

ARTICLE I
GENERAL PROVISIONS

- 85-1 Title. A comprehensive Ordinance regulating and limiting the uses of land and the uses and locations of buildings and structures; regulating and restricting the height and bulk of buildings and structures and determining the area of yards and other open spaces; regulating and restricting the density of population; dividing the Borough of Wildwood Crest into districts for such purposes; adopting a map of said Borough showing boundaries and the classification of such districts; establishing rules, regulations and standards governing the subdivision and development of land within the Borough; establishing a Planning Board and a Zoning Board of Adjustment; and prescribing penalties for the violation of its provision.

This ordinance shall consist of text and a Zoning Map, said map being entitled "Zoning Map, Borough of Wildwood Crest." This map, together with all explanatory matter thereon, is declared to be a part of this ordinance, and is on file and shall be kept on file with the Borough Clerk and Planning Board Secretary. If and when changes are made in boundaries or other matters included on said Zoning Map, such changes in the map shall be made promptly after the amendment has been approved by Wildwood Crest Board of Commissioners.

- 85-2 Short Title. The short form by which this Ordinance may be known shall be "THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF WILDWOOD CREST."

- 85-3 Purpose. The Ordinance is adopted pursuant to N.J.S.A.40:55D-1 et seq., in order to promote and protect the public health, safety, comfort, convenience, prosperity, morals, and general welfare, and in the furtherance of the following related and more specific objectives:

- A. To secure safety from fire, flood, panic, and other natural and man-made disasters;
- B. To provide adequate light, air and open space;
- C. To ensure that the development of the Borough does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- D. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- E. To encourage an appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- F. To provide sufficient space in appropriate locations for a variety of residential, recreational, commercial and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- G. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which would result in congestion, blight, or safety hazards;
- H. To promote a desirable visual environment through creative development techniques and good civic design and arrangements;
- I. To promote the conservation of historic sites, open space, energy resources and valuable natural resources in the borough and to prevent urban degradation of the environment through improper use of land;

- J. To encourage planned and comprehensive developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, and recreational development to the particular site;
- K. To encourage senior citizen community housing construction;
- L. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- M. To promote utilization of renewable energy sources; and
- N. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

These general objectives shall include, among others, the specific purposes set forth in the statements of intent of the various regulations for the respective zoning districts. This Ordinance shall be administered to insure the orderly growth and development, the conservation, protection and proper use of land and adequate provisions for circulation, utilities and services, and the conservation and environmental protection of all land, water and air resources within the jurisdiction of Wildwood Crest Borough.

85-4 Interpretation of Standards. The provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed and required by other provisions of law or by other rules, regulations or resolutions, the provisions of this Ordinance shall control. Where other laws, rules, regulations or resolutions require greater restrictions than are imposed by this Ordinance, the provisions of such other laws, rules, regulations or restrictions shall control.

85-5 Prohibited Uses. All uses not expressly permitted in this Ordinance are prohibited.

85-6 Applicability of Definitions. Definitions as set forth in Article II shall apply in this Ordinance.

85-7 Establishment of Controls.

A. The regulations set forth in this Ordinance for each zoning district shall be minimum regulations, unless otherwise specified, and shall apply uniformly to each class or kind of structure or land.

B. In all zoning districts, after the effective date of this Ordinance, any new building or structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.

C. In all zoning districts, after the effective date of this Ordinance, any existing building or other structure or part thereof or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming and subject to the regulations found in this Ordinance.

85-8 Compliance All applicable requirements shall be met at the first time of erection, enlargement, alteration, moving or change in use of a structure and shall apply to the entire structure or structures, whether or not the entire structure or structures were involved in the erection, enlargement, alteration, moving or change in use. Moreover, no building or structure shall be erected, moved, altered, added to or enlarged unless in conformity with this Ordinance and no building or structure shall be designed, used or occupied and no land shall be used or occupied for any purpose or in any manner other than as specified in this Ordinance.

85-9 Types of Controls. The following minimum and uniform regulations shall apply in the respective districts:

- A. Use regulations, including uses by right, accessory uses and conditional uses.
- B. Area and bulk regulations, including required front, side and rear yards, maximum permitted height and maximum allowable building and lot coverage.
- C. Off-street parking regulations, including minimum required parking spaces.
- D. Off-street loading regulations, including minimum required loading spaces for specified uses.

ARTICLE II
DEFINITIONS

85-10 Word Usage. For the purposes of this Article, the following rules of interpretation shall apply:

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural number, and vice versa.
- C. Words used to include the male gender include the female gender, and vice versa.
- D. The word "used" shall also include arranged, designed, constructed, altered, converted, rented, leased or intended to be used.
- E. The word "person" includes corporation or partnership as well as individuals.
- F. The word "lot" includes the word "plot," "parcel," or "premises."
- G. The word "structure" includes the word "building," "dwelling" or "residence."
- H. The term "such as" shall be considered as introducing typical or illustrative designation of terms and shall not be construed as constituting a complete list.
- I. 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 this Article 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 Article.

85-11 Definitions. Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning herein indicated.

ACCESS -- a physical entrance to property.

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 non-portable swimming pools. Any accessory building attached to the principal building shall be considered part of the principal building. No accessory building or structure shall exceed one hundred (100) square feet and shall have a maximum height of not more than 10 feet to peak of roof.

ACCESS-WAY -- a single vehicular entrance and/or exit combination between a street and a lot.

ADMINISTRATIVE OFFICER --the Secretary to the Planning Board, or Secretary to the Zoning Board of Adjustment, as the case may be, unless a different municipal official is designated by ordinance, statute, or by the mayor to administer certain of the responsibilities and authorities specified for the Administrative Officer in N.J.S.A. 40:55D-1 et seq.

AGENT -- one or more persons designated to represent the applicant before the Planning Board.

