient area and equipment shall be made available within each building for the laundering and artificial drying of the laundry of the occupants of each building.

**E.**Dwelling units shall have access to a master television antenna system and individual townhouse units may not erect individual external television antennas.

**F.**Each unit shall have the following minimum net habitable floor areas:

|  | **Apartments** | **Square Feet** | **Townhouses** | **Square Feet** |
| --- | --- | --- | --- | --- |
|  | Efficiency | 500 |  |  |
|  | One-bedroom | 600 | One-bedroom | 700 |
|  | Two-bedroom | 725 | Two-bedroom | 850 |
|  | Three-bedroom | 875 | Three-bedroom | 1,000 |

**G.**For each apartment unit, in addition to any storage area contained inside individual dwelling units, there shall be provided for each dwelling unit 250 cubic feet of storage area in a convenient, centrally located area in the cellar, basement or ground floor of the building where personal belongings and effects may be stored without constituting a fire hazard and where said belongings and effects may be kept locked and separated from the belongings of other occupants.

**H.**Recycling provisions.

**(1)**There shall be included in any new apartment or townhouse development 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. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the City Recycling Coordinator and shall be consistent with the district recycling plan adopted pursuant to Section 3 of P.L. 1987, c. 102 (N.J.S.A. 13:1E-99.13).

**(2)**The recycling area shall be conveniently located for the residential disposition of source separated recyclable materials, 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 vehicles 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)**The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. 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, at least six feet in height, shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.

**I.**No townhouse dwelling unit shall be less than 20 feet wide.

§ 276-49**(Reserved) [1]**

§ 276-50**Fee simple townhouse lots.**

Lot and yard dimensions encompassing individual townhouse dwelling units may be freely disposed and arranged on a tract of land, provided they are superimposed upon an approved site plan for the subject development. Additionally, the following provisions shall be met:

**A.**The boundaries of any lot shall not infringe upon any common open space land areas, nor shall the boundaries of any lot be closer than five feet from any driveway or parking lot area.

**B.**No lot line shall be located closer than 15 feet from any tract property line nor closer than 10 feet from any street.

**C.**No construction permit shall be issued for any townhouse dwelling unit, at any time, unless the proposed construction is in accordance with the approved site plan, and this condition shall be recited in the deed of the subdivided townhouse lot.

§ 276-51**Critical areas.**

**A.**Basis For establishing critical areas. The mapping of the critical areas within the City of North Wildwood is indicated on the maps entitled "Flood Hazard Areas" and "Wetlands," each dated March 1986, which are part of this chapter. As noted on the maps, the basis for the delineation of floodplain areas were the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency and dated January 6, 1983, and the basis for the delineation of wetlands areas were the Department of Environmental Protection aerial photographs of wetlands dated September 19, 1983. Additionally, while information depicted on the Critical Areas Maps have been prepared as accurately as possible; nevertheless, it must be understood that detailed information mapped at such a large scale may not represent the actual conditions on any particular parcel of land. Therefore, the information is not intended to take the place of specific on-site engineering data presented to the City at the time applications are submitted for approval of a subdivision, site plan, construction permit, and/or any other application which considers the critical areas categories of information depicted on the map.

**B.**Regulations for coastal flood hazard protection.

**(1)**Findings.

**(a)**The City of North Wildwood occupies part of a low-lying barrier island which is exposed constantly to the threat of coastal flooding due to hurricanes, northeasters, and storms;

**(b)**The entire City of North Wildwood has been designated by the Federal Emergency Management Agency as being exposed to a 1% or greater chance of being flooded in any given year. The oceanfront and lands along Hereford Inlet have been designated as being exposed to high velocity waves;

**(c)**The beaches and dunes of North Wildwood are located entirely within these coastal flood hazard areas and, if properly maintained and protected, provide some natural protection from the floodings that result from storm waves; and

**(d)**The predictable hazards of coastal flooding subject the residents, owners of businesses, and visitors of the City of North Wildwood to potential loss of life, personal injury, and property damage, as well as disruption of commerce, resort activities, and governmental services, all of which adversely affect the public health, safety and welfare.

**(2)**Purpose. This chapter has the following purposes:

**(a)**To promote and protect the public health, safety, and welfare;

**(b)**To minimize the potential for loss of life, personal injury, and public and private property damage from coastal flooding;

**(c)**To protect the beaches and dunes of North Wildwood from inappropriate construction and indiscriminate trespass which reduces their effectiveness in limiting the risks of coastal flooding;

**(d)**To protect the public from the economic and social disruption caused by coastal flood damage; and

**(e)**To minimize the need for rescue relief efforts associated with coastal flooding and generally undertaken at the expense of the general public.

**(3)**Definitions. As used in this section, the following terms shall have the meanings indicated:

**APPEAL**

A request for a review of the Construction Official's interpretation of any provision of this chapter or a request for a variance from the Board of Adjustment.

**AREA OF SPECIAL FLOOD HAZARD**

Land in the City of North Wildwood with a 1% chance (one chance in 100) or greater of flooding in any given year, as designated on the most recent FIRM by the Federal Emergency Management Agency as Zone A1-30 or V1-30.

**BASE FLOOD ELEVATION**

A determination of the water surface elevations of the flood level, above sea level, that has a 1% or greater chance of occurrence in any given year, as designated on the most recent FIRM by the Federal Emergency Management Agency.

**BASEMENT**

Any area of the building having its floor subgrade (below ground level) on all sides.

[Added 2-20-1996 by Ord. No. 1224]

**BEACH**

Gently sloping unvegetated areas of sand that extend landward from the mean high water line of the Atlantic Ocean and Hereford Inlet to either:

**(a)**The vegetation line connecting the most seaward naturally occurring perennial plants with other such plants;

**(b)**A man-made structure generally parallel to the Atlantic Ocean or Hereford Inlet, such as a retaining structure, seawall, bulkhead, revetment, road, or boardwalk, except that sandy areas that extend fully under or landward of an elevated boardwalk are considered to be beaches; or

**(c)**The seaward edge of the dunes.

**BREAKAWAY WALL**

A wall or partition, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or other suitable building material, that is not part of the structural support of the building and is intended, through its design and construction, to collapse or break away under specific lateral loading forces, such as abnormally high tides or wave action, without causing damage to the elevated portion of the building or its supporting foundation system.

**COASTAL HIGH-HAZARD AREA**

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

**DEVELOPMENT**

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

**DUNES**

A formation of vegetated or drifting, wind-blown sand, either deposited by the waves and wind or man-made, that lies generally parallel to and landward of the beach, extending landward to the foot of the most inland dune slope.

**ELEVATED BUILDING**

A nonbasement building built in the case of a building in an area of special flood hazard to have the top of the elevated floor or in the case of a building in a coastal high-hazard area to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an area of special flood hazard, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In areas of coastal high hazard, elevated buildings also includes a building otherwise meeting the definition of elevated building even though the lower area is enclosed by means of breakaway walls.

[Added 2-20-1996 by Ord. No. 1224]

**FLOOD INSURANCE RATE MAP (FIRM)**

The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of North Wildwood. The most recent map is dated January 6, 1983.

**FLOOD INSURANCE STUDY**

The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary/Floodway Map and the water surface elevation of the base flood.

[Added 2-20-1996 by Ord. No. 1224]

**FLOOD or FLOODING**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

**(a)**The overflow of tidal waters; or

**(b)**The unusual and rapid accumulation of runoff of surface waters from any source.

**FLOODPLAIN MANAGEMENT REGULATIONS**

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOODPROOFING**

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FREEBOARD**

A factor of safety usually expressed in feet above the base flood elevation. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the base flood elevation.

**HISTORIC STRUCTURE**

Any structure that is:

**(a)**Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the interior as meeting the requirements for individual listing on the National Register;

**(b)**Certified or preliminarily determined by the Secretary of the interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district;

**(c)**Individually listed on a state inventory of historic places approved by the Secretary of the Interior; or

**(d)**Individually listed on a local inventory of historic places:

**[1]**Approved by a state program as authorized by the Secretary of the Interior; or

**[2]**Directly approved by the Secretary of the Interior.

**LOWEST FLOOR**

The lowest level of the lowest enclosed area, including basement. An unfinished or flood-resistent enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure complies with the applicable construction standards of this section.

**MANUFACTURED HOME**

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreation vehicle.

**MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION**

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

[Added 2-20-1996 by Ord. No. 1224]

**NEW CONSTRUCTION**

Structures for which the start of construction commenced on or after 1971, the effective date of a predecessor Floodplain Management Ordinance adopted by the City of North Wildwood.

**NEW MANUFACTURED HOME PARK or SUBDIVISION**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

[Added 2-20-1996 by Ord. No. 1224]

**PRIMARY FRONTAL DUNE**

A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

**RECREATION VEHICLE**

A vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**SAND DUNES**

Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

[Added 2-20-1996 by Ord. No. 1224]

**START OF CONSTRUCTION**

Includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration effects the external dimensions of the building.

**STRUCTURE**

For the purpose of this section, a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

**SUBSTANTIAL DAMAGE**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT**

Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure taking place during the life of the structure, the cumulative cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

**(a)**Any project or improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

**(b)**Any alteration of a structure listed on the National Register of Historic Places or the State Register of Historic Places.

**VARIANCE**

A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section because a literal enforcement would result in unnecessary hardship.

**(4)**General Provisions

**(a)**Penalties for noncompliance.

**[1]**No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.

**[2]**Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions on permits) shall constitute an offense. Each calendar day of violation shall constitute a separate and individual violation.

**[3]**Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $500 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case and shall bear the full cost of correcting any and all violations.

**[4]**Nothing herein contained shall prevent the City of North Wildwood from taking such other lawful action as is necessary to prevent or remedy any violation.

**(b)**Basis for establishing the areas of special flood hazard. The areas of special flood delineated by the Federal Emergency Management Agency in a specific engineering report entitled "The Flood Insurance Study for the City of North Wildwood, New Jersey," together with the accompanying Flood Insurance Rate Map, dated February 16, 1996, are hereby adopted by reference and declared to be a part of this section. The Flood Insurance Study and the most recently adopted Flood Insurance Rate Map is on file and available for public inspection in the office of the City Clerk, City of North Wildwood, 901 Atlantic Avenue, North Wildwood, New Jersey, 08260.

**(c)**Abrogation and greater restrictions. This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the most stringent restrictions shall prevail.

**(d)**Interpretation. In the interpretation and application of this section, all provisions shall be:

**[1]**Considered as a minimum requirement;

**[2]**Liberally construed in favor of the governing body of the City of North Wildwood; and

**[3]**Deemed neither to limit nor repeal any other powers granted under state statutes.

**(e)**Warning and disclaimer of liability. The degree of coastal flood hazard protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section shall not create liability on the part of the City of North Wildwood or by any other officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

**(5)**Construction permit.

**(a)**Requirement to obtain a construction permit. A construction permit shall be obtained from the Construction Official of the City of North Wildwood before any construction or development begins within any area of special flood hazard, with the exception of any development that requires site plan approval from the Planning Board in accordance with § **276-63B** of this chapter. Site plans shall also meet the requirements of this section. The Construction Official may waive this permit requirement for small-scale, nonstructural activities that, in his opinion, are unlikely to increase or alter coastal flood hazards.

**(b)**Application for a construction permit. Application for such a construction permit shall be made on forms provided by the Construction Official and may require the submission of information, including, but not limited to:

**[1]**Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question;

**[2]**The location and quantity of proposed filling;

**[3]**The location and quantity of proposed storage of materials; and

**[4]**The location of drainage facilities.

**(c)**Required information for a construction permit. Applications for a construction permit shall include the following information:

**[1]**Elevation in relation to mean sea level of the lowest floor, including basement, of all structures;

**[2]**Elevation in relation to mean sea level to which any structure has been floodproofed;

**[3]**Plans showing how any nonresidential floodproofed structure will meet the floodproofing criteria of this section and, after the structure is built, certification by a registered engineer or architect that the structure as built meets the floodproofing criteria of this section; and

**[4]**A description of the event to which any watercourse will be altered or relocated as a result of proposed development.

**(d)**Designation of the Construction Official. The Construction Official is hereby appointed to administer and implement this section by granting or denying construction permit applications in accordance with its provisions.

**(e)**Duties and responsibilities of the Construction Official. The duties of the Construction Official shall include, but not be limited to:

**[1]**Permit review.

**[a]**Review applications for construction permits and decide whether the requirements of this section have been met;

**[b]**Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law or county or municipal ordinance;

**[c]**Review all proposed development in the coastal high-hazard area to determine if the proposed development complies with this section or would alter the beach or dunes so as to increase the potential risks of coastal flood damage;

**[d]**Review plans for walls to be used to enclose space below the base flood level in accordance with § **276-51B(7)(d)**.

**[2]**Obtain and maintain information on elevations of structures.

**[a]**Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures, and whether the structure contains a basement;

**[b]**For all new or substantially improved floodproofed structures:

**[i]**Verify and record the actual elevation, in relation to mean sea level, to which the structure was floodproofed; and

**[ii]**Maintain the floodproofing certifications required in § 276-51B(6)(e)[2][c];

**[iii]**all new or substantially improved structures in coastal high-hazard areas, obtain and record the elevation, in relation to mean sea level, of the lowest structural member of the lowest floor, excluding pilings and columns, whether or not such structures contain a basement.

**[iv]**In coastal high-hazard areas, certification shall be obtained from a registered, professional engineer or architect that the provisions of Subsection B(5)(e)[2][b][iii] are met.

**[v]**Maintain for public inspection all records pertaining to the provisions of this chapter.

**[3]**Interpretation of FIRM boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the boundary interpretation, as provided in this section.

**(6)**Flood resistant materials and methods.

**(a)**Anchoring.

**[1]**All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

**[2]**All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

**(b)**Flood-resistant materials and methods.

**[1]**All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

**[2]**All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

**(c)**Utilities.

**[1]**All new replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters in the system;

**[2]**New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

**[3]**Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**(d)**Lowest floor elevation for residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation.

**(e)**Lowest floor elevation or floodproofing for nonresidential construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either:

**[1]**Have the lowest floor, including basement, elevated no lower than one foot above the level of the base flood elevation; or

**[2]**Together with attendant utility and sanitary facilities, shall:

**[a]**Be floodproofed to a level no lower than one foot above the base flood level so that the structure is watertight below the required elevation with walls substantially impermeable to the passage of water;

**[b]**Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

**[c]**Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Construction Official.

**(f)**Pilings. All structures built hereafter on any bulkheaded or waterfront property, whether bay, inlet, or ocean, shall be built or placed on pilings, and if wood pilings, they shall be pressure treated with a minimum twelve-pound creosote to resist decay, and the same shall likewise be applied to the bulkheads.

**(7)**Supplemental construction standards for coastal high-hazard areas (V-Zones).

**(a)**Location landward of the mean high tide. All buildings or structures shall be located landward of the reach of the mean high tide.

**(b)**Mobile homes. The placement of mobile homes is prohibited, except in an existing mobile home park or mobile home subdivision.

