

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

ORDINANCE NO. 1406

**ORDINANCE OF THE BOROUGH OF WILDWOOD CREST
AMENDING SECTION 85, ARTICLE XI, HOTEL MOTEL AND MULTI-
FAMILY ZONE, SECTION 85-57 PERMITTED USES, OF THE BOROUGH
OF WILDWOOD CREST LAND DEVELOPMENT ORDINANCE**

WHEREAS, the Board of Commissioners, of the Borough of Wildwood Crest, desires to amend and augment the Borough's Land Development Ordinance as set forth herein as authorized by N.J.S.A 40:55D-62 and has referred this ordinance to the Planning Board for its review and consideration prior to adoption of the ordinance pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26; and

WHEREAS, the Wildwood Crest Planning Board has determined that the below revisions are reasonable and appropriate and consistent with the Borough's Master Plan, and the Planning Board voted to recommended 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-A-23-15; and

WHEREAS, the Board of Commissioners of the Borough of Wildwood Crest accepts the recommendation of the Planning Board and determines that the amendments and additions to the Borough's Land Development Ordinance are reasonable and appropriate and are substantially consistent with the Master Plan and are designed to effectuate that plan; and

WHEREAS; the Board of Commissioners desires to amend and augment the Borough's Land Development Ordinance as set forth herein below as authorized by N.J.S.A. 40:55D-62.

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 1062, adopted July 23, 2008, that had been codified in the Code of the Borough of Wildwood Crest as Section 85-57 is hereby amended and supplemented as follows:

Section 2. **Section 85-57 Permitted Uses, is hereby amended as follows:**

85-57. Permitted Uses.

The purpose of this district is to permit hotels, motels, condotels, and multi-family development with access to the Atlantic Ocean and to preserve and promote the enhancement of hotel/motel-type facilities for service to the tourist industry. Within this district, no lot or building shall be used and no building shall be erected or altered for use in whole or in part, unless it complies with the regulations as set forth in this article.

A. Principal Uses.

The following principal uses shall be permitted in the M-1-A, M-1-B and M-1-C Zones.

1. Multi-Family Residential shall be and requires:
 - a. If rented, minimum one-week rental period without daily maid service.
 - b. Cannot be advertised for commercial use as motel/hotel room rental to the general public.

- c. An annual mercantile license shall be obtained from the municipality.
 - d. Through mercantile licensing, owner shall remit annual GWTIDA and State, Federal and other applicable taxes.
2. Hotel / Motel shall be and requires:
- a. Hotel/Motel services are offered to the general public.
 - b. Only temporary lodging in the form of hotel/motel rooms rented to the general public on a daily or weekly basis but not more than 30 cumulative days in any one calendar year, and shall not be occupied or used as a residence on a permanent or temporary basis, and not intended to be occupied or used for any primary residential purpose, either temporary or permanent.
 - c. Maintain a full-time staffed on-site office to serve guests and the public and all property operations. A front desk area is maintained to serve guests and the public.
 - d. Maid service and other room amenities, including linens and towel service, in a quality manner expected from the traveling public is provided.
 - e. ~~A manager and/or desk staff meeting the requirements of State lodging laws and State swimming pool regulations are employed to provide these services.~~
 - e. Compliance with State swimming pool regulations.
 - f. ~~Advertisement for motel like services is done in appropriate NSDIA manner promoting motel to the general public.~~
 - g.f. 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.) Sales and use tax and tourism tax, and tourism fees on revenue generated from the above sales and services are paid.
 - h.g. An annual mercantile license is obtained from the municipality for the operation of same.
 - h. All utilities including but not limited to water, sewer, electric, gas, telephone, cable or internet service, shall not be separately metered, but shall be commonly metered to the Hotel/Motel structure.
 - i. Hotel/Motel structures and real property subject to the provisions of Chapter 8B of Title 46 of the New Jersey Revised Statutes, N.J.S.A. 46:8B-1 et seq., (The "Condominium Act") form of ownership, in addition to those requirements set forth above, shall also be subject to the following requirements and restrictions:
 - (1) Such subjection of real property to the provisions of the Condominium Act shall not change, effect, or alter the status or use of the property and improvements thereon as a Hotel/Motel.
 - (2) No unit owner, guests, invitees or tenants of unit owner shall occupy or use their unit for more than 30 cumulative days during any one calendar year, and shall not occupy or use a unit as a residence on a permanent or temporary basis.
 - (3) Each unit rented shall obtain an annual mercantile license from the municipality for the rental of the unit and prior to advertising the unit for rent.
 - (4) Each unit owner shall pay all 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.) Proof of registration with the State of New Jersey for sales tax purposes shall be required prior to the issuance of a mercantile license.

(5) Be designed and managed such that each utility (water, sewer, electric, gas, telephone, and cable or internet) servicing a hotel or motel structure shall commonly meter its service to all units within such structure and shall commonly bill such service to the hotel or motel management entity. Separate metering of such services to individual units within the structure is prohibited.

Section 3. 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 4. All other ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. 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.

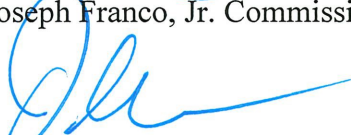
Section 8. The Cape May County Planning Board and adjoining municipalities shall be provided notice of this proposed ordinance in accordance with N.J.S.A. 40:27-6.10 and N.J.S.A. 40:55D-15. A copy of this ordinance shall be filed with the Cape May County Planning Board pursuant to N.J.S.A. 40:55D-16.

Dated: September 6, 2023


Patricia A. Feketics, Borough Clerk


Don Cabrera, Mayor


Joseph Franco, Jr. Commissioner


Joseph Schiff, Commissioner

Introduced: August 22, 2023

Adopted: September 6, 2023