AISLE -- the traveled way by which cars enter and depart parking spaces.

ALLEY -- a minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

ALTERATIONS -- as applied to a building or a structure means a change or rearrangement of the external structural parts or of the existing facilities, or an enlargement, whether by extension of a side or by increasing in height or by moving from one location or position to another.

APPLICANT -- shall mean the landowner or the agent, optionee, contract purchaser or attorney authorized in writing to act for the landowner submitting an application under this Ordinance.

APPLICATION FOR DEVELOPMENT -- shall mean the application or appeal forms, together with the required fees and all accompanying documents required by this ordinance for approval of a subdivision plat, site plan, conditional use, zoning variance or direction for issuance of a permit pursuant to N.J.S.A. 40:44D-34 or N.J.S.A. 40:44D-36.

AUTOMOBILE SALES LOT OR BUILDING -- shall mean a lot or building used for the sale or hire of automotive equipment. This shall be interpreted to include new and used car dealerships and auto accessory sales rooms but not the sale of junked automotive equipment.

AWNING -- A temporary or portable roof-like covering attached to a frame which is entirely supported by the building or other structure to which it is attached. (Rev. 12/06, Ord. No. 1022)

BABY SITTING -- An activity provided in an occupied residence in which child care is provided only for a child or children related to the resident care giver, or only for a child or children of one unrelated family, or only for a combination of such children; not being a child care center or family day care home. Baby sitting is a permitted accessory use in all borough residences.

BANK -- shall mean a commercial bank, saving and loan, or savings bank.

BANNER -- Any sign made of paper, plastic or fabric which may or may not possess characters, letters or illustrations. (Rev. 12/06, Ord. No. 1022)

BASEMENT -- shall mean the portion of a building that is partly below grade which has more than one-half (1/2) of its height measured from floor to ceiling, above the average finished grade of the ground adjoining the building. A basement shall be counted as a story if used for business or dwelling purposes other than for a janitor employed on the premises.

BEDROOM -- shall mean a room planned or used primarily for sleeping.

BED AND BREAKFAST -- a portion of a residential dwelling unit containing sleeping accommodations without individual cooking facilities which are used, let or hired out for compensation for the use of temporary guests. A central dining area may be utilized to furnish meals only to the guests.

BILLBOARD -- shall mean 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. Billboards are prohibited in all zoning districts.

BLOCK -- the area bounded by one or more streets or a municipal boundary and of sufficient size to accommodate a lot or lots of minimum size required as further specified herein.

BOARD -- shall mean the Planning Board or the Zoning Board of Adjustment of the Borough of Wildwood Crest, as the case may be.

BUFFER -- an area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, and/or fences, designed to continuously limit view of and/or sound from the site to adjacent sites or properties.

BUILDABLE AREA -- shall mean that portion of a lot lying between required yards and/or setback lines.

BUILDING -- shall mean a combination of materials to form a construction adapted to a permanent, temporary, or continuous occupancy and having a roof. A houseboat is not defined as a building.

BUILDING AREA -- shall mean the horizontal plan projection taken at grade level of all covered or roofed areas and uncovered porches or decks on a lot, whether permanent or temporary.

BUILDING HEIGHT -- the vertical distance measured to the topmost point of the roof from the base flood elevation.

BUILDING LINE -- shall mean a line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a building, the vertical plane will coincide with the most projected surface. All yard requirements shall be measured to the building line.

BULKHEAD LINE -- a line established by the governing body for the construction, erection, building, maintaining and keeping in repair of bulkheads to protect public and private property from encroachment by waters.

CALIPER -- the diameter of a tree trunk measured in inches, six (6) inches above ground level for trees up to four (4) inches in diameter and measured twelve (12) inches above ground level for trees over four (4) inches in diameter.

CAPITAL IMPROVEMENT -- means a governmental acquisition of real property or major construction project.

CARPORT -- an attached or detached accessory building designed for the storage of motor vehicles and constructed primarily as an open building with only a roof and the necessary supporting columns.

CARTWAY -- shall mean 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 -- shall mean the portion of a building that is partly or entirely below grade, which has more than half (1/2) of its height, measured from floor to ceiling, below the average finished grade of the ground adjoining the building. A cellar shall be counted in floor area ratio and/or square footage computations if used for business purposes other than for ancillary storage. A cellar shall not be used as a habitable space.

CERTIFICATE OF OCCUPANCY -- a statement signed by the construction official, setting forth that a particular lot or a particular structure may lawfully be occupied for a specific use or uses.

CHANGEABLE COPY -- information which relates to changing events and/or messages relating to the structure and use to which the sign relates.

CHILD CARE CENTER -- Any facility which is maintained for the care, development and supervision of six or more children under the age of 6 who attend the facility for less than twelve (12) hours a day and which offers such programs as day care center, drop-in centers, recreation-type centers sponsored and operated by a county or municipal government, centers serving mildly sick children, centers that had not been licensed by the NJ Department of Human Services prior to the enactment of the Child Care Center Licensing Act of 1984, 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 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.

CIRCULATION -- means systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits, and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or trans-shipment points.

COMMON OPEN SPACE -- an open space area within or related to a site, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED -- shall mean any community residential facility licensed pursuant to P.L. 1977 c. 448 (C. 30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than fifteen (15) developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility, within the meaning of the "Health Care Facilities Planning Act" (P.L. 1971, c. 136; N.J.S.A. 26:2H-1 et seq.). In the case of such a community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services. As used in this act, "developmentally disabled person" means a person who is developmentally disabled as defined in Section 2 of P.L. 1977, c. 448 (N.J.S.A. 30:11B-2), and "mentally ill person" means a person who is afflicted with a mental illness as defined in N.J.S.A. 30:4-23, but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge.