**(c)**Elevation of structures on pilings.

**[1]**All new construction and substantial improvements shall be elevated on pilings and columns, so that:

**[a]**The bottom of the lowest horizontal member of the lowest floor (excluding the pilings and columns) is elevated to or above the base flood elevation; and

**[b]**The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a 1% chance of being equalled or exceeded in any given year.

**[2]**A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used for elevating the structure are in accordance with accepted standards of practice for meeting the provisions of this subsection.

**(d)**Space below lowest floor.

**[1]**All new construction and substantial improvements, as well as any alteration, repair, reconstruction, or improvement to a structure started after the enactment of this section, shall have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation.

**[2]**For the purposes of this subsection, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square feet may be permitted only if a registered professional engineer certifies that the design is proposed to meet the following conditions:

**[a]**Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

**[b]**The elevated portion of the building and supporting foundation shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components, both structural and nonstructural. Maximum wind and water loading values to be used in this determination shall each have 1% chance of being equalled or exceeded in any given year.

**[3]**Use of enclosed space. If breakaway walls are used, such enclosed space shall not be used for human habitation and may be used solely for parking of vehicles, building access or storage.

**[4]**Prior to construction, plans for any breakaway walls must be submitted to the

**(e)**Prohibition of fill for structural support. The use of fill for structural support of buildings in the coastal high-hazard area is prohibited.

**(f)**Location landward of seawalls. All new construction or substantial improvements adjacent to seawalls, revetments, bulkheads or other shore protection structures fronting on the Atlantic Ocean or Hereford Inlet shall be set back a minimum of 50 feet from the center line of the shore protection structure to reduce the risks of damage from wave runup and overtopping and maintain the accessibility of the shore protection structure for future repairs and reconstruction.

**(8)**Beach and dune protection.

**(a)**The removal of sand from the beach or dunes is prohibited.

**(b)**The alteration of dunes that would increase the risk of coastal flood hazards and potential damage is prohibited.

**(c)**All existing natural and man-made dunes shall be preserved and, where suitable, enhanced, restored, and created.

**(d)**Dunes may be created, where they do not exist, or restored, where damaged, through the use of sand/snow fencing, which shall be planted with American Beachgrass, Ammonphilia breviliqulata (Cape variety), to increase plant cover and stabilize the dunes. Newly planted dunes shall be fertilized. Protective sand/snow fencing shall be placed around newly created or restored dunes.

**(e)**Limited pathways, trails, and walkovers through and over dunes may be provided where necessary to provide access for the public to the beach and ocean waters. Protective sand/snow fencing shall be placed along such pathways to protect the dunes from pedestrian traffic.

**(f)**The removal, cutting, burning, or destruction of natural vegetation, sand fences, or other types of dune protection devices is prohibited except for the construction authorized pursuant to Subsection **B(8)(d)**.

**(g)**No person shall be in a dune unless on an approved pathway or in the performance of such activities as may reasonably be necessary and required to construct, maintain, or monitor the dune.

**(h)**The use of dune buggies, motorcycles, motorbikes, jeeps, and similar motor vehicles is prohibited in dunes.

**(9)**Permitted uses of beaches and dunes.

**(a)**Open space, beach and water recreation.

**(b)**Protective sand dunes and related improvements, such as sand/snow fencing and plantings to stabilize dunes.

**(c)**Stairs, pathways, walkthroughs, and walkovers to protect dunes and provide access to the beach and ocean.

**(d)**Buildings and structures necessary for public safety and convenience, including first aid stations, lifeguard stations, comfort stations, boardwalks, pavillions, piers, and related facilities.

**(e)**Shore protection projects, both structural and nonstructural, including groins, jetties, seawalls, revetments, bulkheads, beach nourishment, and dune creation.

**(f)**All other uses are prohibited.

**(10)**Variances and appeals.

**(a)**appeal to the Planning Board of Adjustment. The Planning Board as established by this chapter shall hear and decide appeals and requests for variances from the requirements of this section.

**(b)**Appeals of Alleged Errors to the Planning Board. The Planning Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement of this section.

**(c)**Appeal of decision of the Planning Board. Any person aggrieved by the decision of the Planning Board or any taxpayer may appeal such decision to the Superior Court of New Jersey as provided by law.

**(d)**Variances for historic structures. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Register of Historic Places without regard to the procedures, considerations, or findings set forth in this section.

**(e)**Considerations in reviewing variance requests. In reviewing applications for appeals or variances from this coastal flood hazard protection system, the Planning Board shall consider all technical evaluations, all relevant factors, all standards specified in this section, and the following considerations:

**[1]**The danger that materials may be swept onto other land to the injury of others;

**[2]**The danger of life and property due to flooding or erosion damage;

**[3]**The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

**[4]**The importance of the services provided by the proposed facility to the community;

**[5]**The necessity to the facility of a waterfront location, where applicable;

**[6]**The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

**[7]**The compatibility of the proposed use with existing and anticipated development;

**[8]**The relationship of the proposed use to the Master Plan for that area;

**[9]**The safety of access to the property in times of flood for ordinary and emergency vehicles;

**[10]**The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

**[11]**The costs of providing governmental services during and after flood conditions, including maintenance and repair or public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

**(f)**Conditions for variances.

**[1]**Variances may generally be issued only for new construction and substantial improvements to be erected on lots of less than 1/2 acre, contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided the findings by this section have been met.

**[2]**The Construction Official shall notify the applicant for a variance that:

**[a]**The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance; and

**[b]**Such construction below the base flood increases risks to life and property.

**[3]**Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

**(g)**Findings required for variances. Variances shall only be issued upon four findings by the Planning Board:

**[1]**A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

**[2]**A showing of good and sufficient cause;

**[3]**A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

**[4]**A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

**(h)**Records maintained by the Construction Official.

**[1]**The Construction Official shall maintain a record of all variance actions, including justification for their issuance, and report such variances in his annual or biennial report to the Federal Emergency Management Agency.

**[2]**The Construction Official shall maintain a record of all notifications to applicant for variances, as required by Subsection **B(10)(f)[2]**.

**(11)**Subdivision proposals.

**(a)**All subdivision proposals shall be consistent with the need to minimize flood damage;

**(b)**All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

**(c)**All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

**(d)**Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).

**(12)**Enclosure openings. For all new construction and substantial improvements that fully enclose areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other covering or devices, provided that they permit the automatic entry and exit of floodwaters.

**(13)**Manufactured homes.

**(a)**Manufactured homes shall be anchored in accordance § **276-51B(6)(a)**.

**(b)**All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

§ 276-52**(Reserved)**

§ 276-53**(Reserved)**

**ARTICLE VII** Planning Board

§ 276-54**through § 276-56. (Reserved)**

§ 276-57**Establishment of Planning Board.**

**A.**In accordance with the provisions of N.J.S.A. 40:55D-23, N.J.S.A. 40:55D-25c and as otherwise authorized by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., the Planning Board heretofore created is continued consisting of nine regular and four alternate members of the following four classes:

**(1)**Class I: the Mayor.

**(2)**Class II: one of the officials of the City other than a member of the governing body, to be appointed by the Mayor.

**(3)**Class III: one member of the governing body to be appointed by it.

**(4)**Class IV Regular Members: six other citizens of the municipality to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment, except that if there be an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board, as required by N.J.S.A. 40:56A-1, shall be the Class IV Planning Board Member.

**(5)**Class IV Alternate Members: four other citizens of the municipality to be appointed by the Mayor. Alternate members shall meet the qualifications of Class IV regular members and shall be designated by the Mayor at the time of their appointment as "Alternate No. 1," "Alternate No. 2, "Alternate No. 3" and "Alternate No. 4."

**B.**The term of the member composing Class I shall correspond with his official tenure. The terms of the member composing Class II and Class III shall be for one year or terminate at the completion of his or her respective terms of office, whichever occurs first. The term of a Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his or her term as a member of the Environmental Commission, whichever comes first.

**C.**All present Class IV members of the Planning Board shall continue in office until the completion of the terms for which they were appointed.

**D.**The terms of Class IV regular members first appointed pursuant to this chapter shall be so determined that to the greatest practicable extent the expiration of such term shall be evenly distributed over the first four years after their appointment, provided that the initial term shall not exceed four years. Thereafter, the term of each Class IV regular member shall be four years. All terms shall run from January 1 of the year in which the appointment is made.

**E.**The terms of the Class IV alternate members shall be two years, except that the terms of the alternate members shall be such that the term of not more than two alternate members shall expire any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years. All terms shall run from January 1 of the year in which the appointment is made.

**F.**Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

**G.**If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term. Any member other than a Class I member may be removed by the governing body for cause but only after public hearing, if requested, and other requested procedural due process protection.

**H.**Yearly, the Planning Board shall organize by selecting from among its Class IV regular members a Chairman and a Vice Chairman. The Board shall also select a Secretary who may or may not be a member of the Board or an employee of the City.

**I.**The governing body, after giving due consideration to budget requests that may be submitted by the Planning Board, shall make provisions in its budget and appropriate funds for the expenses of the Planning Board.

**J.**The office of Planning Board Attorney is hereby created. The Planning Board may appoint to such office and fix compensation or rate of compensation of an attorney at law of New Jersey other than the City Attorney.

**K.**The Planning Board may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board, however, shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

**L.**The Planning Board, at least once a year, shall review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The Board of Adjustment shall send copies of the report, and resolution to the governing body and Planning Board.

§ 276-58**Powers and jurisdiction of Planning Board.**

The Planning Board shall have the powers listed below in addition to other powers established by law:

**A.**Make, adopt and, from time to time, amend a Master Plan for the physical development of the City, including any areas outside its boundaries which, in the Board's judgement, bear essential relationship to the planning of the City.

**B.**Administer the subdivision and site plan review provisions of the Land Development Ordinance in accordance with the applicable provisions of said ordinance.

**C.**Hear and decide applications for conditional uses in accordance with the applicable provisions of this chapter.

**D.**Participate in the preparation and review of programs or plans required by state or federal law or regulation.

**E.**Assemble data on a continuing basis as part of a continuous planning process.

**F.**Annually, at the request of the City Council, prepare a program of municipal capital improvements projects projected over a term of six years and recommend same to the City Council.

**G.**Consider and report to the City Council within 35 days after referral as to any proposed development regulation submitted to it and also pass upon other matters specifically referred to the Planning Board by the City Council.

**H.**Error or refusal. Hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, decision or refusal made by a City official based on or made in the enforcement of the zoning provisions of this chapter.

**I.**Exceptions or interpretations. Hear and decide requests for interpretation of the Zoning Map or the zoning provisions of this chapter or for decisions upon other special questions upon which the Board is authorized to pass by any zoning provisions of this chapter or by any duly adopted Official Map.

**J.**General bulk variances.

**(1)**Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation of this chapter would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship;

**(2)**Where, in an application or appeal relating to a specific piece of property the purposes of this chapter would be advanced by a deviation from the zoning requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from such zoning requirements; provided, however, that no variance from those departures enumerated in § 276-55D hereinbelow (N.J.S.A. 40:55D-70d) shall be granted under this subsection; and provided further, that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to review a request for a variance pursuant to § 276-581 of this chapter (N.J.S.A. 40:55D-60a).

**K.**Use variance, variances from conditional use standards, and major specific bulk variances. In particular cases and for special reasons, grant a variance to allow departure from the zoning provisions of this chapter to permit a use or principal structure in a district restricted against such use or principal structure; an expansion of a nonconforming use; deviation from a particular specification or standard set forth in this chapter as pertaining solely to a conditional use; an increase in the permitted floor area ratio as defined in Article **II** of this chapter and in N.J.S.A. 40:55D-4; an increase in the permitted density as defined in Article **IV** or **VI** of this chapter, as the case may be, and in N.J.S.A. 40:55D-4, except as applied to the required lot area for a lot or lots for detached one- or two-dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision, in which event applications would be made pursuant to § 276-55C hereinabove; or a height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the zoning district for a principal structure. A variance under this subsection shall be granted only by affirmative vote of at least five members of the Board. The Class I and the Class III members of the Board shall not participate in the consideration of applications for development which involve relief pursuant to the paragraph or pursuant to N.J.S.A. 50:55D-70d.

**L.**General provisions.

**(1)**No variance or other relief may be granted under the terms of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and the zoning provisions of this chapter.

**(2)**An application for development may be referred to any appropriate person or agency, other than the Planning Board, for its report, provided that such reference shall not extend the period of time within which the Board shall act.

**(3)**The Planning Board, in granting any variance which by law it is authorized to grant, may impose such conditions, in addition to those required in this chapter, as are necessary to assure that the general purposes and intent of this chapter are met.

**(4)**Unless otherwise specified by the Board, a variance granted by the Board shall expire and become null and void two years from the granting by the Board unless within said two-year period the applicant obtains a construction permit or otherwise avails himself of said approval. The Planning Board, upon application and within said two-year period, may extend said period for one year, but not to exceed three such extensions.

**M.**Other powers. The Planning Board shall have such other powers as prescribed by law, including, but not limited to, the following:

**(1)**Direct issuance of a construction permit pursuant to N.J.S.A. 40:55D-34 for the construction of a building or structure within the bed of a mapped street or public drainageway, flood control basin or public area as shown on a duly adopted Official Map of the municipality whenever one or more parcels of land within said bed cannot yield a reasonable return to the owner unless a construction permit is granted. The Board may grant such relief only by affirmative vote of a majority of the full authorized membership of the Board, ensuring that such relief will tend to cause a minimum change of the Official Map and will not significantly add to the cost of opening any proposed street. The Board shall impose reasonable requirements as a condition of granting the construction permit so as to promote the health, morals, safety and general welfare of the public.

**(2)**Direct issuance of a construction permit pursuant to N.J.S.A. 40:55D-36 for the construction of a building or structure on a lot not abutting a street which is shown on a duly adopted Official Map of the municipality or which is an existing state, county or municipal street or highway; or a street shown upon a plat approved by the Municipal Planning Board; or a street on a plat duly filed in the office of the County Recording Officer. The Board may grant such relief only when the enforcement of the statute requirement that a building lot abut a street would entail practical difficulty or unnecessary hardship, or where the circumstances of the case do not require the building or structure to abut a street. The Board shall impose requirements or conditions that will provide adequate access for firefighting equipment, ambulances and other necessary emergency vehicles for the protection of the health and safety and that will protect any future street layout on the Official Map or on the general circulation plan element of the Municipal Master Plan.

**N.**Perform such other advisory duties as are assigned to it by ordinance or resolution of the City Council for the aid and assistance of the City Council or other agencies and officers.

**O.**Whenever relief is requested pursuant to this section, notice of the hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit, as the case may be.

**P.**The developer may elect to submit a separate application requesting approval of the variance or direction of the issuance of a permit and a subsequent application for any required approval for a subdivision, site plan, or conditional use. The separate approval of the variance or direction of the issuance of a permit shall be conditioned upon grant of all required subsequent approvals by the Planning Board. No such subsequent approval shall be granted unless the approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and the zoning provisions of this chapter.

