

CITY OF WILDWOOD
Cape May County, New Jersey

ORDINANCE NO. 1268-23

**ORDINANCE REPEALING, RESTATING, AND AMENDING CERTAIN SECTIONS OF CHAPTER 17,
LAND DEVELOPMENT, OF THE WILDWOOD CITY CODE**

WHEREAS, in 2022 the City of Wildwood Planning/Zoning Board of Adjustment, pursuant to the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) conducted a review and reexamination of the Master Plan of the City of Wildwood, which review has been reduced to writing in a document titled "2022 Master Plan Reexamination and Land Use Plan Element"; and

WHEREAS, the City of Wildwood Planning/Zoning Board of Adjustment adopted the "2022 Master Plan Reexamination and Land Use Plan Element" and additional findings and conclusions as set forth in Resolution 2022-005 of the City of Wildwood Planning/Zoning Board of Adjustment; and

WHEREAS, the 2022 Master Plan Reexamination and Land Use Plan Element recommended a variety of changes to Chapter 17 of the City of Wildwood Code; and

WHEREAS, since its adoption, Chapter 17 of the City of Wildwood Code, titled Land Development, has been amended and supplemented from time to time by the adoption of other ordinances; and

WHEREAS, the City of Wildwood Board of Commissioners has reviewed the 2022 Master Plan Reexamination and Land Use Plan Element, Resolution 2022-005 of the City of Wildwood Planning/Zoning Board of Adjustment, and the recommendations of the City of Wildwood Planning Board/Zoning Board of Adjustment, and deems it to be in the best interests of the City of Wildwood that certain recommended changes to Chapter 17 of the City of Wildwood Code be implemented; and

WHEREAS, the City of Wildwood Board of Commissioners adopted ordinance 1254-23 on March 22nd, 2023, in order to implement some of those changes; and

WHEREAS, the City of Wildwood Board of Commissioners deems it necessary to adopt further changes to Chapter 17 as a result of the aforementioned Master Plan Reexamination and subsequent review;

NOW, THEREFORE, BE IT ORDAINED, by the City of Wildwood Board of Commissioners in the County of Cape May, State of New Jersey, as follows:

SECTION 1.

Chapter 17-201, Definitions and Word Usage, shall be amended as follows:

(deletions ~~crossed out~~; new language in underline and **bold**)

DEFINITIONS TO BE AMENDED:

BUILDING HEIGHT

- ~~1. The vertical distance measured to the highest point of the ridgeline for sloped roofs and to the parapet of all flat roofs, from the mean elevation of the curb level [i.e., top of curb ("TOC") (note: the measurement convention preferred by NJDEP)] (or required curb level in the instance where no curb exists) along the side(s) of the building facing the street. Where TOC varies, building height shall be measured from the average of the TOC elevations at points on either end of the length of the subject property or lot and the TOC measurement at the midpoint of the subject property.~~
- 1. "Building Height" shall be the vertical distance measured to the highest point of the ridgeline for sloped roofs and to the parapet of all flat roofs, from the base flood elevation.**
- ~~2. For buildings or structures whose height is to be measured from the Boardwalk level, such height shall be measured from the average of the Boardwalk level elevations at points on either end of the length of the subject property and the Boardwalk level elevation measurement at the midpoint of the subject property.~~
2. The following structures may be erected above the heights prescribed for the various zoning districts by this chapter: parapets; chimneys; ornamental architectural features such as skylights, spires, domes, cupolas and like and similar features; fully screened open-air equipment such as tanks, ventilation fans, air-conditioning equipment, satellite dishes or similar items required to operate and maintain the development; stair towers, elevator penthouse and mechanical enclosures and safety enclosures of rooftop areas used for sun decks and other recreational purposes may exceed the stated maximum building heights for the particular zoning district, to a maximum of 15% more than the maximum height permitted for use in the district. Antennas, lightning rods, flagpoles and other similar projections shall be exempt from such 15% allowance.
- ~~3. The aforementioned provisions are subject to the height limits of Section 602-B.[2]~~

4. For all nonhabitable accessory structures, building height shall be the vertical distance measured to the highest point of the ridgeline for sloped roofs and to the parapet of all flat roofs, from the mean elevation of the curb level [i.e., top of curb ("TOC")]. Where TOC varies, building height shall be measured from the average of the TOC elevations at points on either end of the length of the subject property or lot and the TOC measurement at the midpoint of the subject property.

DEFINITIONS TO BE ADDED:

MECHANICAL PARKING LIFT - any device, including an elevating device such as a vertical lift or automated vehicle storage system, that allows for the provision of parking of any motor vehicle by elevating it off of the ground with or without the use of ramping.

SECTION 2.