COMMUNITY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE -- shall mean any shelter approved for a purchase of a service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L. 1979, c.337 (N.J.S.A. 30-40-1-14) providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than fifteen (15) persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

COMPLETE APPLICATION -- an application for development shall be complete for purposes of commencing the applicable time period for action by the Municipal Agency. In the event the application is not certified to be complete within forty-five (45) days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five (45) day period for purposes of commencing the applicable time period for action by the Planning Board or Zoning Board unless: (a) the application lacks information indicated on a checklist adopted by ordinance and provided to the applicant; and (b) the Administrative Officer has notified the applicant, in writing, of the deficiencies in the application within forty-five (45) days of the submission of the application. The applicant may request that one or more of the submission requirements be waived within forty-five (45) days. The appropriate 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 have been met. The application shall not be deemed incomplete for lack of any such additional information or any revision in the accompanying documents so required by the Planning Board or Zoning Board.

CONCEPT PLAN -- a preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

CONDITIONAL USE -- shall mean 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 ordinance and upon issuance of authorization by the Planning Board or Zoning Board, as applicable.

CONSTRUCTION OFFICIAL -- shall mean the municipal official specified in the building code and designated as such by the Borough Commissioners responsible for the enforcement of the State Uniform Construction Code.

CONTINGUOUS PARCEL -- shall mean tracts of land which share a common boundary.

CONVENTIONAL -- means development other than planned development.

COUNTY MASTER PLAN -- means a composite of the master plan for the physical development of the county in which the municipality is located, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the county planning board pursuant to R.S. 40:27-2 and R.S. 40:27-4.

COUNTY PLANNING BOARD -- means the county planning board, as defined in section 1 of P.L. 1968, c. 285 (C. 40:27-6.1), of the county in which the land or development is located.

COVERAGE, BUILDING -- shall mean 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 (2) feet beyond the foundation.

COVERAGE, LOT -- shall mean 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), such as surface areas, walkways, patios and plazas. All parking spaces and lots, swimming pools, buildings, roads, driveways, walkways, tennis courts, patios, decks and any other structure or on-site material or ground condition that does not permit the natural absorption of water shall be included in the computation of lot coverage.

CUL-DE-SAC OR DEAD END STREET -- a street with only one outlet and having the other end for the reversal of traffic movement.

CURB -- a raised margin within the right-of-way of a public street, along the edge of the paved portion of the street, serving the purposes of confining the limits of vehicular traffic; aiding in controlling and guiding storm water runoff and in defining the areas of a public right-of-way by pedestrian and vehicular traffic.

DAYS -- shall mean calendar days.

DEDICATION -- shall mean an appropriation or giving up of property to public use, which precludes the owner or others under him from asserting any right of ownership inconsistent with the use for which the property is dedicated.

DENSITY -- the number of dwelling units per acre or square footage of residential designated use area for a dwelling unit type or types, computed by dividing the number of dwelling units of that type or types proposed to be built within that residential designated use area or portion thereof by the number of acres devoted to that type or types of dwelling units within that designated use area.

DEVELOPER -- the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT -- shall mean the division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land for which permission may be required pursuant to this Ordinance.

DEVELOPMENT REGULATION -- a development rule or other Borough regulation of the use and development of land, or amendment thereto.

DEVELOPMENT REVIEW COMMITTEE -- an advisory committee of at least four (4) Planning Board members may be appointed by the Chairman of the Board for the purpose of classifying and reviewing development plans in accordance with the provisions of this Ordinance, and such other duties relating to the land which may be conferred on this committee by the Board.

DRAINAGE -- shall mean the removal of surface water or groundwater from the land by drains, grading or other means such as retention or detention basins, including control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

DRAINAGE AND UTILITY RIGHT-OF-WAY -- shall mean the lands required for the installation and maintenance of storm water and sanitary sewers, water pipes or drainage ditches and other utilities, or lands required along a natural stream or water course for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

DRIVEWAY -- is defined as a means of ingress and egress for vehicles to and from a property.

DRIVE-IN -- shall mean premises constructed to cater primarily to the motoring public, whether or not serving pedestrians as well as the automobile trade, and used for the sale to the public of any product and providing curb and/or window counter service.

DWELLING -- shall mean any permanent building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons. Dwellings may include but not be limited to the following types:

- (a) DWELLING, SINGLE FAMILY -- a free-standing detached building on one lot, or within a lot held in common ownership, serving one family.
- (b) DWELLING, DUPLEX – two residential units in one building in any design such as side-by-side, up and down or front and rear. (Rev. 7/08, Ord. No. 1062)
- (c) DWELLING, MULTI-FAMILY -- three or more residential units in one or more principal use building. (Rev. 7/08, Ord. No. 1062)

DWELLING UNIT -- shall mean a group of interrelated rooms or structures, intended or designed for non-transient residential use of one family; separated from other dwelling units by lockable doors; having access to the outside without crossing another dwelling; and, having living and sleeping facilities, cooking facilities, fixed or portable, and complete sanitary facilities for the exclusive use of the occupants thereof.

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.

EAVE – the projecting overhang at the lower edge of a roof.

EDUCATIONAL INSTITUTION -- shall mean any public or private educational institution normally subject to regulations prescribed the State of New Jersey.

ENVIRONMENTAL COMMISSION -- a Borough advisory body created pursuant to N.J.S.A. 40:56A-1 et seq.

ENVIRONMENTAL IMPACT ASSESSMENT -- a description and analysis of all possible direct and indirect effects that development will have on residents and the site itself as well as adjacent and noncontiguous areas.

ERECT -- to build, construct, attach, place, suspend or affix and shall also include the painting of wall signs and the painting of signs or displays on the exterior surface of a building, structure or natural surface.

EROSION -- the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

ESTABLISHMENT -- shall mean one place of business, or one permanent usage.