§ 276-59 **Appeals and applications to the Planning Board.**

**A.**Appeals to the Planning Board may be taken by any interested party affected by any decision of a municipal official of the municipality based on or made in the enforcement of the zoning provisions of this chapter or a duly adopted Official Map. Such appeal shall be taken within 20 days by filing a notice of appeal with the official from whom the appeal is taken, with three copies of the notice given to the Secretary of the Planning Board. The notice shall specify the grounds for the appeal. The official from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

**B.**The Planning Board may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all powers of the municipal official from whom the appeal is taken.

**C.**An appeal to the Planning Board shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the municipal official from whose action the appeal is taken certifies to the Planning Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court upon notice to the municipal official from whom the appeal is taken and due cause shown.

**D.**A developer may file an application for development with the Planning Board for action under any of its powers without prior application to a municipal official.

**E.**The Planning Board shall act upon any appeal or any application for development within 120 days either from the date the appeal is taken from the decision of the municipal official or from the date the application is certified as a complete application, as the case may be, or within such further time as may be consented to by the applicant, except that when an applicant elects to submit separate consecutive applications for use variance approval and site plan, subdivision or conditional use approval, the one-hundred-twenty-day time period for action shall apply to the application for approval of the use variance, and the time period for granting or denying any subsequent approval shall be as otherwise provided in this chapter.

**F.**Failure of the Planning Board to render a decision within such one-hundred-twenty-day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

§ 276-60**General provisions applicable to the Planning Board.**

**A.**Conflicts of interest. No regular or alternate member of the Planning Board shall act on any matter in which he has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.

**B.**Meetings.

**(1)**Meetings of the Planning Board shall be scheduled no less than once a month, and any meeting so scheduled shall be held as scheduled unless cancelled for lack of applications for development to process.

**(2)**Special meetings may be provided for at the call of the Chairman or on the request of any two Board members, which meetings shall be held on notice to its members and the public in accordance with all applicable legal requirements.

**(3)**No action shall be taken at any meeting without a quorum being present, said quorum to be the majority of the full authorized membership of the Board.

**(4)**All actions shall be taken by majority vote of the members of the Board present at the meeting except as otherwise required by a provision of N.J.S.A. 40:55D-1 et seq. A member of the Board who was absent for one or more of the meetings at which a hearing was held shall be eligible to vote on a matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings; provided, however, that such Board member has available to him the transcript or recording of all of the hearing from which he was absent and certifies in writing to the Board that he has read such transcript or listened to such recording.

**(5)**All regular meetings and all special meetings shall be open to the public, except as provided in the Open Public Meeting Law, c. 231, Laws of New Jersey, 1975.**[1]** Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meeting Law, c. 231, Laws of New Jersey, 1975.

**C.**Public hearings.

**(1)**The Planning Board, as the case may be, shall hold a hearing on each application for development. Each Board shall make rules governing such hearings.

**(2)**Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least 10 days before the date of the hearing during normal business hours in the office of the administrative officer. The applicant may produce any documents, records or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.

**(3)**The officer presiding at the hearings, or such person as he may designate, shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law, P.L. 1953, c. 38 (N.J.S.A. 2A:67A-1 et seq.) shall apply.

**(4)**The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, or such other person as he may designate, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and reasonable limitations as to time and number of witnesses.

**(5)**Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

**D.**Public notice of a hearing.

**(1)**Public notice of a hearing shall be given for all applications for development, including but not limited to requests for relief under N.J.S.A. 40:55D-60 and 40:55D-76 and interpretations under N.J.S.A. 40:55D-70b.

**(2)**The Secretary of the Planning Board, as the case may be, shall notify the applicant at least two weeks prior to the public hearing at which the application will be discussed. Notice of a hearing requiring public notice shall be given by the applicant at least 10 days prior to the date of the hearing in the following manner:

**(a)**By publication in an official newspaper of the City, if there is one, or in a newspaper of general circulation in the City in the absence of an official newspaper. An affidavit of proof of the giving of the required notice shall be filed by the applicant with the municipal agency at, or prior to, the hearing.

**(b)**By notification by personal service or certified mail to the following. An affidavit of proof of the giving of the required notice shall be filed by the applicant with the municipal agency at, or prior to, the hearing. It is not required that a return receipt is obtained; notice is deemed complete upon mailing (N.J.S.A. 40:55D-14).

**[1]**To all owners of real property as shown on the current tax duplicate located in the state and within 200 feet in all directions of the property which is the subject of the hearing, provided that this requirement shall be deemed satisfied by notice to the condominium association, in the case of any unit owner whose unit has a unit above or below it, or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it.

**[a]**Notice to a partnership owner may be made by service upon any partner.

**[b]**Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.

**[c]**Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within 200 feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners, or homeowners on account of such common elements or areas.

**[2]**To the Clerk of any adjoining municipality or municipalities when the property involved is located within 200 feet of said adjoining municipality or municipalities.

**[3]**To the Cape May County Planning Board and Cape May Board of Chosen Freeholders when the application for development involves property adjacent to an existing county road or proposed road as shown on the County Official Map or County Master Plan, adjoining other county land or situated within 200 feet of a municipality boundary.

**[4]**To the Commissioner of Transportation of the State of New Jersey when the property abuts a state highway.

**[5]**To the State Planning Commission when the hearing involves an application for the development of property which exceeds 150 acres or 500 dwelling units, in which case the notice shall include a copy of any maps or documents required to be filed with the City.

**(3)**Upon the written request of an applicant, the City Tax Collector shall, within seven days, make and certify a list from current tax duplicates of names and addresses of owners within the City to whom the applicant is required to give notice. The applicant shall be charged $0.25 per name or $10, whichever is greater, for said list and shall be entitled to rely upon the information contained in such list, and failure to give notice to any lot owner not on the list shall not invalidate any hearing or proceeding. Additionally, the applicant shall be responsible for giving proper notice to all property owners pursuant to Subsection **D(2)(b)** above who do not reside within the City.

**(4)**The notice shall state the date, time and place of the hearing and the nature of the matters to be discussed and an identification of the property proposed for development by street address, if any, and by reference to lot and block numbers as shown on the current tax duplicate in the City Tax Collector's office and the location and times at which any maps or documents for which approval is sought are available for inspection.

**E.**Records.

**(1)**Minutes of every regular or special meeting shall be kept and shall include the names and addresses of the persons appearing and addressing the Planning Board, and of any persons appearing by attorney, the action taken by the Planning Board, the findings, if any, made by it and the reasons therefor. The minutes shall thereafter be made available, after approval by the Board, for public inspection during the normal business hours at the office of the administrative officer. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes. Such interested party shall be charged a reasonable fee for the reproduction of the minutes, as indicated in § **276-67** of this chapter.

**(2)**A verbatim recording shall be made of every hearing. The recording of the proceedings shall be made either by stenographer, mechanical or electrical means. The municipality shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense, provided that the charge for a transcript shall not exceed the maximum amount permitted in N.J.S.A. 2A:11-15**[2]**, and as indicated in § **276-67** of this chapter. Each transcript shall be certified in writing by the transcriber to be accurate.

**F.**Decisions.

**(1)**Each decision on any application for development shall be reduced to writing by the Board and shall include findings of facts and conclusions based thereon.

**(2)**The Board shall provide the findings and conclusions through:

**(a)**A resolution adopted at a meeting held within the time period provided in this chapter for action by the Board on the application for development; or

**(b)**A memorializing resolution adopted at a meeting held no later than 45 days after the date of the meeting at which the Board voted to grant or deny approval. Only the members of the Board who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. An action pursuant to N.J.S.A. 40:55D-9 (resulting from the failure of a motion to approve an application) shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution.

**(3)**The vote on any memorializing resolution shall be deemed to be a memorialization of the action of the Board and not to be an action of the Board; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailings, filings and publications required in § **276-61** of this chapter.

**(4)**If the Board fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the Board to reduce its findings and conclusions to writing within a stated time and the cost of the application, including attorney’s fees, shall be assessed against the municipality.

§ 276-61 **Appeal of decisions.**

Any interested party has the right to obtain a review of any Planning Board decision by any court of competent jurisdiction according to law.

**Article VIII:**Development Application Review Procedures

§ 276-62**(Reserved)**

§ 276-63 **Application of requirements.**

A. Subdivision review. All subdivisions, as defined under Article II, are subject to the review procedures specified herein.

B. Site plan review.

(1) No construction permit shall be issued for any new structure or parking lot designed for four or more vehicles, or for an addition to an existing structure or parking lot, and no certificate of occupancy shall be issued for any change of use of an existing structure until the site plan has been reviewed and approved by the municipality, except that:

(a) A construction permit for a single-family detached dwelling unit or a two-family dwelling unit, except for the development of two or more two-family or semidetached dwelling units on contiguous lots, and/or their accessory building(s) on a lot, shall not require site plan approval; except that the use of any existing or proposed principal or accessory building for a home occupation as defined and permitted by this chapter shall require minor site plan approval prior to the issuance of a construction permit or certificate of occupancy. The foregoing shall in no way affect the responsibility of an applicant to submit the necessary information and receive the necessary approvals as may be required pursuant to other ordinances.

(b) Any change of use from one permitted category of nonresidential use to another permitted category of nonresidential use shall not require site plan approval if both the Construction Official and Zoning Officer stipulate to the Board that the existing site development meets the requirements of this chapter for the new use category and the new use category does not require an increase in the number of required parking spaces.

(c) All site plan applications for the development, conversion, expansion, or use of condominiums shall include a detailed floor plan of the entire structure on one twenty-four-inch by thirty-six-inch Mylar transparency for tax mapping purposes.

(d) A lawfully existing commercial establishment may apply for a maximum six-hundred-square-foot exterior storage area in the rear yard that conforms with all requirements of the zone.

(2) An applicant may elect to file for preliminary and final site plan approval simultaneously to expedite the review process. The site plan shall be prepared according to the requirements stipulated for final approval. Developers electing to bypass the preliminary approval stage are doing so at the peril of added expense if changes in design are required.

(3) Exemption:

(a) Any proposed addition or alteration to a principal building housing an existing, nonresidential conforming use which will be 600 square feet or less in area will not intrude upon a front yard (as "front yard" is defined in § 276-7), and which, upon completion, will not result in more than 25% additional building coverage shall not require site plan approval, provided that the proposed addition or alteration to the principal building:

[1] Is being constructed so as to add to the principal building handicap accessibility features that are established by the Americans With Disabilities Act or the administrative regulations established thereunder; or

[2] Does not result in any change whatsoever to the existing side yard setbacks and rear yard setback; however, in the event that an existing side yard setback or rear yard setback is less than four feet, then a minimum four-foot side yard setback and/or minimum four-foot rear yard setback, as the case may be, shall be maintained to the proposed addition or alteration; and

[3] The proposed principal building addition or alteration, in the opinion of the Zoning Officer, will not create a nuisance, by reason of increased noise or otherwise, to adjacent land uses; and

[4] Construction of the proposed principal building addition or alteration will not result in an increase in the number of parking spaces required by ordinance for the property.

(b) No more than one site plan exemption per property shall be granted by the Zoning Official pursuant to this Subsection B(3), and, whenever a site plan exemption is granted by the Zoning Official pursuant to this Subsection B(3), a record of that exemption shall be maintained by the Zoning Official, and copies thereof shall be provided to the Construction Official and Tax Assessor.

C. Variance relief. All applications for variance relief to the Board of Adjustment not involving any related site plan, subdivision or conditional use approval shall be filed at least three weeks prior to the meeting. The filing shall include copies of any maps and related material; completed copies of the appropriate application form(s), which includes the checklist for variances pursuant to N.J.S.A. 40:55D-10.3 attached to this chapter[1]; and the fee in accordance with § 276-67 of this chapter. The Board shall act upon the application as stipulated by law.

D. Informal review by the Planning Board.

(1) At the request of a developer, the Planning Board shall grant one informal review of a concept plan for a major subdivision/major site plan for which the developer intends to prepare and submit an application for development.

(2) The developer shall be required to submit a fee for such an informal review in accordance with § 276-67 of this chapter; however, no professional review(s) will be undertaken unless the developer agrees to pay for said review(s).

(3) The developer shall not be bound by any concept plan for which review is requested, and the Planning Board shall not be bound by any such review.

(4) A developer desiring to have a concept plan informally reviewed by the Planning Board shall so notify the administrative officer at least three weeks prior to the meeting of the Planning Board. The administrative officer shall thereafter notify the developer of the time and place which has been scheduled by the Planning Board for the informal review.

§ 276-64**Submission of minor subdivision plats and minor site plans.**

**A.**Procedure for submitting minor subdivision plats and minor site plans. The applicant shall submit to the administrative officer at least three weeks prior to the meeting 15 copies of the minor plat or plan; plus an additional copy of the plat or plan in portable document format (“pdf”) on a CD-Rom or other electronic or digital format acceptable to the City; 15 copies of the appropriate application(s), which includes the checklist(s) pursuant to N.J.S.A. 40:55D-10.3 attached to this chapter**[1]**; and a fee in accordance with § **276-67** of this chapter. The application shall contain an acknowledgement signed by the applicant stating that the applicant is familiar with the procedure set forth herein for submitting and acting upon minor subdivision plats and minor site plans and agrees to be bound by it. The administrative officer shall process the application and shall issue an application number. Once an application has been assigned a number, such number shall appear on all papers, maps, plats or plans and other documents for processing in conjunction with the application.

**B.**Details required for minor subdivision plats and minor site plans. Each minor plat or minor plan shall be drawn by a professional engineer and/or land surveyor licensed to practice in the State of New Jersey and shall bear the signature, seal, license number and telephone number of said professional engineer and/or land surveyor; provided, however, that all engineering data shall be signed and sealed by a professional engineer and all surveying data shall be signed and sealed by a professional land surveyor. Each submission shall be drawn at an appropriate scale not less than one inch equals 100 feet and shall be submitted on one of four of the following standard sheet sizes 8 1/2 inches by 13 inches; 15 inches by 21 inches; 24 inches by 36 inches; or 30 inches by 42 inches). Each minor plat or plan shall show the following information, as such information is applicable to the minor subdivision or minor site plan submission:

**(1)**A key map showing the entire tract and its relation to the surrounding area at a scale of one inch equals not more than 1,000 feet.

**(2)**Title block in accordance with the rules governing title blocks for professional engineers (N.J.S.A. 45:8-36), including:

**(a)**Name of subdivision or development, City of North Wildwood and Cape May County;

**(b)**Name, title, address and telephone number of subdivider or developer;

**(c)**Name, title, address and license number of the professional or professionals who prepared the plat or plan;

**(d)**Name, title and address of the owner or owners of record;

**(e)**Scale; and

**(f)**Date of original preparation and of each subsequent revision thereof and a list of the specific revisions entered on each sheet.