Chapter 17-413B, Section 5 shall be deleted in its entirety and restated as follows:

a. Principal Buildings	
Minimum Lot Area	7,200 s.f.
Minimum Lot Frontage & Lot Width	80'
Minimum Lot Depth	90'
Minimum Front Yard Setback	2'
Minimum Side Yard Setbacks	6'
Minimum Rear Yard Setback	15'
Maximum Principal Building Coverage	50%
Maximum Lot Coverage	80%
Maximum Building Height	3 stories and not greater than 31' above BFE

b. Accessory Structures	
Minimum Distance to Side Property Line	4'
Minimum Distance to Rear Property Line	4'
Maximum Total Footprint for all Accessory Structures	N/A
Maximum Height	1 story and not greater than 16' above TOC

SECTION 3.

Chapter 17-414F, Section 6 shall be deleted in its entirety and restated as follows:

6. Building Regulations

a. Principal Buildings	
Minimum Lot Area	Not to exceed the functional footprint of the pier decking in existence as of July 19, 1993, by more than 25%, unless expansion includes an equivalent (square feet) expansion of the public area of the pier deck. 100% of the increase (square feet) of the pier decking shall be devoted to amusement, dining or recreational activities.
Minimum Lot Frontage & Lot Width	185 feet (measured at the Boardwalk), except where the pier extends into an adjoining municipality. In such case, the minimum frontage and width within the City of Wildwood shall be 50 feet.

Minimum Lot Depth	Any pier may expand oceanward to the limit approved by all applicable state and federal agencies. However, no pier shall extend closer than 150 feet from the mean high-water line.
Minimum Front Yard Setback	N/A
Minimum Side Yard Setbacks	N/A
Minimum Rear Yard Setback	N/A
Maximum Principal Building Coverage	N/A
Maximum Lot Coverage	N/A
Maximum Building Height	Structures: 3 stories and not greater than 45' from BFE Amusement Rides: 125' from boardwalk deck level

b. Accessory Structures	
Minimum Distance to Side Property Line	0'
Minimum Distance to Rear Property Line	0'
Maximum Total Footprint for all Accessory Structures	N/A
Maximum Height	1 story or 16 feet from Boardwalk deck level (whichever is less)
Minimum distance to other buildings	10'

SECTION 4.

Chapter 17-414G, section 4, shall be deleted in its entirety, restated as follows:

5. Building Regulations

a. Principal Buildings	
Minimum Lot Area	No minimum established; all development shall be subject to 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.
Minimum Lot Frontage & Lot Width	
Minimum Lot Depth	
Minimum Front Yard Setback	
Minimum Side Yard Setbacks where dwelling units are not connected to other units	
Minimum Rear Yard Setback	
Maximum Principal Building Coverage	
Maximum Lot Coverage	
Maximum Building Height	The lower of 50' or 1 story from BFE, except for bleachers, lighting or observation structures, which shall be of minimum height required to accomplish the desired function

SECTION 5.

Chapter 17-306B, section 5, shall have the following provision deleted:

- d. ~~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. The application for extension of use variance shall be made prior to the expiration of the time limit sought to be extended.~~

SECTION 6.

Chapter 17-411J; Chapter 17-412B, section 6(b); Chapter 17-412C, section 6(b); Chapter 17-412D, section 6(b); Chapter 17-412E, section 6(b); and Chapter 17-608B, section 3, shall be amended as follows:

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~~ 22 (twenty-two) feet from the garage to the property line.

SECTION 7.

Chapter 17-608 shall have a new subsection added as follows:

H. Mechanical parking lifts. Mechanical parking lifts shall be prohibited in all zoning districts, other than a lift in a licensed automobile service station, or a lift located within the interior of a residential or commercial garage. Mechanical parking lifts located within a permitted garage shall not count towards the number of off-street parking spaces required by NJ -Residential Site Improvement Standards (NJ-RSIS) {NJAC 5:21-1 et.seq.}, City Ordinance, or decision of the City Planning Board.

SECTION 8.

Chapter 17-508 shall have a new subsection added as follows:

H. 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 four 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 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.
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.

SECTION 9.

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

SECTION 10.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION 11.

This ordinance shall become effective twenty (20) days after final passage and publication according to law.




Krista Fitzsimons, Commissioner



Steve Mikulski, Commissioner

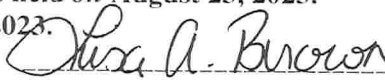


Peter Byron, Mayor

Attest 

Lisa A. Brown, City Clerk

The above ordinance was introduced and passed first reading on July 26, 2023.
Second Reading/Public Hearing on the above ordinance was held on August 23, 2023.
The above ordinance passed second reading on August 23, 2023.