EXTERNALLY LIGHTED -- any sign whose sole source of artificial illumination is outside the display portion of the sign.

FAÇADE SIGN -- any sign attached to or painted on the building.

FAMILY -- a single individual doing his own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separated housekeeping unit in a domestic relationship based upon birth, marriage or the functional equivalency thereof.

FAMILY DAY CARE HOME -- Any private residence approved by the New Jersey Division of Youth and Family Services or an organization with which the Division contacts for family care in which child care services are regularly provided to no less than three (3) and no more than five (5) children for no less than fifteen (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) the 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.

FAST FOOD ESTABLISHMENTS -- shall mean a business establishment where food and drink are sold ready for consumption and where customers consume the food and drink either inside or outside the confines of the establishment.

FENCE -- a structure erected as a solid or partially open vertical enclosure or barrier to access to or from a part or whole of a property, including walls, screens or hedges intended to be a "fence."

FILLING STATION (see MOTOR VEHICLE SERVICE STATION) -- shall mean any establishment servicing motor vehicles with fuel, supplies and accessories, but not major repairs; including establishments designated as motor vehicle service station or gasoline station.

FINAL APPROVAL -- the official action of the Planning Board taken on a preliminarily approved major subdivision or site plan, after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

FINAL PLAT -- the final map of all or a portion of a subdivision which is presented for final approval.

FINANCIAL INSTITUTIONS -- shall mean any structure wherein business of primarily a financial nature is transacted, such as: banks, savings and loans, mortgage companies and similar institutions.

FLOOD PLAIN -- shall mean the relatively flat area or low lands adjoining the channel of a river, stream, watercourse, canal, or any body of standing water, which has been or may be covered by flood water.

FLOOR AREA RATIO [FAR] -- shall mean the aggregate floor area, in square feet, of a building or group of buildings on a lot divided by the area, in square feet, of the lot.

GARAGE, PRIVATE -- shall mean 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 (3) vehicles and one (1) story or a maximum height of sixteen (16) feet. Parking shall only be allowed in front of a garage if the motor vehicle does not encroach upon public property.

GARAGE, PUBLIC OR COMMERCIAL -- shall mean a building or enclosed space other than a private garage, for the storage of motor vehicles exclusively or for the storage of motor vehicles at which filling station service, sales of accessories or repairs, other than body and collision repairs and painting and refinishing, are permitted. This term does not include motor vehicle showrooms for new or used motor vehicles.

GARAGE, REPAIR -- shall mean 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 -- the top of the curb at the highest point on the site.

GROSS FLOOR AREA -- shall mean the sum of the gross horizontal areas of the several floors of a building or group of buildings on a lot, measured from the exterior faces of exterior

walls or from the center line of party walls separating two (2) buildings. "Gross floor area" shall not include: roof overhangs less than two (2) feet or any floors or portions thereof contained on terraces or balconies projecting beyond the exterior face of the building; areas occupied permanently by mechanical equipment; any space where the floor-to-ceiling height shall be less than seven (7) feet provided such space shall be used only for storage, building maintenance and operation activities; and roofed or enclosed areas devoted exclusively to off-street parking and loading spaces in excess of the number of required by ordinance.

GROUND COVER -- low-growing plants or sod that in time form a dense mat covering the area in which they are planted preventing soil from being blown or washed away and the growth of unwanted plants.

GUEST HOUSE (See ROOMING HOUSE, HOTEL OR MOTEL) -- a structure which provides sleeping rental units for temporary occupancy in which the units have access to a common interior hall or passageway.

HABITABLE FLOOR AREA -- the enclosed horizontal area of a dwelling unit, measured inside of exterior walls and walls separating units, exclusive of open porches, open breezeways, and attached garages.

HARD SURFACE -- as used herein, is defined as paving and base courses for parking, as follows:

- A. Bituminous concrete, laid hot or cold, a minimum depth of two (2) inches on a compacted base.
- B. Concrete, a minimum depth of four (4) inches.

HOME OCCUPATION -- shall mean an occupation conducted in a dwelling unit, which is subordinate to the residential use and meets the criteria established for home occupations in this Ordinance.

HOME OCCUPATION SIGN -- a sign that relates to any business or profession conducted within a structure whose primary use is residential and the occupant of that residence conducts the business therein.

HOMEOWNERS ASSOCIATION -- a community association, including a condominium association, which is organized in a development in which individual owners have a shared interest in open space and facilities.

HOUSEBOATS -- a water borne vessel or boat whether self-propelled or not, fitted with living accommodations, designed and intended to be used primarily for on-site living or business use rather than for navigation and recreational boat uses. Houseboats are not permitted pursuant to this Ordinance.

HOUSEKEEPING UNIT -- shall mean one (1) or more persons living together in one (1) dwelling unit on a non-seasonal basis and sharing living, sleeping, cooking, and sanitary facilities on a non-profit basis.

INTERESTED PARTY -- shall mean 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, or 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 ordi-

nance, 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 ordinance.

IMPROVEMENT -- shall mean any structure or any part thereof installed upon real property by human endeavor and intended to be kept at the location of such construction or installation for a period of not less than one hundred twenty (120) continuous days.

LAND -- includes improvements and fixtures on, above or below the surface.

LANDSCAPING -- shall mean an area of land restricted to landscape items which may also include such elements as natural features, earth berms, sculpture, signs, lighting, accessways, bikeways and pedestrian-ways, but not including motor vehicle parking, extending along the entire lot line where they are required. The width of a landscape area shall be measured at right angles to the lot line.

LANDSCAPE SCREEN/STRIP -- shall mean a completely planted visual barrier (or having equivalent natural growth) composed of evergreen plants and trees and/or shrubs arranged to form both a low-level and a high-level visual screen.

