

**BOROUGH OF WILDWOOD CREST  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**ORDINANCE NO. 1402**

**ORDINANCE OF THE BOROUGH OF WILDWOOD CREST  
AMENDING AND SUPPLEMENTING SECTION 85-11 DEFINITIONS  
AND SECTION 85-68 ACCESSORY BUILDINGS, STRUCTURES, AND  
USES IN CHAPTER 85 OF THE LAND DEVELOPMENT ORDINANCE  
OF THE BOROUGH OF WILDWOOD CREST**

WHEREAS, the Borough of Wildwood Crest Planning Board has undertaken a periodic reexamination of the Borough's Land Development Ordinance in order to evaluate whether any revisions to the Ordinance are appropriate; and

WHEREAS, the Wildwood Crest Planning Board has determined that its recommended revisions are reasonable and appropriate and consistent with the Borough's Master Plan, and the Planning Board voted unanimously to recommend that the Board of Commissioners of the Borough of Wildwood Crest amend the Borough's Land Development Ordinance to incorporate the revisions and additions set forth in its Resolution No. PB- 23-10 as amended by the Board of Commissioners; and

WHEREAS; the Board of Commissioners desires to amend and augment the Borough's Land Development Ordinance and the Planning Board's recommendation as set forth herein below as authorized by N.J.S.A. 40:55D-62 and to refer this ordinance to the Planning Board prior to the hearing on adoption of the ordinance for their review and approval pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, as follows: (added language is underlined, deleted language is ~~stricken~~):

**Section 1.** The portion of Ordinance 1287, adopted 9-15-2018, that had been codified in the Code of the Borough of Wildwood Crest as Section 85-11 and the portion of Ordinance 1062, adopted 7-23-2008 that had been codified in the Code of the Borough of Wildwood Crest Section 85-68 of Chapter 85 is hereby amended and supplemented as follows:

**Section 2.** Section 85-11 Definitions is hereby amended as follows:

**ACCESSORY, BUILDING, STRUCTURE OR USE** A building, structure or use which is customarily associated with and is incidental and subordinate to the principal building, structure or use, and which is located on the same lot therewith, ~~including, but not limited to, playhouses, docks, greenhouses, bathhouses, boat houses, tool sheds or storage sheds, decks, and nonportable swimming pools. Any accessory building attached to the principal building shall be considered part of the principal building.~~ No accessory building or structure, with the exception of a Detached Garage, shall exceed 100 square feet and shall have a maximum height of not more than 10 feet to peak of roof.

**GARAGE, PRIVATE**

A building or enclosed space used as an accessory to the main building which provides the storage of motor vehicles and in which no occupation, business or service for profit is carried on. Said garages shall have solid floors (as opposed to dirt or gravel floors) and shall be limited in capacity to three vehicles and one story or a maximum height of 16 feet. Parking shall only be allowed in front of a garage if the motor vehicle does not encroach upon public property, subject to the requirement that a setback of 20ft. be maintained from the face of the garage to the property line. ~~Parking shall only be allowed in front of a garage if the motor vehicle does not encroach upon public property.~~

**Section 3.**                    **Section 85-68 Accessory Buildings, Structures, and Uses is hereby amended as follows:**

**85-68                    Accessory Buildings, Structures, and Uses.**

- A. Accessory buildings, structures and uses shall be permitted only on the same lot as the principal building to which they are accessory and shall not be located in any required front yard space.
- B. Accessory buildings, structures and uses shall not be such as to alter the character of the premises on which they are located and, except for accessways to accessory parking or loading areas from an adjoining street, shall not encroach upon any side or rear yard unless otherwise permitted in this Ordinance.
- C. All accessory buildings, structures, or uses shall be governed by the bulk and area regulations of the zone in which they are located ~~except that storage sheds associated with one and two family dwelling units on the same lot as the principal structure may be located within four feet of each side yard and within four feet of rear lot lines but shall comply with the front yard requirement for a principal structure. Storage sheds on corner lots shall not be located nearer to any street line than the minimum required depth of a front yard in the zone in which the lot is located.~~
- D. In no case shall there be more than one principal use structure on any development parcel, except as specifically permitted in the M-1-B and M-1-C zoning districts.
- ~~E. Accessory buildings shall not exceed 16 feet in height and may not occupy more than 30% of the required rear yard. Accessory buildings shall be located so that all yard requirements for the lot are met by the principal use.~~
- ~~E.F. Storage shed, tool sheds, bathhouses and playhouses~~ With the exception of private detached garages, accessory buildings, structures, and uses, shall not exceed 10 feet in height and may not exceed 100 square feet.
- ~~F.G. In those zones wherein detached garages are permitted as an accessory use, no detached garage shall be located within a front yard, and a minimum distance of twenty (20) feet must be provided from the property line to the garage door. Detached garages shall be limited in capacity to three (3) vehicles and one (1) story or a maximum height of sixteen (16) feet.~~
- G. A ~~zoning construction~~ permit shall be required for the construction of every accessory building, ~~structure and use including storage buildings, out buildings, bathhouses, storage sheds, tool sheds and other sheds,~~ and for the installation of any such structure which is already assembled or constructed. ~~Accessory buildings shall be permitted in all zones.~~
- H. Every accessory building shall be installed on poured concrete permanent foundation of sufficient area and depth to satisfy the Uniform Construction Code requirements, at every point where such accessory building shall come in contact with the surface of the ground

**Section 4.**                    The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

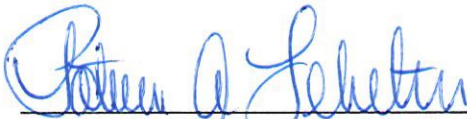
**Section 5.**                    All other ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**Section 6.** If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.


**Section 7.** This ordinance shall become effective twenty (20) days after final passage and advertisement thereof as required by law.

**Section 8.** The Cape May County Planning Board and adjoining municipalities shall be provided notice of this proposed ordinance in accordance with N.J.S.A. 40:27-6.10 and N.J.S.A. 40:55D-15. A copy of the effective ordinance shall be filed with the Cape May County Planning Board pursuant to N.J.S.A. 40:55D-16.

Dated: June 21, 2023

  
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Patricia A. Feketics, Borough Clerk

  
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Don Cabrera, Mayor

  
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Joseph Franco, Jr. Commissioner

  
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Joseph Schiff, Commissioner

Introduced: June 7, 2023

Adopted: June 21, 2023