**(3)**Acreage figures (both with and without areas within public rights-of-way) and North arrow.

**(4)**Approval signature lines:

**(a)**Chairman;

**(b)**Secretary; and

**(c)**City Engineer.

**(5)**Existing block and lot number(s) of the lot(s) to be subdivided or developed as they appear on the City Tax Map.

**(6)**Subdivision or development boundary line (heavy solid line).

**(7)**The location of existing and proposed property lines (with bearings and distances), streets, structures (with their numerical dimensions and an indication as to whether existing structures will be retained or removed), parking spaces, loading areas, driveways, watercourses, railroads, bridges, culverts, drain pipes, any natural features such as wetlands and treed areas, both within the tract and within 100 feet of its boundary.

**(8)**The location and width of all existing and proposed utility easements, the use(s) for which they are intended to be limited, and the manner in which the easements will be controlled.

**(9)**Zoning districts affecting the tract, including district names and requirements, and a comparison to the application.

**(10)**Proposed buffer and landscaped areas.

**(11)**Delineation of floodplains, including both floodway and flood-fringe areas.

**(12)**Contours as shown on the USGS topographic sheets.

**(13)**Marshes, ponds and lands subject to flooding within the tract and within 100 feet thereof.

**(14)**The name of all adjacent property owners as they appear on the most recent tax list prepared by the City Tax Collector.

**(15)**A statement from the City Tax Collector that all taxes and assessments are paid to date, or that adequate provision for their payments has been made, in a matter satisfactory to the municipality, evidence of which shall be submitted at the time of the hearing by the applicant.

**(16)**Concerning minor subdivisions only, existing and proposed monuments.

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

**(18)**Plans of proposed improvements and utility layouts, including sewers, storm drains and water lines, and feasible connections to gas, telephone and electrical utility systems. If private utilities are proposed, they shall comply fully with all City, county, state and federal regulations. If service will be provided by an existing utility company, in lieu of detailed plans, a letter from that company stating that service will be available before occupancy will be sufficient. Additionally, letters from the appropriate county and state agencies granting approval for the extension of utility service(s) under their respective jurisdiction shall be submitted with the application.

**(19)**No minor subdivision or minor site plan involving any corner lot shall be approved unless a sight triangle easement shall be granted as specified in this chapter.

**(20)**Deed descriptions, including metes and bounds, easements, covenants, restrictions and roadway and sight triangle dedications shall be submitted for approval and required signatures prior to filing with the County Recording Officer.

**C.**Action by the City.

**(1)**The administrative officer shall review the aforesaid application for the purpose of determining, within 45 days of its submission, whether said application is complete. Thereafter:

**(a)**If said application is found to contain all of the information required by § **276-64B** of this chapter, the administrative officer shall certify that said application is complete and direct the application to the appropriate Board.

**(b)**If said application is found to lack some of the information required by § **276-64B** of this chapter, the administrative officer shall either:

**[1]**Cause the applicant to be notified, in writing, that said application is incomplete, specifying the deficiencies in the application; or

**[2]**If the administrative officer reasonably concludes that the missing items of information are not necessary for it to make an informed decision on the application, the administrative officer may waive the requirement that said items be supplied as a prerequisite for completeness and certify that the application is complete notwithstanding the missing items.

**(c)**An applicant who has been notified that his application is incomplete may request waiver of one or more of the submission requirements set forth in § **276-64B**, and said request shall be granted or denied by the Planning Board or Zoning Board of Adjustment, as the case may be, within 45 days.

**(d)**In the event the City fails to act pursuant to Subsection **C(1)(b)[1]** or **C(1)(b)[2]** hereinabove within 45 days of the date of submission of the application, said application shall be deemed complete as of the 46th day following its submission.

**(2)**On the date the aforesaid application is certified complete or on the 46th day following the submission of the application in the event the City fails to make a determination of completeness, as the case may be, the applicable time period within which the Board must act upon the application shall commence. In any case, the applicant is obliged to prove that he or she is entitled to approval of the application. The Board may subsequently require correction of any information found to be in error, may require submission of additional information not specified in this chapter, and/or may require revisions in the application documents as are reasonably necessary to make an informed decision as to whether the requirements for approval of the application have been met, provided that the application shall not be deemed incomplete for lack of any such additional information or revisions.

**(3)**Promptly after certification of completeness, the application documents shall be distributed by the administrative officer to the following:

**(a)**The Planning Board or the Zoning Board of Adjustment, as the case may be: nine copies of the minor plat or plan and nine copies of the application;

**(b)**Cape May County Planning Board: one copy each of the minor plat or plan and the application;

**(c)**City Engineer: one copy each of the minor plat or plan and the application;

**(d)**Zoning Officer: one copy each of the minor plat or plan;

**(e)**At the direction of the Planning Board or the Zoning Board of Adjustment, as the case may be, additional copies of the minor plat or plan shall be sent to other City, county or state agencies as may be designated by the Board.

**(4)**The Planning Board or the Zoning Board of Adjustment, as the case may be, shall take action on minor subdivision and minor site plan applications within 45 days after the application has been certified complete by the Board or within such further time as may be consented to by the applicant. Failure of the Board to act within the prescribed time period shall constitute approval of the application, provided that any minor subdivision or minor site plan application which is being considered by the Board simultaneously with any requested variance relief shall be acted upon within 120 days after the application has been certified complete or within such further time as may be consented to by the applicant.

**(5)**Any designated subdivision committee or site plan committee, as the case may be, shall read any written report submitted concerning the application and shall review the submission to ascertain its conformity with the requirements of this chapter. The subdivision committee or site plan committee, as the case may be, shall offer its recommendations to the Board.

**(6)**Any proposed application for development determined by the Board to be creating, imposing, aggravating or leading to the possibility of an adverse effect upon either the property in question or upon any adjacent properties may be required to be revised to remove any adverse effect(s) prior to further review or approval by the Board or, where the remaining portion of the original tract is sufficient to be subdivided or developed further, the applicant may be required to submit a sketch of the entire remaining portion of the tract to indicate a feasible plan whereby the applied for subdivision or development, together with subsequent subdivision(s) or development(s), may be submitted that will not create, impose, aggravate or lead to any adverse effect.

**(7)**When a minor subdivision or minor site plan is approved by the Board, a notation to that effect, including the date of approval, shall be made on a master copy. At least 10 prints of the plat or plan and any related deed descriptions to be filed with the County Recording Officer shall be signed by the City Engineer and the Chairman and Secretary of the Board (or the Acting Chairman or Secretary where either or both may be absent). No further approval of the application shall be required, and the Secretary of the Board, within 10 days of the date of approval, shall notify the applicant of the Board's action. Additionally, the Secretary of the Board shall forward the applicant a copy of the approval resolution, adopted in accordance with § **276-59F** of this chapter, within 10 days of its adoption by the Board.

**(8)**When a minor subdivision or minor site plan is disapproved by the Board, the Secretary of the Board, within 10 days of such action, shall notify the applicant of such disapproval. Additionally, the Secretary of the Board shall forward the applicant a copy of the disapproval resolution, adopted in accordance with § **276-59F** of this chapter, within 10 days of its adoption by the Board, setting forth the reasons for the disapproval.

**(9)**Within 190 days from the date on which the resolution of municipal approval of a minor subdivision is adopted by the Board, a plat map drawn in compliance with the Map Filing Act, P.L. 1960 c. 141 (N.J.S.A. 46:23-9.9 et seq.) or deed description, properly drafted and signed by the Chairman and Secretary of the Board (or the Acting Chairman or Secretary where either or both may be absent), shall be filed by the subdivider with the County Recording Officer. Unless filed within 190 days or an extension for filing is granted by the Board, the approval shall expire and will require Board approval as in the first instance. The Board may extend the one-hundred-ninety-day period for filing a minor subdivision or deed if the developer proves to the reasonable satisfaction of the Board 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 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.

**(10)**The zoning requirements and general terms and conditions, whether conditional or otherwise, shall not be changed for a period of two years either after the date on which the resolution of approval is adopted by the Board for a minor subdivision or after the date of approval by the Board of a minor site plan. The Board shall grant an extension of this period 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 approvals. A developer shall apply for this extension before what would otherwise be the expiration date or the 91st day after the date on which the developer receives the last of the legally required approvals from the other governmental entities, whichever occurs later.

**(11)**Before the Secretary of the Board returns any approved minor subdivision or minor site plan to the applicant, the applicant shall provide additional copies of the plat or plan as may be necessary in order to furnish copies to each of the following:

**(a)**City Clerk;

**(b)**City Engineer (in the case of subdivisions only, a map of the plat drawn to the Tax Map scale of one inch equals 100 feet or one inch equals 400 feet, as directed by the City Engineer);

**(c)**Zoning Officer;

**(d)**City Tax Assessor;

**(e)**City Board of Health;

**(f)**Such other City, county or state agencies and officials as directed by the Board.

§ 276-65**Submission of preliminary major subdivision plats and preliminary major site plans.**

**A.**Procedure for submitting preliminary major subdivision plats and preliminary major site plans. The applicant shall submit to the administrative officer at least three weeks prior to the meeting 15 copies of the preliminary plat or preliminary plan plus an additional copy of the plat or plan in portable document format (“pdf”) on a CD-Rom; 15 completed copies of the appropriate applications which includes the checklist(s) pursuant to N.J.S.A. 40:55D-10.3 attached to this chapter; 15 copies of any protective covenants or deed restrictions applying to the land being subdivided or developed; and a fee in accordance with § **276-67** of this chapter. The application shall contain an acknowledgment signed by the applicant stating that the applicant is familiar with the procedure set forth herein for submitting and acting upon preliminary major subdivision plats and preliminary major site plans and agrees to be bound by it. The administrative officer shall process the application and shall issue an application number. Once an application has been assigned a number, such number shall appear on all papers, maps, plats or plans and other documents submitted for processing in conjunction with the application.

**B.**Details required for preliminary major subdivision plats and preliminary major site plans. Each preliminary plat or preliminary plan shall be drawn by a professional engineer and/or land surveyor licensed to practice in the State of New Jersey and shall bear the signature, seal, license number and telephone number of said professional engineer and/or land surveyor; provided, however, that all engineering data shall be signed and sealed by a professional engineer and all surveying data shall be signed and sealed by a professional land surveyor. Each submission shall be drawn at an appropriate scale not less than one inch equals 100 feet and shall be submitted on one of four of the following standard sheet sizes: (eight inches by 13 inches; 15 inches by 21 inches; 24 inches by 36 inches; 30 inches by 42 inches). Each preliminary plat or plan shall show the following information, as appropriate to a subdivision plat or site plan, unless the municipal agency determines and so notifies the applicant that such information either is unnecessary or inapplicable to the particular subdivision or development plan:

**(1)**A key map showing the entire tract and its relation to the surrounding areas at a scale of one inch equals not more than 1,000 feet.

**(2)**Title block in accordance with the rules governing title blocks for professional engineers (N.3.S.A. 45:8-36), including:

**(a)**Name of subdivision or development, City of North Wildwood, Cape May County;

**(b)**Name, title, address and telephone number of subdivider or developer;

**(c)**Name, title, address and license number of the professional or professionals who prepared the plat or plan;

**(d)**Name, title and address of the owner or owners of record;

**(e)**Scale (written and graphic); and

**(f)**Date of original preparation and of each subsequent revision thereof and a list of the specific revisions entered on each sheet.

**(3)**North arrow.

**(4)**Certification that the applicant is the owner of the land or his properly authorized agent or that the owner has given his consent under an option agreement.

**(5)**Approval signature lines:

**(a)**Chairman;

**(b)**Secretary; and

**(c)**City Engineer.

**(6)**Acreage to the nearest 10th of an acre and a computation of the area of the tract to be disturbed.

**(7)**The names and lot and block numbers of all property owners within 200 feet of the extreme limits of the tract as shown on the most recent tax list prepared by the City Tax Collector.

**(8)**Existing tax sheet number(s) and existing block and lot number(s) of the lot(s) to be subdivided or developed as they appear on the City Tax Map and proposed block and lot numbers as provided by the City Tax Collector upon written request.

**(9)**Tract boundary line (heavy solid line).

**(10)**Zoning districts, including district names and requirements, and a comparison to the application.

**(11)**The location of natural features such as wetlands and treed areas, both within the tract and within 100 feet of its boundaries.

**(12)**The proposed location of all proposed plantings shall be indicated and a legend provided listing the botanical and common names, the sizes at the time of planting, the total quantity of each plant, and the location of each plant keyed to the plan or plat.

**(13)**All existing and proposed watercourses shall be shown and accompanied by the following information:

**(a)**When a stream is proposed for alteration, improvement or relocation or where a drainage structure or fill is proposed over, under, in or along a running stream, a report on the status of review by the State Department of Environmental Protection, Division of Water Resources, shall accompany the submission;

**(b)**Cross sections of watercourses and/or drainage swales at an approximate scale showing the extent of the flood plain, top of bank, normal water levels and bottom elevations at the locations required by the City Engineer;

**(c)**The location and extent of drainage and conservation easements; and

**(d)**The location and type of adequate drainage provisions to reasonably reduce and minimize exposure to flood damage.

**(14)**Existing and proposed contours as shown on the USGS topographic sheets. Existing contours shall be shown as a dashed line; finished grades shall shown as a solid line.

**(15)**Proposals for soil erosion and sediment control as required by N.J.S.A. 4:24-39 et seq.

**(16)**Locations of all existing structures showing existing and proposed front, rear and side yard setback distances and an indication of whether the existing structures and uses will be retained or removed, both within the tract and within 100 feet of its boundary.

**(17)**Size, height and location of all proposed buildings, structures, signs and lighting facilities.

**(18)**All dimensions necessary to confirm conformity to the chapter such as the size of the tract and any proposed lot(s), structure setbacks, structure heights, yards and floor area ratios. All tract and lot sizes shall be expressed in acres and square feet and shall include bearings and distances.

**(19)**The proposed location, direction of illumination, power and type of proposed outdoor lighting, including details of lighting poles and luminaries.

**(20)**The proposed screening, buffering and landscaping, including a landscaping plan.

**(21)**The location and design of any off-street parking area, showing size and location of bays, aisles and barriers, curbing and paving specifications.

**(22)**All means of vehicular access and egress to and from the site onto public streets, showing the site and the location of driveways and curb cuts, including the possible utilization of traffic signals, channelization, acceleration and deceleration lanes, sight triangle easements, additional width and other proposed devices necessary to prevent a difficult traffic situation.

**(23)**The application shall include plans and computations for any storm drainage system, including the following as may be required by the City Engineer:

**(a)**All existing or proposed storm sewer lines within or adjacent to the tract showing size and slope of the lines, direction of flow and the location of each catch basin, inlet, manhole, culvert and headwall.

**(b)**A map drawn to scale (minimum scale one inch equals 100 feet) showing the contributing area to each inlet or cross drain.

**(c)**A weighted runoff coefficient for each drainage area shall be determined for use in the computations.

**(24)**The location of existing structures such as water and sewer mains, utility structures, gas transmission lines and high-tension power lines on the tract and within 200 feet of its boundaries.

**(25)**Plans of proposed improvements and utility layouts, including sewers, storm drains and water lines, and feasible connections to gas, telephone and electrical utility systems. If private utilities are proposed, they shall comply fully with all City, county, state and federal regulations. If service will be provided by an existing utility company, in lieu of detailed plans, a letter from that company stating that service will be available before occupancy will be sufficient. Additionally, letters from the appropriate county and state agencies granting approval for the extension of utility service(s) under their respective jurisdiction shall be submitted with the application.