LANDSCAPE TRANSITION BUFFER -- shall mean an area of land restricted to landscape elements which may include lawns, plantings, natural features, sculpture, lighting, and pedestrian pathways, but not including motor vehicle parking extending along the entire lot line(s) where they are required. The width of a landscape buffer shall be measured at right angles to the lot line.

LOADING SPACE -- shall mean an off-street parking space or berth on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading.

LOT -- shall mean a designated parcel, tract or area of land established by a plat, shown on the Borough tax map, or otherwise as permitted by law and to be used, developed or built upon as a unit, including riparian lands.

LOT AREA -- shall mean the area of a lot taken at its perimeter, exclusive of any portion within a public or private street right-of-way, including riparian lands.

LOT, CORNER -- shall mean a lot at the junction of, and abutting on, two (2) or more intersecting streets, where the interior angle of intersection does not exceed one hundred thirty-five (135) degree. Each corner lot shall have two (2) front yards, one (1) side yard and one (1) rear yard, the side and rear yard to be designated at the time of application for a development review or a construction permit.

LOT DEPTH -- shall mean the length of a line, lying midway between and parallel to side lines or midway between and making equal angles with two (2) converging side lines, between the point of its intersection with the street line and the point of its intersection with a rear lot line.

LOT FRONTAGE -- the distance between the side lot lines measured along the street line, measured at right angles to its depth.

LOT, FRONT OF -- shall mean, in the case of a lot abutting one street only, the edge of the lot which abuts the street. When a lot abuts two (2) or more streets, the front of the lot is that abutting side which is so designated on the lot plan by the owner; and abutting edges adjacent to the designated front shall be considered as sides of the lot. Any other edge abutting a street, which is not a front or side as above defined, shall also be considered a front.

LOT, INTERIOR -- shall mean a lot other than a corner lot.

LOT LINE -- the legal boundaries of a lot as determined on the tax maps or in the records of the Borough Engineer of the Borough of Wildwood Crest, including riparian lands.

LOT, THROUGH -- shall mean a lot, other than a corner lot, which extends from one street to another, having frontage on both streets.

LOT WIDTH -- shall mean the distance between the side lines measured parallel to the front lot line at the minimum front yard setback line.

MAINTENANCE GUARANTEE -- shall mean any security, other than cash, which may be accepted by the Borough for the maintenance of any improvements required by this ordinance.

MANUFACTURING -- the adding of value to previously processed raw materials by reshaping, reworking, assembly, combining, or other means. Also, manufacturing includes light industrial operations such as electronic machine parts, small component assembly, and commercial laundries, employing more than five (5) people.

MARQUEE -- any hood, canopy, awning, or permanent construction which projects from the wall of a building, usually above an entrance.

MARINA -- a small harbor, inlet or boat basin devoted to the purpose of providing docks, berths, slips or tip-ups for boats and of providing services for boats.

MASTER PLAN -- shall mean a composite of one or more written or graphic proposals for the development of the Borough as set forth in and adopted pursuant to N.J.S.A. 40:55 D-1 et seq.

MLUL -- Municipal Land Use Law.

MOBILE SIGN -- a sign which is not affixed to the building structure or permanently attached to a freestanding structure.

MOPED -- any powered two-wheel transportation.

MOTOR VEHICLE SERVICE STATION -- shall mean a structure and surrounding land used for the storage and sale of petroleum fuel primarily to motor vehicles and for accessory uses such as the sale of lubricants, accessories or supplies, and the performing of repairs. A service station is not a repair garage, body shop, or a car wash.

MOUNTABLE CURB -- a low curb with a flat slope designed to be crossed easily without discomfort.

MOVING LANE -- any traffic lane where traffic movement is the primary, if not sole, function.

MULCH -- a layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, to prevent weeds from growing, to hold the soil in place, and to aid plant growth.

MUNICIPAL AGENCY -- the Planning Board, Board of Adjustment, or Borough Commission or any agency created by or responsible to the municipality when acting pursuant to this Ordinance.

MUNICIPALITY -- shall mean the Borough of Wildwood Crest.

NON-CONFORMING BUILDING OR STRUCTURE -- shall mean a building or structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of zoning ordinance, 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.

NON-CONFORMING LOT -- shall mean a lot the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NON-CONFORMING SIGN -- any sign lawfully existing on the effective date of an ordinance, or any amendment thereto, which is rendered non-conforming by reason of the adoption, revision or amendment thereof.

NON-CONFORMING USE -- shall mean a use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, 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 -- shall mean any offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion or disturbance of another's rights including the actual or potential emanation of any physical characteristics of activity or use across a property line which can be perceived by a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to noise, dust, smoke, fumes, odor, glare, flashes, vibrations, shock waves, heat, debris, litter, trash sites, electronic or atomic radiation, effluent, noise of congregation of people especially at night, vehicular traffic, transportation of things by truck, rail or other means, invasion of non-abutting street frontage by parking, the obscuring or masking of adjacent or nearby property by projecting signs, marquees or canopies, or any adverse effect on value or desirability of nearby property caused by such matters as appearance, exposed storage of inoperable automobiles, junk, materials and neglect or dilapidation of lands or buildings.

NURSING HOME -- shall mean a facility operated for the purpose of providing therein lodging, board, and nursing care to sick, invalid, infirm, disabled, or convalescent persons for compensation and duly licensed by all governmental agencies.

OFFICE BUILDING -- a structure where over half the floor area is utilized for the carrying out of consultation, record keeping or clerical work or as a place where a professional conducts his business.

OFFICE COMPLEX -- Two (2) or more office buildings with common parking areas.

OFFICES -- shall mean a space accommodating any or all of the following: executive, general corporate and clerical activities, research and consumer product development connected with service industries, such as financial, insurance, and banking; development of computer software; demographic, economic and statistical research; and activities of a similar character.