Lisa A. Brown, City Clerk

**CITY OF WILDWOOD PLANNING/ZONING
BOARD OF ADJUSTMENT
CAPE MAY COUNTY, NEW JERSEY
RESOLUTION NO. 2023-003**

WHEREAS, pursuant to the New Jersey Municipal Land Use Law, specifically N.J.S.A. 40:55D-25 and 40:55D-28, Municipal Planning Boards are given authority to adopt or amend a Municipality's Master Plan, or a component thereof; and

WHEREAS, in October of 2022, the City of Wildwood Planning Board, pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), conducted a review and reexamination of the Master Plan of the City of Wildwood and a reexamination of the City of Wildwood's land use and development regulations, which was reduced to writing in the form of a report entitled "Master Plan Reexamination and Land Use Plan Element;" and

WHEREAS, the October 2022 Master Plan Reexamination and Land Use Plan Element outlined and recommended a variety of revisions to Chapter 17, Land Development, of the Code of the City of Wildwood, in order to address recent development trends and to advance the City's land development goals and objectives; and

WHEREAS, on March 22, 2023, the City of Wildwood's governing body adopted Ordinance 1254-23, entitled "Ordinance Adopting a Revised Zoning Map and Repealing and Restating Certain Sections of Chapter 17, Land Development, of the Wildwood City Code," which modified the City's zoning map to consolidate and eliminate zoning districts, and which also revised various regulations pertaining to individual zoning districts in order to incorporate ordinance revisions outlined and recommended within the City's October 2022 Master Plan Reexamination and Land Use Element; and

WHEREAS, on July 26, 2023, the City of Wildwood's governing body introduced Ordinance 1268-23, entitled "Ordinance Repealing, Restating, and Amending Certain Sections of Chapter 17, Land

Development, of the Wildwood City Code.” which proposes additional revisions to Chapter 17 in order to incorporate recommended land use Ordinance revisions proposed by the Board as outlined within the October 2022 Master Plan Reexamination and Land Use Plan Element related to the measurement of maximum building height, modifications to parking regulations, modifications to the area and bulk regulations governing the General Commercial, Pier, and Recreation zoning districts, and modifications to the duration of time that Board approvals remain valid; and

WHEREAS, pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64, prior to the adoption of a development regulation, revision, or amendment thereto, the governing body is required to refer said regulation to the Planning Board for its review and comment in order to ensure that the proposed regulation, revision or amendment is consistent with the municipality’s current Master Plan; and

WHEREAS, pursuant to N.J.S.A. 40:55D-26, following its review of said development regulation, revision, or amendment thereto, the Planning Board is required to prepare a report, to be submitted to the governing body, outlining the Board’s findings in relation to the consistency of said regulation to the municipality’s Master Plan; and

WHEREAS, the proper notices were given to the persons and bodies as required by law, and the necessary publications were undertaken, and the proofs with respect thereto have been filed; and

WHEREAS, at its August 7, 2023 duly-noticed public meeting, the City of Wildwood Planning Board conducted a hearing during which it reviewed proposed Ordinance No. 1268-23 in order to determine if said Ordinance was consistent with the City’s current Master Plan, it opened said hearing to the public for comment, and the Board ultimately found that the proposed Ordinance was acceptable and further found that same is consistent with the City of Wildwood Master Plan.

NOW THEREFORE, BE IT RESOLVED by the City of Wildwood Planning Board as follows:

1. The following findings and conclusions are made:

- a. All statements contained in the preamble to this Resolution are hereby incorporated by reference.
 - b. The City of Wildwood Planning/Zoning Board of Adjustment hereby recommends that proposed Ordinance 1268-23 be adopted by the City of Wildwood's governing body as it finds that same is consistent with the findings and recommendations set forth within the City of Wildwood's 2022 Master Plan and Land Use Plan Element.
 - c. Furthermore, the City of Wildwood Planning/Zoning Board of Adjustment further finds that the proposed revisions are consistent with the goals and objectives outlined within the 2022 Master Plan and Land Use Plan Element and are enacted in an effort to advance same.
2. Accordingly, the City of Wildwood Planning Board resolves to recommend that the City of Wildwood Board of Commissioners adopt the proposed revisions to the City's Land Use and Development Ordinance.
 3. A copy of this Resolution shall be supplied to and filed with the City Clerk.
 4. The Planning Board Secretary shall cause this notice of the adoption herein provided for to be published in the official newspaper of the municipality and supply a copy of this Resolution to any and all required governmental agencies.
 5. This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be filed with the Office of the Clerk of the City of Wildwood.

MOTION TO APPROVE

MADE BY: N Flunarty
 SECONDED BY: R. Gilson

ROLL CALL VOTE

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
G. Clark	X			
K. Fitzsimons				X
N. Fluharty	X			
R. Gilson	X			
J. Hesley	X			
T. Kieninger	X			
S. Mikulski				X
P. Swetsky	X			
P. Arcuri				X
C. Sicilia	X			
C. Hines				X
K. Fulginiti	X			

DATE: 08/07/2023



Todd Kieninger, Board Chairman



Kate Dunn, Board Secretary