**(26)**Plans, typical cross-sections and construction details, horizontal and vertical alignments of the center line of all proposed streets and of all existing streets abutting the tract. The vertical alignments shall be based on USGS vertical datum or a more specified datum supplied by the City Engineer, including curbing, sidewalks, storm drains, drainage structures and cross sections every half and full station of all proposed streets and of all existing streets abutting the tract. Sight triangles, the radius of curblines and street sign locations shall be clearly indicated at the intersections.

**(27)**Any protective covenants or deed restrictions applying to the land being developed shall be submitted with the application and/or indicated on the submitted plat or plan.

**(28)**The location and width of all existing and proposed utility easements, the use(s) for which they are intended to be limited, and the manner in which the easements will be controlled.

**(29)**The proposed permanent monuments shall be shown, in accordance with the Map Filing Law, N.J.S.A. 46:23-9.9.

**(30)**Concerning major site plans only, the proposed number of shifts to be worked, the maximum number of employees on each shift, and the hours of operation open to public use.

**(31)**A statement from the City Tax Collector that all taxes and assessments are paid to date, or that adequate provision for their payments has been made, in a manner satisfactory to the municipality, evidence of which shall be submitted at the time of the hearing by the applicant.

**(32)**When a tidal watercourse or wetlands are proposed for alteration, development, improvement, or relocation, provide the status of review by the State Department of Environmental Protection and Energy, Division of Coastal Resources.

**(33)**The status of review or exemption by the State Department of Environmental Protection and Energy, Division of Coastal Resources, for compliance with the Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19-1 et seq.

**(34)**Provisions for the collection and storage of recyclable materials.

**(35)**In the case of any subdivision or site plan submission of a planned development, all of the required information for all of the properties comprising the planned development.

**(36)**Concerning major site plans for the development, conversion, expansion or use of condominiums only, a detailed floor plan of the entire structure on a twenty-four-inch by thirty-six-inch Mylar transparency.

**(37)**The Board reserves the right to require additional information before granting preliminary approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and surrounding area. Such information shall include, but not be limited to, drainage calculations and traffic analyses; provided however, that no application shall be declared incomplete for the lack of such additional information.

**C.**Action by the City.

**(1)**The administrative officer shall review the major subdivision or major site plan application for the purpose of determining, within 45 days of its submission, whether said application is complete. Thereafter:

**(a)**If said application is found to contain all of the information required by § **276-65B** of this chapter, the administrative officer shall certify that said application is complete and direct the application to the appropriate Board.

**(b)**If said application is found to lack some of the information required by § **276-65B** of this chapter, the administrative officer shall either:

**[1]**Cause the applicant to be notified, in writing, that said application is incomplete, specifying the deficiencies in the application; or

**[2]**If the administrative officer reasonably concludes that the missing items of information are not necessary for it to make an informed decision on the application, the administrative officer may waive the requirement that said items be supplied as a prerequisite for completeness and certify that the application is complete notwithstanding the missing items.

**(c)**An applicant who has been notified that his application is incomplete may request waiver of one or more of the submission requirements set forth in § **276-65B**, and said request shall be granted or denied by the Planning Board or Zoning Board of Adjustment, as the case may be, within 45 days.

**(d)**In the event the City fails to act pursuant to Subsection **C(1)(b)[1]** or **C(1)(b)[2]** hereinabove within 45 days of the date of submission of the application, said application shall be deemed complete as of the 46th day following its submission.

**(2)**On the date the aforesaid application is certified complete or on the 46th day following the submission of the application in the event the City fails to make a determination of completeness, as the case may be, the applicable time period within which the Board must act upon the application shall commence. In any case, the applicant is obliged to prove that he or she is entitled to approval of the application. The Board may subsequently require correction of any information found to be in error, may require submission of additional information not specified in this chapter, and/or may require revisions in the application documents as are reasonably necessary to make an informed decision as to whether the requirements for approval of the application have been met, provided that the application shall not be deemed incomplete for lack of any such additional information or revisions.

**(3)**Promptly after certification of completeness, the application documents shall be distributed by the administrative officer to the following:

**(a)**The Planning Board or the Zoning Board of Adjustment, as the case may be: nine copies of the preliminary plat or plan and nine copies of the application and any protective covenants or deed restrictions;

**(b)**Cape May County Planning Board: one copy each of the preliminary plat or plan, the application and any protective covenants or deed restrictions);

**(c)**City Engineer: one copy each of the preliminary plat or plan, the application and any protective covenants or deed restrictions;

**(d)**Zoning Officer: one copy of the preliminary plat or plan; and

**(e)**At the direction of the Planning Board or the Zoning Board of Adjustment, as the case may be, additional copies of the preliminary plat or plan shall be sent to other City, county or state agencies as may be designated by the Board.

**(4)**The Planning Board shall take action on a preliminary major site plan application involving 10 acres of land or less and 10 dwelling units or less and/or a preliminary major subdivision application involving 10 lots or less within 45 days after the application has been certified complete or within such further time as may be consented to by the applicant. Failure of the Board to act within the prescribed time period shall constitute approval of the application, provided that any preliminary major site plan or preliminary major subdivision application which includes any requested variance relief pursuant to N.J.S.A. 40:55D-60 and § 276-62A(2) of this chapter shall be acted upon within 120 days or within such further time as may be consented to by the applicant.

**(5)**The Planning Board shall take action on a preliminary major site plan application involving more than 10 acres of land or more than 10 dwellings and/or a preliminary major subdivision application involving more than 10 lots within 95 days after the application has been certified complete or within such further time as may be consented to by the applicant. Failure of the Board to act within the prescribed time period shall constitute approval of the application, provided that any preliminary major site plan or preliminary major subdivision application which includes any requested variance relief pursuant to N.J.S.A. 40:55D-60 and § 276-62A(2) of this chapter shall be acted upon within 120 days or within such further time as may be consented to by the applicant.

**(6)**The Zoning Board of Adjustment shall take action on a preliminary major site plan application and/or preliminary major subdivision application under its jurisdiction in the time frame(s) as prescribed in Subsections **C(4)** and **C(5)** hereinabove unless said preliminary major site plan or preliminary major subdivision application is being considered by the Zoning Board of Adjustment simultaneously with an application for a use variance in accordance with N.J.S.A. 40:55D-70d and § 276-55D of this chapter, in which case the Zoning Board of Adjustment shall act upon all aspects of the application within 120 days after the application has been certified complete by the Zoning Board of Adjustment or administrative officer or within such further time as may be consented to by the applicant. Failure of the Board to act within the prescribed time period shall constitute approval of the application.

**(7)**Any proposed application for development determined by the Board to be creating, imposing, aggravating or leading to the possibility of an adverse effect upon either the property in question or upon any adjacent properties may be required to be revised to mitigate any adverse effect(s) prior to further review or approval by the Board or, where the remaining portion of the original tract is sufficient to be subdivided or further developed, the applicant may be required to submit a sketch of the entire portion of the tract to indicate a feasible plan whereby the applied for subdivision or development, together with subsequent subdivision(s) or development(s), may be submitted that will not create, impose, aggravate or lead to any such adverse effect.

**(8)**In the case of planned developments only, the Board shall find the following facts and conclusions prior to granting approval:

**(a)**That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning provisions specified in Article **VI** of this chapter pursuant to N.J.S.A. 40:55D-65c;

**(b)**That the proposals for maintenance and conservation of the common space are reliable and the amount, location and purpose of the common open space are adequate;

**(c)**That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;

**(d)**That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established; and

**(e)**In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

**(9)**All hearings held on applications for preliminary major subdivision approval (and in certain cases preliminary major site plan approval) shall require public notice of the hearing. The Board shall set the date, time and place for the public hearing and shall inform the applicant of this at least 14 days prior to said hearing date. Notice of the hearing shall be given by the applicant at least 10 days prior to the date of the hearing (see § **276-59D**).

**(10)**The recommendation of those agencies and officials to whom the preliminary plat or plan was forwarded shall be given careful consideration in the final decision on the development application. If the County Planning Board or the City Engineer approve the preliminary submission, such approval shall be noted on the plat or plan. If the Board acts favorably on the preliminary plat or plan, the City Engineer and the Chairman and Secretary of the Board (or the acting Chairman or Secretary, where either or both may be absent) shall affix their signatures to at least 10 copies of the plat or plan with the notification that it has been approved. The applicant shall furnish such copies to the Board.

**(11)**Should minor revisions or additions to the plat or plan be deemed necessary, the Board may grant preliminary approval subject to specified conditions and receipt of revised plans within 30 days from the date of said approval. Should substantial revisions be deemed necessary, the Board shall require that an amended plat or plan be submitted and acted upon as in the case of the original application.

**(12)**If the Board, after consideration and discussion of the preliminary plat or plan, determines that it is unacceptable, a notation shall be made by the Chairman of the Board to that effect on the plat or plan and a resolution adopted in accordance with § **276-59F** of this chapter setting forth the reasons for such rejection. One copy of the plat or plan and said resolution shall be returned to the applicant within 10 days of the adoption of said resolution.

**D.**Effect of preliminary approval.

**(1)**Preliminary approval shall confer upon the applicant the following rights for a three-year period from the date on which the resolution of preliminary approval is adopted:

**(a)**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 size; yard dimensions; and off-tract improvements; and in the case of a site plan, any requirements peculiar to site plan approval; except that nothing therein shall be construed to prevent the municipality from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety;

**(b)**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 plat or plan; and

**(c)**That the applicant may apply for and the Board may grant extensions 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.

**(2)**Subdivision or site plan for area of 50 acres or more.

**(a)**In the case of a subdivision or of a site plan for an area 50 acres or more, the Planning Board may grant the rights referred to in Subsection **D(1)** hereinabove for such period of time, longer than three years, as shall be determined by the Board to be reasonable, taking into consideration:

**[1]**The number of dwelling units and nonresidential floor area permissible under preliminary approval;

**[2]**Economic conditions; and

**[3]**The comprehensiveness of the development.

**(b)**The applicant may apply for thereafter, and the Board may thereafter grant, an extension to preliminary approval for such additional period of time as shall be determined by the Board to be reasonable, taking into consideration:

**[1]**The number of dwelling units and nonresidential floor area permissible under preliminary approval;

**[2]**The potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval;

**[3]**Economic conditions;

**[4]**The comprehensiveness of the development; and

**[5]**Provided that if the design standards have been revised by ordinance, such revised standards may govern.

**(3)**Whenever the Board grants an extension of preliminary approval pursuant to Subsections **D(1)(c)**or **D(2)** hereinabove and preliminary 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.

**(4)**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 approvals. A developer shall apply for this extension before what would otherwise be the expiration date or the 91st day after the date on which the developer receives the last of the legally required approvals from the other governmental entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the Board from granting an extension pursuant to Subsection **D(1)(c)** or **D(2)** hereinabove.

§ 276-66**Submission of final major subdivision plats and final major site plans.**

**A.**Procedure for submitting final plats and final plans. A final plat or final plan shall be submitted to the administrative officer within three years after the date of preliminary approval or any authorized extension thereof. The applicant shall submit to the administrative officer at least three weeks prior to the meeting 15 copies of the final major subdivision plat or final major site plan plus 15 copies of the final major subdivision plat or final major subdivision plan in portable document format (“pdf”) on a CD-Rom; 15 copies of the appropriate application(s), which includes the checklist(s) pursuant to N.J.S.A. 40:55D-10.3 attached to this chapter;**[1]** and a fee in accordance with § **276-67** of this chapter. The application shall contain an acknowledgment signed by the applicant stating that the applicant is familiar with the procedure set forth herein for submitting and acting upon final major subdivision plats and final major site plans and agrees to be bound by it.

**B.**Details required for final major subdivision plats and final major site plans. The following information shall be submitted:

**(1)**All details stipulated in § **276-65B** of this chapter.

**(2)**All additional details required at the time of preliminary approval shall be submitted.

**(3)**A section or staging plan, if proposed, indicating the portion of the tract to be considered for final approval as part of the current application and the relationship of the portion of the tract to the remaining land area, including all applicable comparisons such as parking spaces, building coverage, lot coverage, open space areas and number of lots.

**(4)**Detailed architectural and engineering data, including:

**(a)**An architect's design drawing of each building and sign or a typical building and sign showing front, side and rear elevations;

**(b)**Cross sections, plans, profiles and established grades of all streets, aisles, lanes and driveways, including center line geometry and horizontal alignments with bearings, radii and tangents;

**(c)**Plans and profiles of all storm and sanitary sewers and water mains; and

**(d)**All dimensions of the exterior boundaries of any subdivision shall be balanced and closed to a precision of one to 5,000 and the dimensions of all lot lines to within one to 10,000. All dimensions, angles and bearings must be tied to at least two permanent monuments not less than 300 feet apart, and all information shall be indicated on the plat. At least one corner of the subdivision shall be tied horizontally to the New Jersey State Grid Coordinate System and vertically to the United States Geodetic Survey System, with the data on the plat as to how the bearings were determined.

**(5)**The final submission shall be accompanied by the following documents:

**(a)**A statement from the City Tax Collector that all taxes and assessments are paid to date, or that adequate provision for their payments has been made, in a matter satisfactory to the municipality, evidence of which shall be submitted at the time of the hearing by the applicant;

**(b)**Letters directed to the Chairman of the Board and signed by a responsible official of the lighting agency, water company, sewer utility and of any other company or governmental authority or district which provides accessory utility service and has jurisdiction in the area, approving each proposed utility installation design and stating who will construct the facility so that service will be available prior to occupancy. The designing engineer(s) shall certify to the Board that the existing cross section(s) and profile(s) have been run in  the field and the field notes shall be forwarded to the City Engineer;

**(c)**The applicant shall certify in writing to the Board that he has:

**[1]**Installed all improvements in accordance with the requirements of this chapter; and/or,

**[2]**Posted a performance guarantee in accordance with § **276-68** of this chapter.

**(d)**A statement from the City Engineer that all improvements installed prior to application have been inspected as provided in § **276-68** of this chapter and that such improvements installed prior to application for final approval that do not meet or exceed City standards shall be factored into the required performance guarantee.

**C.**Action by the City.

**(1)**The administrative officer shall review the aforesaid application for the purpose of determining, within 45 days of its submission, whether said application is complete. Thereafter:

**(a)**If said application is found to contain all of the information required by § **276-66B** of this chapter, the administrative officer shall certify that said application is complete and direct the application to the appropriate Board.

**(b)**If said application is found to lack some of the information required by § **276-66B** of this chapter, the Administrative Officer shall either:

**[1]**Cause the applicant to be notified, in writing, that said application is incomplete, specifying the deficiencies in the application; or

**[2]**If the administrative officer reasonably concludes that the missing items of information are not necessary for it to make an informed decision on the application, the administrative officer may waive the requirement that said items be supplied as a prerequisite for completeness and certify that the application is complete notwithstanding the missing items.