OFFICIAL COUNTY MAP -- the map, with changes and additions thereto, adopted and established, from time to time, by resolution of the Board of Chosen Freeholders of the County pursuant to N.J.S.A. 40:27-5.

OFFICIAL MAP -- a map adopted by ordinance pursuant to N.J.S.A. 40:55D-32 to 40:55D-

OFFICIAL SIGN -- any sign, symbol or device erected and maintained by the federal, state, county or local government agency for the purpose of informing or guiding the public or for the protection of health, safety, convenience and general welfare as determined by the approving authority.

OFF-SITE -- shall mean located outside the lot lines of the lot or portions of a lot but within the property (of which the lot is part) which is the subject of a development application or contiguous portion of a street or right-of-way or drainage or utility easement.

OFF-SITE SIGN -- any sign located on a lot other than the lot occupied by the use, event or product which said sign identified.

OFF-STREET PARKING SPACE -- a temporary storage area for a motor vehicle that is directly accessible to an access aisle, and that is not located on a dedicated street right-of-way.

OFF-TRACT -- shall mean not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way or drainage or utility easement.

ON-SITE -- shall mean located on a lot or portion of a lot which is the subject of a development application.

ON-STREET PARKING SPACE -- a temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.

ON-TRACT -- shall mean located on the property which is the subject of a development application or a contiguous portion of a street or right-of-way.

OPEN SPACE -- shall mean any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

OPEN SPACE ORGANIZATION -- shall mean an incorporated, non-profit 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 Borough; and each owner and tenant has the right to use the common property.

OUTBUILDING -- a subordinate structure on the same lot as the principal structure, separate from but accessory to said principal structure, such as detached garage, carport, greenhouse, work shed, and tool shed.

OWNER -- shall be construed to include the attorney, purchaser, devisee, fiduciary or a person having vested interest in the property in question.

PARKING LOT -- an off-street, ground level area, usually surfaced and improved for the temporary storage of motor vehicles.

PARKING SPACE -- shall mean an area not less than nine (9) feet wide and eighteen (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 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.

PATIO -- an open air paved, wooden or similarly constructed recreation area adjacent to a house; a patio is similar to a porch, but distinguished therefrom by a lack of structural sides, columns and roofs.

PENNANT -- Any sign made of paper, plastic or fabric which may or may not possess characters, letters or illustrations. (Rev. 12/06, Ord. No. 1022)

PERFORMANCE GUARANTEE -- shall mean any security, in accordance with the requirements of this ordinance, which may be accepted subject to review and approval by the Borough Attorney in lieu of a requirement that certain improvements be completed prior to final approval of a development application, including performance bonds, letters of credit, escrow agreements and other similar collateral or surety agreements.

PERMITTED USE -- shall mean any use of land or buildings as permitted by this Ordinance.

PERSON -- shall mean any association, partnership, corporation, cooperative group, trust or other entity as well as an individual.

PIER -- a structure extending over land or water for use as a docking space or promenade.

PLAT -- the map of a subdivision.

PLAZA -- shall mean a continuous open area, accessible to the public at all times and designed to receive maximum sunlight containing but not limited to trees and other landscaping, seating, decorative pavement, art work and kiosks.

PORCH -- an open "porch" is a roofed piazza or porte cochere which projects beyond the main wall of the building, the size of which is not to be included in determining the minimum habitable floor area, and must conform to all setback requirements. The columns supporting its roof shall present the minimum of obstructions to the view.

PRE-APPLICATION CONFERENCE -- an initial meeting between applicants and/or developers and municipal representatives which affords applicants and developers the opportunity to present their proposals informally.

PRELIMINARY APPROVAL -- the conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the planning board and the applicant.

PRELIMINARY FLOOR PLANS AND ELEVATIONS -- architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form its scope, scale, and relationship to its site and immediate environs.

PRELIMINARY SUBDIVISION PLAT -- a map indicating the proposed layout of a development and related information that is submitted for preliminary approval.

PRINCIPAL BUILDING -- shall mean a building in which is conducted the main or principal use of the lot on which said building is located.

PRINCIPAL FACADE -- the portion of the building which faces the street which generates the most vehicular and pedestrian traffic as determined by the approving authority.

PRIVATE STREET -- shall mean a street that is not publicly maintained or not intended to be publicly maintained.

PROFESSIONAL -- a member of a recognized profession, such as doctors, ministers, architects, professional engineers, lawyers and such similar professional occupations, as so designated in Title 45 of the New Jersey Statutes Annotated. For the purpose of this Article, a barber, plumber, electrician, carpenter, or beautician shall not be considered a "professional."

PROFESSIONAL OFFICE -- shall mean the office of a member of a recognized profession or occupation, including architects, artists, authors, dentists, doctors, lawyers, veterinarians, ministers, musicians, optometrists, engineers, realtors and such other similar professions occupations which may be so designated by the Board of Adjustment upon finding by such board that such occupation is truly professional in character by virtue of the need for similar training and experience as a condition for the practice thereof, and that the practice of such occupation shall in no way adversely affect the safe and comfortable enjoyment of property rights in any zone in which it is located to a greater extent than for the professional activities listed herein.

PROPERTY OWNER -- shall mean the record holder of title.

PUBLIC AREAS -- public parks, playgrounds, trails, paths and other recreational areas; other public open spaces; scenic and historic sites; and sites for schools and other public buildings and structures.

PUBLIC DEVELOPMENT PROPOSAL -- a master plan, capital improvements program or other proposal for land development adopted by the appropriate public body, or any amendment thereto.

PUBLIC DRAINAGE WAY -- the land reserved or dedicated for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion.

PUBLIC UTILITY -- a closely regulated private enterprise with an exclusive franchise for providing a public service. For the purposes of this Ordinance, the term "public utility" 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.

QUORUM -- means the majority of the full authorized membership of a municipal agency.

RECREATIONAL VEHICLE -- a vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailer, trucks campers, camping trailers and self-propelled motor homes.

REPAIR -- shall mean any work done on any improvement which: is not an addition to the improvement; and does not change the appearance of the exterior surface.

REPLACEMENT -- shall mean repairs when a building permit is required for same.

RESIDENTIAL CARE FACILITIES FOR THE ELDERLY -- shall mean a development of apartment and/or townhouse residential living units intended exclusively for and solely occupied by persons sixty-two (62) years of age or older; housing intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit, subject to the further condition that eighty (80%) percent of the units must be occupied by at least one

person fifty-five (55) years of age or older, with ancillary and directly related facilities to be primarily used by the residents of the development, including health care services, dining facilities, recreational facilities, and other ancillary facilities deemed appropriate by the reviewing authority and in accordance with the applicable provision of this Ordinance.

RESTAURANT -- shall mean any premises where food is commercially sold for on-premises consumption to patrons seated at tables or counters. Any facility making use of carhop or parking lot service to cars or for the consumption of food to be eaten in said cars or outdoors, shall not be considered a Restaurant for the purpose of this article, and shall be deemed to be a drive-in or take-out establishment.

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.

RE-SUBDIVISION -- shall mean 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.

RIGHT-OF-WAY LINES -- shall mean the boundary lines of land used or intended for use as streets, as shown on deeds, plats, or the master plan, and from which yard and other requirements shall begin.

RIPARIAN LANDS -- those tidal lands of the State of New Jersey which are now or were formerly flowed by mean high water.

ROOMING HOUSE -- any building or portion thereof containing sleeping accommodations without individual cooking facilities for compensation for people who are not members of the family as defined in this Ordinance. The term "rooming house" shall be deemed to include lodging house and boardinghouse.

SATELLITE EARTH STATION ANTENNAS -- a parabolic or dish-shaped antenna which is constructed or installed out of doors and designated for the purpose of receiving television, radio, microwave, or any other form of electronic signals transmitted or relayed directed from space satellite antennas to such device.

SCHOOL -- shall mean any public or private institution offering instruction for students up to and through the secondary level.

SEDIMENTATION -- the deposition of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion.

SETBACK -- shall mean an area extending the full width of the lot between the street right-of-way and the required yard within which no buildings or parts of buildings may be erected.

SETBACK LINE -- shall mean a line drawn parallel with a street line or proposed street line or lot line and drawn through the point of a building nearest to the street line or lot line. The term "required setback" means a line that is established a minimum horizontal distance from the street line or proposed 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.

SHADE TREE -- a tree in a public space, street, special easement, or right-of-way adjoining a street.

SIDEWALK AREA -- a paved path provided for pedestrian use and usually located at the side of a road within the right-of-way.

SIGHT TRIANGLE -- The area outside of the curb line and the straight line connecting (sight points) one (1) located at each curb line at a distance of twenty-five (25) feet from the corner. (Rev. 12/06, Ord. No. 1022)

SIGN AND ADVERTISING STRUCTURE -- any structure or part thereof, or any device attached to a building or painted or represented thereon, which shall display or include any letter, word, model, banner, pennant, insignia, device, trade flag, symbol, or representation which is in the nature of, or which is used as, an announcement, direction or advertisement, for commercial purposes or otherwise. A sign includes any message, neon tube, string of lights, or similar device outlining, hung, painted upon or attached to a part of a building or lot for public view for those outside building, but does not include the flag or insignia of any nation or group of nations, or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, organization, or event.

SIGN AREA -- the area defined by the frame or edge of a sign. When there is no geometric frame or edge to the sign, the area shall be defined by as projected, enclosed, four-sided (straight side) geometric shape which most closely outlines the said sign.

SIGN FUNCTIONS -- these may include, but not be limited to the following:

- a. Advertising -- a sign directing attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained.
- b. Business -- a sign directing attention to a business, commodity, service, or entertainment conducted, sold or offered upon the same premises as those upon which the sign is located.
- c. Directory -- a sign of permanent character, but with interchangeable letters, words or numerals, indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises whereon a sign is maintained.
- d. Identification -- a sign other than a bulletin board, directory or nameplate sign, indicating the name of a permitted use, the name and address of a building, or the name of the management thereof, or the date(s) of construction thereof.
- e. Instructional -- a sign conveying instructions with respect to the premises on which it is maintained, such as parking lot entrance or exit signs, and danger signs.
- f. Nameplate -- a sign indicating the name, address and/or profession or occupation of a person.
- g. Public -- signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his duty, such as safety signs, danger signs, memorial plaques or citations, official court and public notices, signs of historical interest, and the like.
- h. Temporary -- a sign which is designed to advertise or announce, for a limited period, a particular event or series of events, to solicit political support, or to announce the availability for sale of a particular item or items.

SIGN HEIGHT -- the greatest vertical dimension between the top of a sign and the ground.

SIGN, ILLUMINATED -- any sign illuminated by electricity, gas or other artificial light, including reflective or phosphorescent light.

SIGN, INTERIOR -- any sign that is affixed to or painted on the interior of a window or any sign located inside and within three feet of the face of the window, which sign is designed to be visible from the exterior of the window.

SIGN TYPES -- these may include, but not be limited to the following types:

- a. Awning -- a sign which is attached to or made part of an awning.
- b. Ground -- a freestanding sign supported by uprights or braces in or upon the ground and not attached to any part of a building.
- c. Hanging -- a sign design to project beyond the front face and perpendicular to it over a public walkway.
- d. Integral -- a sign carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.
- e. Marquee -- a sign attached to or hung from a marquee, canopy, or other covered structure projecting from and supported by the building.
- f. Roof -- a sign which is erected, constructed or maintained on, above or as part of the roof of any building.
- g. Wall -- a sign which is attached directly to the building and is parallel to the building.
- h. Wall painted -- a sign which is painted directly on the side of a building or structure.