**(c)**An applicant who has been notified that his application is incomplete may request waiver of one or more of the submission requirements set forth in § **276-66B**, and said request shall be granted or denied by the Planning Board or Zoning Board of Adjustment, as the case may be, within 45 days.

**(d)**In the event the Board fails to act pursuant to Subsection **C(1)(b)[1]** or **C(1)(b)[2]**hereinabove within 45 days of the date of submission of the application, said application shall be deemed complete as of the 46th day following its submission.

**(2)**On the date the foresaid application is certified complete or on the 46th day following the submission of the application in the event the City fails to make a determination of completeness, as the case may be, the applicable time period within which the Board must act upon the application shall commence. In any case, the applicant is obliged to prove that he or she is entitled to approval of the application. The Board may subsequently require correction of any information found to be in error, may require submission of additional information not specified in this chapter, and/or may require revisions in the application documents as are reasonably necessary to make an informed decision as to whether the requirements for approval of the application have been met, provided that the application shall not be deemed incomplete for lack of any such additional information or revisions.

**(3)**Promptly after certification of completeness, the application documents shall be distributed by the administrative officer to the following:

**(a)**The Planning Board or the Zoning Board of Adjustment, as the case may be: nine copies of the final plat or plan and nine copies of the application;

**(b)**Cape May County Planning Board: one copy each of the final plat or plan and the application;

**(c)**City Engineer: one copy each of the final plat or plan and the application;

**(d)**Zoning Officer: one copy each of the final plat or plan; and

**(e)**At the direction of the Planning Board or the Zoning Board of Adjustment, as the case may be, additional copies of the final plat or plan shall be sent to other City, county or state agencies as may be designated by the Board.

**(4)**The Board shall take action on final site plan and final subdivision applications within 45 days after the application has been certified complete or within such further time as may be consented to by the applicant. Failure of the Board to act within the prescribed time period shall constitute approval of the application.

**(5)**The recommendations of those agencies and officials to whom the final plat or plan was submitted shall be given careful consideration in the final decision on the development application. If the County Planning Board or the City Engineer approve the final submission, such approval shall be noted on the plat or plan. If the Board acts favorably on the final plat or plan, the City Engineer and the Chairman and Secretary of the Board (or the acting Chairman or Secretary, where either or both may be absent) shall affix their signatures to at least 10 paper copies of the plat or plan with the notification that it has been approved. The applicant shall furnish such copies to the Board for signing. Moreover, in the case of final subdivisions only, the applicant shall include for signing one cloth copy and at least two Mylar copies of the approved plat in addition to the 10 paper copies.

**(6)**After approval of the final plat or plan by the Board, the Secretary of the Board shall retain one paper copy of the signed plat or plan and shall furnish other copies to each of the following within 10 days from the date of the adoption of a resolution in accordance with § **276-59F** of this chapter:

**(a)**City Clerk: one paper copy;

**(b)**City Engineer: one paper copy and, in the case of subdivisions only, one Mylar copy drawn to the Tax Map scale of one inch equals 100 feet or one inch equals 400 feet, as directed by the City Engineer);

**(c)**Construction Official: one paper copy;

**(d)**City Tax Assessor: one paper copy;

**(e)**The applicant: one paper copy and, in the case of subdivisions only, one Mylar copy; and

**(f)**Such other City, county or state agencies and officials as directed by the Board.

**(7)**Within 95 days from the date of signing of the final subdivision plat, the subdivider shall file a copy of same with the Cape May County Clerk. In the event of failure to file within said 95 days, the approval of the major subdivision shall expire and any further proceedings shall require the filing of a new application as in the first instance. The Board, for good cause shown, may extend the filing for an additional 95 days. The Board may extend the ninety-five-day or one-hundred-ninety-day period if the developer proves to the reasonable satisfaction of the Board 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 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 Planning Board. The developer may apply for an extension either before or after the original expiration date.

**(8)**If the Board, after consideration and discussion of the final plat or plan, disapproves the submission, a notation to that effect shall be made by the Chairman of the Board on the plat or plan. The Secretary of the Board, within 10 days of such adoption, shall notify the applicant of such disapproval and forward the applicant a copy of the adopted resolution setting forth the reasons for the disapproval.

**D.**Effect of final approval.

**(1)**Final approval of a subdivision or site plan shall confer upon the applicant the following rights for a period of two years from the date of final approval:

**(a)**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.

**(b)**If the developer has followed the standards prescribed for final approval, the Board may extend the period of protection for extensions of one year each, not exceeding three and extensions.

**(2)**Subdivision or site plan for planned development or residential cluster of 50 acres or more or conventional subdivision or site plan of 150 acres or more.

**(a)**In the case of a subdivision or site plan for a planned development or residential cluster of 50 acres or more or in the case of a conventional subdivision or site plan of 150 acres or more, the Board may grant the rights referred to in Subsection **D(1)** hereinabove for such period of time, longer than two years, as shall be determined by the Board to be reasonable, taking into consideration:

**[1]**The number of dwelling units and nonresidential floor area permissible under final approval;

**[2]**Economic conditions; and

**[3]**The comprehensiveness of the development.

**(b)**The developer may apply thereafter and the Board may thereafter grant an extension to final approval for such additional period of time as shall be determined by the Board to be reasonable, taking into consideration:

**[1]**The number of dwelling units and nonresidential floor area permissable under final approval;

**[2]**The number of dwelling units and nonresidential floor area remaining to be developed;

**[3]**Economic conditions; and

**[4]**The comprehensiveness of the development.

**(3)** Whenever the Board grants an extension of final approval pursuant to Subsections **D(1)(b)** or **D(2)**hereinabove 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.

**(4)**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 the approvals. A developer shall apply for this extension before what would otherwise be the expiration date or the 91st day after the date on which the developer receives the last of the legally required approvals from the other governmental entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the Board from granting an extension pursuant to Subsection **D(1)(b)** or **D(2)** hereinabove.

**Article IX:** Fees, Guarantees and Inspections

§ 276-67 **Fees.**

**A.**Every application for development shall be accompanied by a check payable to the City of North Wildwood in accordance with the following schedule. Applicant(s) shall submit separate checks for the filing fee charges and escrow fees.

|  | | | **Application** | | **Charge** | **Escrow** |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Application** | | | | **Charge** | **Escrow** |
|  | Subdivisions | | | |  |  |
|  |  | Minor plat | | | $470 | $1,200 |
|  |  | Major Subdivision | | |  |  |
|  |  |  | | Preliminary plat | $470,  plus $50 per lot | $1,500 |
|  |  |  | | Final plat | $240 | $700 |
|  |  |  | | Preliminary and final plats | $750 | $1,500 |
|  |  | Informal concept plat | | |  |  |
|  |  |  | | Minor plat | $170 | $1,200 |
|  |  |  | | Major plat | $335 | $1,200 |
|  | Site plans | | | |  |  |
|  |  | Minor plan | | | $470 | $1,000 |
|  |  | Preliminary plan per residential unit and/or $0.05 per square foot of nonresidential development | | | $470,  plus $25 | $2,700 |
|  |  | Final plan | | | $240 | $1,200 |
|  |  | Informal concept plan | | |  |  |
|  |  |  | | Minor plan | $170 | $1,000 |
|  |  |  | | Major plan | $335 | $2,700 |
|  |  | Preliminary and final extensions | | | $135 | $500 |
|  | Variances | | | |  |  |
|  |  | Appeals (N.J.S.A. 40:55D-70a) | | | $135 | $1,000 |
|  |  | Interpretation  (N.J.S.A. 40:55D-70b) | | | $70 | $800 |
|  |  | Hardship or flexible  (N.J.S.A. 40:55D-70c) | | | $170 | $8001 |
|  |  | Use (N.J.S.A. 40:55D- 70d) | | |  |  |
|  |  |  | | Existing structure | $265 | $8002 |
|  |  |  | | On vacant lot | $265 | $8002 |
|  |  | Permit (N.J.S.A. 40:55D-34 and 40:55D-35) | | | $70 | $500 |
|  | Special meeting at applicant's request | | | | $470 | $750 |
|  | Appeals to City Council  (see § **276-60** of this chapter) | | | | $135 | $550 |
|  | Certified list of property owners  [see § 276-59D(3) of this chapter] | | | | $0.25 per name or  $10, whichever is greater |  |
|  | Copy of minutes, transcripts or decisions  [see §§ 276-59E(2) and 276-61C of this chapter] | | | | $0.75 per page for first 1-10 copies of each page, then $0.50 per page for pages 11-20 and $0.25 for each page thereafter |  |
|  | Subdivision approval certificate  (see § **276-73** of this chapter) | | | | $20 per certificate |  |
|  | Zoning permit | | | | $0.018 per cubic foot of structure volume or $40, whichever is greater |  |
|  | Application for zoning change | | | | $170 | $2,000 |
|  | NOTES: | | | | | |
|  |  | 1The applicant would pay $800 for the first “C” variance and $400 for each additional “C” variance requested.  2If the applicant requests a “D” variance with associated “C” variances, the escrow would be $800 plus the applicable “C” variance escrow as set forth above. | | | | |

**B.**Where one application for development includes several approval requests, the sum of the individual required fees shall be paid.

**C.**The administrative charges are flat fees to cover administrative expenses and are nonrefundable.

**D.**The escrow account deposits are required to pay for the costs of professional services, including engineering, planning, legal and other expenses connected with the review of submitted materials, including any traffic engineering review or other special analysis related to the City's review of the submitted materials or any necessary studies regarding off-tract improvements. An applicant is responsible to reimburse the City for all expenses of professional personnel incurred and paid by the City for the review process of an application for development before a municipal agency, such as, but not limited to:

**(1)**Charges for reviews by professional personnel of applications, plans and accompanying documents;

**(2)**Issuance of reports by professional personnel to the municipal agency setting forth recommendations resulting from the review of any documents submitted by the applicant;

**(3)**Charges for any telephone conference or meeting requested or initiated by the applicant, his attorney or any of his experts or representatives;

**(4)**Review of additional documents submitted by the applicant and issuance of reports relating thereto;

**(5)**Review or preparation of easements, developer's agreements, deeds, approval resolutions or the like;

**(6)**Preparation for and attendance at all meetings by professionals serving the Board, such as the Attorney, Engineer and Planner, or other experts as required; and

**(7)**The cost of expert advice or testimony obtained by the municipal agency for the purpose of corroborating testimony of applicant's experts.

**E.**The escrow account deposits, when required, shall be placed in a separate account by the City Treasurer at the direction of the administrative officer and an accounting shall be kept of each applicant's deposit.

**(1)**All professional charges shall be paid from the account and charged to the applicant;

**(2)**Any moneys not expended for professional services may be returned to the applicant within 90 days upon written request by the applicant and as authorized by the City Council:

**(3)**If, at any time during the review procedure, 75% of the moneys posted shall have been expended, the applicant shall be required to post such additional sum as may be required by the administrative officer to cover professional costs;

**(4)**The applicant shall not be entitled to proceed with the application or any development until such time as the necessary moneys have been posted to guarantee payment of professional service fees;

**(5)**All payments charged to the deposit shall be pursuant to vouchers from the professionals stating the hours spent, the hourly rate and the expenses incurred;

**(6)**No professional submitting charges to the City for any review of an application for development shall charge for such services at any higher rate or in any different manner than would normally be charged to the City for similar work; and

**(7)**The City shall render a written final accounting to the developer on the uses to which the deposit was put and, thereafter, the City shall, upon written request, provide copies of the vouchers to the developer.

**F.**Each applicant for subdivision or site plan approval shall agree in writing to pay all reasonable costs for professional review of the application and for inspection of the improvements. All such costs for review and inspection must be paid before any approved plat, plan or deed is signed or any construction permit is issued, and all remaining costs must be paid in full before any occupancy of the premises is permitted or certificate of occupancy issued.

**G.**If an applicant desires a court reporter, the cost for taking testimony and transcribing it and providing a copy of the transcript to the City shall be at the expense of the applicant who shall arrange for the reporter's attendance.

§ 276-68 **Guarantees and inspections.**

For purposes of this section, the term "public improvements" shall mean streets, grading, pavement, gutters, curbs, sidewalks, streetlighting, street signs, shade trees, surveyor's monuments, fire prevention features, water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation devices, landscaping, public improvements of open space, and other on-site improvements.

**A.**Requirements specific to major subdivisions.

**(1)**No final major subdivision application (whether for an entire tract or a section thereof) shall be approved by the Board until the satisfactory completion and performance of all required public improvements has been certified to the Board by the City Engineer unless the owner shall have performed the following:

**(a)**Satisfactorily completed all required utility installations and their appurtenances, including water mains, drainage and detention facilities, culverts, storm sewers, sanitary sewers or dry sewers and public improvements of open space;

**(b)**Satisfactorily completed all required grading and the macadam base course surfacing of all streets;

**(c)**Satisfactorily completed the construction of all required curbs; and/or

**(d)**Filed with the City a performance guarantee in accordance with § **276-68D** of this chapter, sufficient in amount to cover the cost of all remaining required improvements, as estimated by the City Engineer, and assuring the installation of said improvements on or before an agreed date and as hereinafter provided.

**(2)**Except as hereafter provided, the remaining required improvements shall be at least 50% completed as to each category set forth in the performance guarantee within one year from the date of final approval or by such time as 50% of the lots in the section in question have been conveyed in any manner by the applicant, whichever shall first occur. At least 75% of the remaining required improvements shall be completed as to each category as set forth in the performance guarantee within 18 months from the date of final approval or at such time as 75% of the lots in the section in question have been conveyed in any manner by the applicant, whichever shall first occur. Such improvements shall be 100% completed and accepted by the City within two years from the date of final approval or at such time as all of the lots in the section in question shall first occur. It is the intention of the City Council that this requirement will provide to those living in each new section of a subdivision a lot that is as complete as possible with respect to tract and individual lot improvements.

**B.**Requirements specific to major site plans. No final major site plan application (whether for an entire tract or a section thereof) shall be approved by the Board unless the City Engineer has certified to the Board that all public improvements required by the preliminary site plan approval have been satisfactorily completed or the applicant, with the approval of the Planning Board or the Zoning Board of Adjustment, as the case may be, has entered into a developer's agreement with the City in a form satisfactory to the City Attorney and authorized by the governing body requiring the installation and maintenance by the applicant (and the applicant's successors in interest) of the public improvements, imposing such limitations upon, and/or staging of, the development of the site as are necessary to ensure orderly construction of the public improvements on or before an agreed upon date by the filing of a performance guarantee in accordance with § **276-68D** of this chapter.

**C.**Requirements specific to minor subdivisions and minor site plans. In the case of a minor site plan and/or minor subdivision, in the event that the developer elects to complete all improvements without posting the performance guaranty required by § **276-68D** hereinbelow, no construction shall be commenced until a revised plan is submitted and signed, incorporating all conditions of approval. The developer shall still post the inspection escrow and notify the City Engineer prior to commencement of work. The administrative officer shall have the power to waive the requirement of an inspection escrow for minor site plans only where the site improvements are established to be less than $3,500, in which case the City building inspection staff shall perform the inspections, and notice of work to be commenced shall be given to the City Uniform Construction Code Official instead of to the City Engineer. Whether or not an inspection escrow is required, all site improvements under this subsection must be completed prior to the issuance of a certificate of occupancy or within 120 days of a temporary certificate of occupancy if the performance guaranty covering the balance of the uncompleted improvements has been posted.

**D.**Performance guarantee.

**(1)**A performance guarantee estimate shall be prepared by the City Engineer for review and approval, setting forth all required improvements as determined by the Board and their estimated cost, provided that no performance guarantee shall be required for the installation of utilities when said utility improvements will be installed by the applicable utility company. Any adjustment in the amount of the performance guarantee shall be approved by resolution of the City Council. The cost of the installation of the required improvements shall be estimated by the City Engineer based on documented construction costs for public improvements prevailing in the general area of the City. The developer may appeal the City Engineer's estimate to the City Council. The City Council shall decide the appeal within 45 days of receipt of the appeal, in writing, by the City Clerk. After the developer posts a guarantee with the City based on the cost of the installation of improvements as determined by the City Council, he may institute legal action within one year of the posting in order to preserve the right to a judicial determination as to the fairness and reasonableness of the amount of the guarantee.

**(2)**The applicant shall present two copies of the performance guarantee in an amount equal to 120% of the approved construction cost performance guarantee estimate for approval as to form and execution by the City Attorney. The performance guarantee estimates, as prepared by the City Engineer and approved by the City Council, shall be appended to each performance guarantee posted by the obligor.

**(3)**The performance guarantee shall be made payable and deposited to the City of North Wildwood and shall be in the form of cash, irrevocable letter of credit or certified check or a performance bond in which the applicant shall be principal, the bond to be provided by an acceptable surety company licensed to do business in the State of New Jersey. Irrevocable letter of credit shall be accepted only pursuant to N.J.S.A. 40:55D-53.5. The City shall issue its receipt for such deposits and shall cause the same to be deposited in the name of the City to be retained as security for completion of all requirements and to be returned to the owner on completion of all required work or, in the event of default on part of the applicant, to be used by the City to pay the cost and expense of obtaining completion of all requirements. The applicant shall provide a written agreement from his/her lending institution stating that the lending institution agrees to the time period(s) required for the completion of the improvements and to the release of the guarantee by the City Council in accordance with § **276-68G** of this chapter.

**(4)**Ten percent of the amount of the approved performance guarantee shall be deposited by the applicant in cash with the City. The remaining 90% may be in cash, irrevocable letter of credit or surety bond. In the event of default, the ten-percent cash shall be first applied to the completion of the requirements and any bidding and legal costs associated therewith, and the remaining ninety-percent cash, letter of credit or surety bond shall thereafter be resorted to, if necessary, for the completion of the requirements and any additional bidding and legal costs associated therewith.

**E.**Start of construction. Construction pursuant to a site plan or subdivision approval shall not commence until:

**(1)**The applicant has paid all fees required by this chapter;

**(2)**The applicant has received all other governmental approvals required by the Board's resolution of memorialization granting subdivision and/or site plan approval;

**(3)**All revisions to the submitted plat or plan required by the Board at the time of subdivision or site plan approval have been filed with and approved by the City Engineer and any other individual or group as may have been specified by the Board in the applicable resolution of memorialization granting subdivision and/or site plan approval;

**(4)**The applicant's construction plans have been filed with and approved by the City Engineer;

**(5)**The applicant has had a preconstruction meeting with the City Engineer in accordance with § **276-72A** of this chapter for the purpose of forecasting and resolving problems that may arise during the time of construction.

**F.**Inspection and tests.

**(1)**All site improvements and utility installations for site plans, subdivisions, plot plans and other realty improvements shall be inspected during the time of their installation under the supervision of the City Engineer to insure satisfactory completion. The cost of said inspection shall be the responsibility of the developer, who shall deposit with the City Treasurer inspection fees in an amount not to exceed, except for extraordinary circumstances, the greater of $500 or 5% of the cost of the improvements as determined by the City Engineer in accordance with § **276-68D(2)** of this chapter, provided that:

**(a)**For those developments for which the reasonably anticipated inspection fees are less than $10,000, the fees may, at the option of the developer, be paid in two installments. The initial amount deposited by the developer shall be 50% of the reasonably anticipated fees. When the balance of deposit drops to 10% of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid to the City Engineer for the inspection(s), the developer shall deposit the remaining 50% of the anticipated inspection fees.

**(b)**For those developments for which the reasonably anticipated inspection fees are $10,000 or greater, the fees may, at the option of the developer, be paid in four installments. The initial amount deposited by the developer shall be 25% of the reasonably anticipated fees. When the balance of deposit drops to 10% of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid to the City Engineer for the inspection(s), the developer shall make additional deposits of 25% of the anticipated inspection fees.

**(2)**The inspection escrow shall be deposited by the City Treasurer, or his/her designee, in an account for such purposes under the sole control of the City. Said inspection escrows may be comingled with similar escrows from other developers, but accurate accounts and records shall be kept so as to identify the particular escrows and charges made against the same. The inspection escrow funds shall be used solely for payment of inspection fees, expenses and costs on behalf of the City during the course of construction by the City Engineer, or such other officials as designated by the City, including the City Planner or the City Attorney, for preparation of bond reduction resolutions and approval of guarantees.

**(3)**The City Engineer shall not perform any inspection if insufficient funds to pay for the inspections are not on deposit. Upon certification by the City Clerk or his designee that the inspection escrow account funds have been expended and that reasonable inspection costs and expenses remain, the developer shall be required to deposit such additional inspection fees in the inspection escrow account as may be reasonably required to complete the balance of the inspection during the course of construction. Failure to post and maintain the current balances of the inspection escrow pursuant hereto will subject the developer to a "stop-work" order and/or suspension of construction permits.

**(4)**In no case shall any paving work be done without permission from the City Engineer. At least two working days' notice shall be given to the City Engineer prior to any construction so that he or a qualified representative may be present at the time the work is to be done.

**(5)**Streets shall not be paved with a top course until all heavy construction is completed and, if determined by the City Engineer to be necessary, the macadam base course has first been restored. Shade trees shall not be planted until all grading and earth moving is completed. The seeding of grass and the placing of surveyor's monuments shall be among the last operations.

**(6)**The City Engineer's office shall be notified at least two working days prior to the commencement of the following phases of work so that he or a qualified representative may inspect the work:

**(a)**Road subgrade.

**(b)**Curb and gutter forms.

**(c)**Curbs and gutters.

**(d)**Road paving.

**(e)**Sidewalk forms.

**(f)**Sidewalks.

**(g)**Drainage pipes and other drainage construction.

**(h)**Street name signs.

**(i)**Monuments.

**(j)**Sanitary sewers.

**(k)**Detention and/or retention basins.

**(l)**Topsoil, seeding and planting.

**(m)**Underground utilities.

**(7)**Any improvement installed contrary to the plan or plat approval by the City shall constitute just cause to void the municipal approval.

**(8)**Any improvement installed without notice for inspection pursuant to Subsection **F(4)** hereinabove shall constitute just cause for:

**(a)**Removal of the uninspected improvement;

**(b)**The payment by the developer of any costs for material testing;

**(c)**The restoration by the developer of any improvements disturbed during any material testing; and/or

**(d)**The issuance of a stop-work order by the City Engineer pending the resolution of any dispute.

**(9)**Inspection by the City of the installation of improvements and utilities shall not operate to subject the City of North Wildwood to liability for claims, suits or liability of any kind that may at any time arise because of defects or negligence during construction or at any time thereafter; it being recognized that the responsibility to maintain safe conditions at all times during construction and to provide proper utilities and improvements is upon the owner and his contractor, if any.

**(10)**Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the City Council, in writing, by certified mail in care of the City Clerk, that the City Engineer prepare in accordance with the itemized cost estimate prepared by the City Engineer and appended to the performance guarantee pursuant to § **276-68D(2)** of this chapter, a list of all uncompleted or unsatisfactory completed improvements. If such a request is made, the obligor shall send a copy of the request to the City Engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgement of the obligor. The City Engineer shall inspect all the improvements covered by the obligor's request and shall file a detailed list and report, in writing, with the City Council and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request. If the City Engineer fails to send or provide the list and report, as requested by the obligor, within 45 days from the receipt of the request, the obligor may apply to the Court in a summary manner for an order compelling the City Engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

**(11)**The list prepared by the City Engineer pursuant to Subsection **F(10)** hereinabove shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the City Engineer shall identify each improvement determined to be complete and satisfactory, together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory improvement in accordance with the itemized cost estimate prepared by the City Engineer and appended to the performance guarantee pursuant to § **276-68D(2)** of this chapter.

**G.**Release. The City Council, by resolution, shall either approve the improvements determined to be complete and satisfactory by the City Engineer or reject any or all of these improvements upon the establishment in the resolution of cause for rejection and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the City Engineer and appended to the performance guarantee pursuant to § **276-68D(2)** of this chapter. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the City Engineer.

**(1)**Upon adoption of the resolution by the City Council, the obligor shall be released from all liability pursuant to its performance guarantee with respect to those approved improvements except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved, provided that 30% of the amount of the performance guarantee posted may be retained to ensure completion and acceptability of all improvements.

**(2)**In the event that the obligor has made a cash deposit with the City or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.

**(3)**If any portion of the required improvements is rejected, the obligor shall complete or correct such improvements and, upon completion or correction, shall notify the City Council as specified in § **276-68F(10)** of this chapter and the same procedures shall be followed as in the first instance.

**(4)**Prior to the approval by the City Council of the final reduction and release of the performance guarantee, all easements and open space shall be conveyed to the City or such other grantee as specified on the final plat by deed containing a metes-and-bounds legal description.

**(5)**If the City Council fails to approve or reject the improvements determined by the City Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the City Engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the City Engineer and appended to the performance guarantee pursuant to § **276-68D(2)** of this chapter, and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

**H.**Conditions and acceptance of improvements. The approval of any application for development by the City shall in no way be construed as acceptance of any street or drainage system or other improvement. No improvements shall be accepted by the City Council unless and until all of the following conditions have been met:

**(1)**The final application for development shall have been approved by the Planning Board or Zoning Board of Adjustment, as the case may be, and the developer shall have submitted an affidavit, signed by a licensed New Jersey professional land surveyor, certifying that all required monuments have been set in accordance with the Map Filing Law**[1]** and any approved subdivision plat.

**(2)**The City Engineer shall have certified in writing that the improvements are completed and that they comply with the requirements of this chapter and the terms of the final application for development approved by the Board.

**(3)**The owner shall have filed with the City Council a maintenance guarantee in an amount equal to and not more than 15% of the cost of installing the improvements, the cost to be determined by the City Engineer in accordance with § **276-68D(2)** of this chapter hereinabove. The maintenance guarantee shall run for a period of two years, provided that the maintenance guarantee shall not terminate until the City Council has authorized its release pursuant to a recommendation by the City Engineer. The procedures and requirements governing such maintenance guarantee shall be identical with the procedures and requirements for a performance guarantee set forth in this chapter. The requirements for a maintenance guarantee may be waived by the City Council only if the City Engineer has certified that the improvements have been in continuous use for not less than two years from the date the City Engineer certified completion of such improvements and that during this period the owner has maintained the improvements in a satisfactory manner.

**(4)**An as-built plan and profiles of all utilities and roads (three black and white prints plus a Mylar copy to be sent to the City Engineer), with certification signed and sealed by a New Jersey licensed professional engineer as to the actual construction as approved by the City Engineer, shall be provided.

**(5)**If an approving authority includes as a condition of approval of an application for development pursuant to this chapter the installation of streetlighting on a dedicated public street connected to a public utility, then, upon notification in writing by the developer to the approving authority and governing body of the municipality that the streetlighting on a dedicated public street has been installed and accepted for service by the public utility and that certificates of occupancy have been issued for at least 50% of the dwelling units and 50% of the floor area of the nonresidential uses on the dedicated public street or portion thereof indicated by section pursuant to Section 29 of P.L. 1975, c. 291 (C. 40:55D-38), the municipality shall, within 30 days following receipt of the notification, make appropriate arrangements with the public utility for, and assume the payment of, the costs of the streetlighting on the dedicated public street on a continuing basis. Compliance by the municipality with the provisions of this subsection shall not be deemed to constitute acceptance of the street by the municipality.

**I.**Extension of time. The time allowed for the installation of the improvements for which the performance guarantee has been provided may be extended by the City Council by resolution, provided that the current cost of installation of such improvements shall first be redetermined by the City Engineer, and if such current cost is found to be greater than the cost as originally determined, the applicant shall be required to increase the amount of the performance guarantee to an amount equal to 120% of the installation cost as redetermined. In the event that the redetermined cost shall be less than the cost as originally determined, and in further event that the applicant's performance guarantee exceeds 120% of such redetermined costs, the applicant shall be entitled to a reduction of the performance guarantee to an amount equal to 120% of such redetermined costs.

**J.**Default by developer. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, under the performance guarantee shall be liable thereon to the City for the cost of the improvements not completed or constructed, and the City, either prior to or after receipt of the proceeds thereof, may complete the improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the Local Public Contracts Law, P.L. 1971, c. 198.**[2]** For purposes of this subsection, "default" shall mean failure to install the improvements in accordance with City standards of construction, including but not limited to failure to install the improvements prior to the expiration of the performance guarantee. The City Engineer's certification that the developer has defaulted in compliance with the required standards of construction and installation of improvements shall be the basis for City Council action which rejects the improvements, withholds approval, withholds construction permits or formally declares default and authorizes collection on the performance guarantee.

**K.**Penalties. In addition to the penalties for violation of this chapter in accordance with § **276-74B**, the City Engineer is specifically authorized to require the replacement or restoration of any lands, buildings, structures and site improvements (including clearing, whether on-site or off-site) or of any other work commenced or continued on any site for which an approval is required pursuant to this chapter in violation of any stop-construction order or the standards for construction as established by the City.

§ 276-69 **special provisions for escrow deposits exceeding five thousand dollars.**

Whenever an amount of money in excess of $5,000 is deposited by an applicant or developer with the City for professional services employed by the City for the review of submitted applications for development pursuant to § **276-67** of this chapter or for inspections pursuant to § **276-68F** of this chapter or to satisfy the guarantee requirements pursuant to § **276-68D** of this chapter, the money, until repaid or applied to the purposes for which it is deposited, including the applicant's portion of the interest earned thereon, except as otherwise provided in this section, shall continue to be the property of the applicant or developer and shall be held in trust by the municipality in accordance with the following:

|  |  |
| --- | --- |
| A. | The money deposited shall be held in escrow. |
| B. | The money shall be deposited by the City in a banking institution or savings and loan association in New Jersey insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the state. |
| C. | The money shall be deposited in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. |
| D. | The City shall notify the applicant in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. |
| E. | The City shall not be required to refund an amount of interest paid on a deposit which does not exceed $100. However, if the amount exceeds $100, that entire amount shall belong to the applicant or developer and shall be refunded to him/her 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; except that the City may retain for administrative expenses a sum equivalent to not more than 33 1/3% of that entire amount which shall be in lieu of all other administrative and custodial expenses. |

**Article X:** Administration, Waivers, Enforcement, Violations and Penalties

§ 276-70 **Administration.**

These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the City. Any action taken by the City under the terms of this chapter shall give primary consideration to the abovementioned matters and to the welfare of the entire community.

§ 276-71 **Waivers.**

The Planning Board, when acting upon applications for preliminary or minor subdivision approval or upon applications for preliminary site plan approval, shall have the power to grant such exceptions from the requirements for such subdivision or site plan approval as specified in Articles **V** and **VIII** of this chapter if an applicant or his agent can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of one or more of said requirements is impracticable or will exact undue hardship; however, any exception granted by the Planning Board must be reasonable and within the general purpose and intent of the rules, regulations and standards established by this chapter. The Zoning Board of Adjustment shall have the power to grant such exceptions when acting upon applications for preliminary or minor subdivision approval or for preliminary site plan approval in connection with applications for a use or "d" variance.

§ 276-72 **Enforcement.**

It shall be the duty of the City Engineer, the City Construction Official and the City Zoning Officer to administer and enforce the provisions of this chapter.

**A.**City Engineer.

**(1)**It shall be the duty of the City Engineer to monitor all land disturbances and all land improvements undertaken in the City pursuant to approval of a subdivision and/or site plan in accordance with the applicable provisions of this chapter.

**(2)**Prior to the commencement of any land disturbance or any land improvement, the developer shall arrange for and attend a preconstruction meeting with the City Engineer. At said meeting, the subject subdivision plat and/or site plan shall be identified, marked and dated by the City Engineer with an acknowledgement as to its conformity to the subdivision and/or site plan approved by the Planning Board or Zoning Board of Adjustment, as the case may be, including any conditions of approval written in the approval resolution. Thereafter, the marked and dated subdivision and/or site plan shall be filed in the office of the City Clerk.

**(3)**Written communication.

**(a)**The City Engineer shall issue a written communication to the developer within 10 days after the preconstruction meeting, either:

**[1]**Authorizing the commencement of land disturbance and/or land improvement in accordance with the approved plat or plan, including any conditions of approval written in the approval resolution, and in accordance with any and all limitations and/or conditions as deemed appropriate by the City Engineer specifically enumerated; or

**[2]**Denying the commencement of land disturbance and/or land improvement, with the reasons for such denial specifically enumerated.

**(b)**A copy of the written communication shall be immediately filed in the office of the City Clerk and additional copies shall be immediately forwarded to the Chairman of the Planning Board or to the Chairman of the Zoning Board of Adjustment, as the case may be, and to the Board's Attorney.

**(4)**In accordance with § **276-68F** of this Land Development Ordinance, all improvements for both site plans and subdivisions shall be inspected during the time of their installation under the supervision of the City Engineer. At the time of inspection, in addition to an evaluation and determination of the sufficiency of the engineering aspects of the improvements, the City Engineer shall evaluate and determine the correctness of the improvements relative to all aspects of the approved subdivision and/or site plan. Should any improvement, whether completed or under construction, be found by the City Engineer to be contrary to the subdivision and/or site plan as approved by the Planning Board or Zoning Board of Adjustment, including any imposed conditions, such fact shall immediately be orally communicated to the developer or his/her appropriate representative on site and, thereafter, shall be communicated by the City Engineer in writing to the developer or his/her attorney. A copy of the written communication shall be immediately filed in the office of the City Clerk and additional copies shall be immediately forwarded to the Chairman of the Planning Board or to the Chairman of the Zoning Board of Adjustment, as the case may be and to the Board's Attorney.

**(5)**On the day following the oral communication to the developer or his/her representative, the improvement found by the City Engineer to be contrary to the subdivision and/or site plan shall be corrected so as to conform to the approved subdivision and/or site plan or the City Engineer shall:

**(a)**Issue a stop-work order pending the correction of said improvement or the resolution of any dispute; and/or

**(b)**Refer the matter via a written communication to the Planning Board or Zoning Board of Adjustment, as the case may be, for its review of the matter and reconsideration of its prior approval(s).

**(6)**The developer immediately shall comply with any issued stop-work order and/or any other conditions imposed by the City Engineer; otherwise, the City Engineer shall communicate in writing within two working days the particulars of the developer's noncompliance to the Attorney of the Planning Board or to the Attorney of the Zoning Board of Adjustment, as the case may be.

**B.**Construction Official.

**(1)**It shall be the duty of the Construction Official to monitor the construction of any building or structure in the City. No new structure and no improvement to the interior of any existing structure shall be undertaken until a construction permit is obtained from the Construction Official in accordance with N.J.A.C. 5:23-2.14.

**(2)**It shall be the duty of the Construction Official in accordance with N.J.A.C. 5:23-4.5 to keep a record of all applications and all construction permits which are either issued or denied, with notations of any conditions involved, including the actual elevation (NGVD) of the lowest floor area of any structure and/or the elevation to which a structure has been floodproofed in floodplain areas, which data shall form a part of the City public records. A monthly report of construction permits shall be filed with the Tax Assessor and the City Council.

**(3)**Should any construction, whether completed or in process, be found by the Construction Official to be contrary to the approved construction plans and/or the Uniform Construction Code of the State of New Jersey, such fact shall immediately be noticed to the landowner or his/her appropriate representative on site. The Construction Official shall issue in writing to the landowner or his/her attorney a notice of violation and orders to terminate, directing the discontinuance of the illegal action or condition and the correction of the violation pursuant to N.J.A.C. 5:23-2.30. A copy of the written communication shall be immediately filed in the office of the City Clerk, and additional copies shall be immediately forwarded to the Mayor and to the City Attorney.

**(4)**The construction improvement found by the Construction Officer to be contrary to the approved construction plans and/or the Uniform Construction Code shall be corrected so as to conform to the applicable construction requirements or the Construction Official shall, pursuant to N.J.A.C. 5:23-2.31:

**(a)**Issue a "stop-work order pending the correction of said construction or the resolution of any dispute; and/or

**(b)**Assess a monetary penalty.

**(5)**The landowner immediately shall comply with any issued stop-work order and/or any other conditions imposed by the Construction Official; otherwise, the Construction Official may communicate in writing the particulars of the landowner's noncompliance to the City Attorney pursuant to N.J.A.C. 5:23-2.31.

**C.**Zoning Officer.

**(1)**It shall be the duty of the Zoning Officer to inspect the uses, land and structures in the City and order the owner in writing to remedy any condition found to exist in violation of any provision of this chapter and/or any approved subdivision and/or site plan by the Planning Board or Zoning Board of Adjustment, as the case may be, including any conditions of approval written in the approval resolution; no structure or land shall be used in violation of this chapter and/or any approved subdivision and/or site plan. For the purposes of this inspection, the Zoning Officer shall have the right to enter any building or premises during reasonable hours subject to due process of law.

**(2)**Should any use, land or structure be found by the Zoning Officer to exist in violation of any provision of this chapter and/or any approved subdivision and/or site plan, such fact shall immediately be orally communicated to the landowner or his/her appropriate representative on site and, thereafter, shall be communicated by the Zoning Officer in writing to the landowner or his/her attorney, indicating that the owner must contact the Zoning Officer within 15 days after service of written notice to propose a plan to remedy the violation. A copy of the written communication shall be immediately filed in the office of the City Clerk, and additional copies shall be immediately forwarded to the City Attorney and to the Chairman of the Planning Board or to the Chairman of the Zoning Board of Adjustment, as the case may be, and to the Board's Attorney.

**(3)**In the event that an owner cited for violations of this chapter fails to propose a remedial plan within 15 days, or in the event that such plan is deemed unacceptable to the Zoning Officer, said Zoning Officer shall so inform the City Clerk and City Attorney. The City Attorney shall advise the City Clerk and Zoning Officer of the legal options available to facilitate remedial action in each individual case.

**D.**Construction permits. Construction permits shall be required as provided by the State Uniform Construction Code, its subcodes, and regulations promulgated pursuant thereto. Fees for construction permits shall be in accordance with the applicable ordinances of the City.

**E.**Zoning inspections and permits. Zoning inspections and fees shall be required for the installation or replacement of sidewalks, curb cuts, driveways, and any other construction work outside the jurisdiction of the Uniform Construction Code. Fees for zoning permits and inspections shall be in accordance with § **276-67**.

**F.**Certificate of occupancy.

**(1)**Upon the completion of any building, structure or alteration in compliance with this chapter and any other ordinance, rule or regulation, the owner or his agent shall apply to the Construction Official, in writing, for the issuance of a certificate of occupancy for said structure, building or alteration pursuant to the provisions of this section, but only when:

**(a)**The structure or part(s) thereof and the proposed use conform to this chapter and all other applicable codes and ordinances of the City;

**(b)**Prior site plan, subdivision and variance approvals, as may be necessary, have been granted by the appropriate municipal agency or municipal agencies in accordance with the provisions of this chapter;

**(c)**All local taxes and assessments on the property have been paid; and

**(d)**A letter from each utility company has been received by the City stating that the utility has been inspected in accordance with the approved plan and is ready for use.

**(2)**Every application for a certificate of occupancy shall be accompanied by payment of the fee in accordance with the applicable ordinances of the City.

**(3)**The Construction Official shall issue a certificate of occupancy to the owner of every structure, building or alteration entitled to same within the time and according to the procedures set forth in the New Jersey State Uniform Construction Code and in this chapter.

**(4)**With respect to any finally approved subdivision and/or site plan or subsection thereof, a certificate of occupancy shall be issued only upon the completion of the following improvements as such improvements may be required as part of subdivision and/or site plan approval:

**(a)**Curbs.

**(b)**All utilities.

**(c)**Water supply and sewerage treatment facilities, which shall be functioning and servicing the property in question.

**(d)**Storm drainage facilities.

**(e)**Rough grading of the property.

**(f)**Base course of the street or streets serving the property.

**(g)**Base course of driveways and parking areas.

**(h)**Submission of all required as-built plans.

**(5)**With respect to any individual residential lot within a subdivision, a certificate of occupancy shall be issued only upon the completion of the following improvements, in addition to those listed in Subsection **F(4)** hereinabove, to the extent the same are required as part of the subdivision approval:

**(a)**Sidewalks.

**(b)**Driveway aprons.

**(c)**Street names and regulatory signs.

**(6)**A copy of any issued certificate of occupancy shall be kept on file at the premises affected and shall be shown to the Construction Official upon request.

**(7)**Should the Construction Official decline to issue a certificate of occupancy, his reason for doing so shall be stated on two copies of the application, and one copy shall be returned to the applicant.

**(8)**A temporary certificate of occupancy may be issued for a new structure or use for which site approval has been granted although not all conditions of said approval have been complied with. Such temporary certificate of occupancy shall be issued only in extenuating circumstances and only with the approval of the Construction Official, who shall establish specific terms and conditions, including, but not limited to, a time limit for the installation of the incompleted improvements and the receipt of an appropriate performance guarantee assuring the installation of the improvements as indicated on the approved plat or plan.

**(9)**A monthly report of the certificates of occupancy issued shall be filed with the Tax Assessor. A record of all certificates of occupancy shall be kept in the office of the Construction Official, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the structure or land affected. The charge for each copy shall be established by resolution of the City Council, except that there shall be no charge to a municipal agency.

**(10)**The following shall be unlawful until a certificate of occupancy is issued by the Construction Official:

**(a)**Occupancy and use of a building erected, constructed, restored, altered, or moved, or any changes in use of an existing building.

**(b)**Occupancy, use or change in use of vacant land.

**(c)**Any change in the use of a nonconforming use.

**(d)**Occupancy and use of any enlargement to an existing structure.

§ 276-73**Subdivision approval certificates.**

**A.**A prospective purchaser, prospective mortgagee or any other person interested in any land in the City which has been part of a subdivision in effect as of July 14, 1973 may apply in writing to the administrative officer for the issuance of a certificate certifying whether or not such subdivision has been duly approved by the Planning Board.

**B.**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. A fifteen-dollar fee shall be paid to the Administrative Officer, on behalf of the City, for the requested certificate.

**C.**The administrative officer shall make and issue such certificate within 15 days after receipt of the written application and accompanying fee. The administrative officer shall keep a duplicate copy of each certificate, consecutively numbered, including a statement of the fee received, in a binder as a permanent record in his or her office.

**D.**Each certificate shall be designated a "certificate as to approval of subdivision of land" and shall certify:

**(1)**Whether there exists a duly established Planning Board and whether there is a duly adopted ordinance controlling the subdivision of land;

**(2)**Whether the subdivision, as it relates to the land shown in the application, has been approved by the Planning Board and, if so, the date of such approval, any conditions attached to such approval and any extensions and terms thereof showing that the subdivision, of which the subject lands are a part, is a validly existing subdivision; and

**(3)**Whether such subdivision, if the same has not been approved, is statutorily exempt from the requirements of approval as provided in N.J.S.A. 40:55D-1 et seq. and as defined in this chapter.

§ 276-74 **Violations and penalties.**

**A.**Violations. In case any building or structure is erected, constructed, reconstructed, altered, moved or converted, or any building, structure or land is used in violation of, or contrary to, the provisions of this chapter, or any building, structure or land is used in violation of, or contrary to, any approved site plan and/or subdivision plat, including any conditions made thereto, the City may institute an action to enjoin or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, conversion or use. However, nothing in this chapter shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction according to law.

**B.**Penalties.

**(1)**Fines. Any violation hereunder shall be considered an offense punishable by a fine not to exceed $1,250 for each offense or imprisonment for a term not exceeding 90 days, or both. The following rules shall apply in determining responsibility for violations and penalties:

**(a)**The owner, general agent, contractor or occupant of a building, premises or part thereof where such a violation has been committed or does exist shall be guilty of such an offense.

**(b)**Any agent, contractor, architect, engineer, builder, corporation or other person who commits, takes part or assists in such violation shall be guilty of such offense.

**(c)**Each day that a violation continues after notification that it exists shall constitute a separate offense.

**(d)**The imposition of penalties herein shall not preclude the City or any other person from instituting an action to prevent an unlawful construction, reconstruction, alteration, repair, conversion, or use or to restrain, correct or abate a violation, or to prevent the illegal occupancy of a building, land or premises.

**(2)**Selling land before final subdivision approval.

**(a)**If, before final subdivision has been granted, any person, as owner or agent, transfers or sells or agrees to transfer or sell any land which forms a part of a subdivision for which municipal approval is required in accordance with the provisions of this chapter, except pursuant to an agreement expressly conditioned on final subdivision approval, 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.

**[2]**To set aside and invalidate any conveyance made pursuant to such a contract or sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-56.

**Article XI:** District Changes and Ordinance Amendments

§ 276-75 **Amendment authorized.**

This chapter may be amended from time to time by the City Council after the appropriate referrals, notices, hearings and other requirements of law.