SITE -- shall mean the place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupations or activities that may be marked by physical remains, or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may also be the location of a ruined building, structure, or object if the location itself possesses historic, cultural, or archeological significance.

SITE PLAN -- shall mean a development plan of one (1) or more lots on which is shown: the existing and proposed conditions of the lot, including but not limited to topography, vegetation, drainage, flood plains, 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, 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 ordinance.

SITE PLAN, MAJOR -- any development plan not classified as a minor site plan.

SITE PLAN, MINOR -- any development plan which:

- a. Is limited to the proposed construction of any permitted accessory use(s) other than fences and signs, such as a garage, carport, or off-street parking area, as such

accessory uses are specifically permitted in this ordinance, provided major site plan approval has been previously granted for the principal use; or

b. Consists of an expansion of, addition to, or alteration of, an existing conforming structure and/or use not exempted from site plan review and

- (1) Not accounting for more than five (5%) percent additional building coverage or five (5%) percent additional lot coverage,
- (2) Not exceeding more than two thousand (2,000) cubic feet of enclosed and roofed area,
- (3) Not involving a planned development,
- (4) Not entailing the installation of any road improvements or the expansion of public facilities,
- (5) Not involving any new street or extension of any off-tract improvement which is to be pro-rated pursuant to Section 30 of New Jersey Statutes Annotated (N.J.S.A. 40:55D-42).

An application for a minor site plan shall contain information reasonably required in order to make an informed determination as to whether the requirements established by Ordinance for approval of a minor site plan have been met.

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 habitable floor area of which is limited to 30% of the next lower floor. (Rev. 07-06, Ord. 1013)

STREET -- shall mean any street, avenue, boulevard, road, parkway, viaduct, drive or other way: which is an existing State, County or Municipal roadway; or which is shown upon a plat heretofore approved pursuant to law; or which is approved by official action 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 included the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines. For the purposes of this ordinance, streets shall be classified as follows:

- a. Arterial Streets -- are those which are used primarily for fast or heavy traffic.
- b. Collector Streets -- are those which carry traffic from minor streets to the major system of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.
- c. Minor Streets -- are those which are used primarily for access to the abutting properties.

- d. Marginal Access Streets -- are streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.
- e. Alleys -- are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

STREET FURNITURE -- man-made, above-ground items that are usually found in street rights-of-way, including benches, kiosks, plants, canopies, shelters, and phone booths.

STREET HARDWARE -- the mechanical and utility systems within a street right-of-way such as hydrants, manhole covers, traffic lights and signs, utility poles and lines, parking meters and the like.

STREET HIERARCHY -- the conceptual arrangement of streets based upon function. A hierarchical approach to street design classifies streets according to function, from high traffic arterial roads down to streets whose function is residential access. Systematizing street design into a road hierarchy promotes safety, efficient land use, and residential quality.

STREET LINE -- shall mean the edge of the existing or future street right-of-way, whichever may result in the widest right-of-way, as shown on the adopted Master Plan or Official Map, forming the dividing line between the street and a lot.

STREET, LOOP -- a street that has its only ingress and egress at two points on the same sub-collector or collector street.

STRUCTURAL TRIM -- the molding, battens, cappings, nailing strips, latticing, platforms and letters, figures, characters or representations in cut out or irregular form which are attached to the sign structure.

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. Houseboats are not included.

STRUCTURE ALTERATION -- any change in the structural members of a building such as walls, columns beams or girders.

SUBDIVIDER -- any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this Ordinance to effect a subdivision of land hereunder for himself or for another.

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 act, if no new streets are created: division of land found by the Planning Board to be for agricultural purposes where all resulting parcels are five (5) acres or more in size; divisions of property by testamentary or intestate provisions; divisions of property upon court order including, but not limited to, judgments 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 to conform to all requirements of the municipal development regulations and which are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality. The term "sub-division" shall also include the term "re-subdivision."

SUBDIVISION, MAJOR -- shall mean any division of land not classified as a minor subdivision.

SUBDIVISION, MINOR -- shall mean any division of land containing an aggregate of not more than five (5) lots [four (4) 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 Borough facilities; not involving any streets requiring additional right-of-way width as specified in the Master Plan or Official Maps and/or the street requirements of this chapter, unless such additional right-of-way width, either alone one (1) or both sides of said street(s), as applicable, shall be deeded to the Borough or to the appropriate governmental authority prior to classification as a minor subdivision; not involving any required "off-tract" improvements; not adversely affecting the development of the remainder of the parcel of adjoining property; not being a further division of an original tract of land for which previous subdivision(s) have been approved by the Borough within the current calendar year and where the combination of the proposed and previously approved minor subdivision(s) constitute a major subdivision; not involving a planned development; 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 Borough tax maps. Any readjustment of lot lines resulting in new lots shall be classified as a minor subdivision for purposes of the application submission and review requirements but not for purposes counting whether there has been a subdivision within the current calendar year.

SUITE OF ROOMS -- in a motel or multi-family dwelling is two (2) or more rooms intended to be occupied by one (1) family or party and served by one (1) bath and shall not include interconnecting rooms each with bath and separate outside entrance.

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 fifteen (15) inches in depth or a capacity of 300 gallons or less; and does not require braces or supports. Wading pools are not subject to this ordinance. (Rev. 9-06, Ord. 1017)

SWIMMING POOL, PRIVATE -- a swimming pool, other than a wading pool, whether portable or fixed, that is located on a lot principally used for a single or two-family residential dwelling. Includes all buildings, structures appurtenant thereto. (Rev. 9-06, Ord. 1017)

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. (Rev. 9-06, Ord. 1017)

TRAILER -- a structure of vehicular, portable design built on a chassis and designed to be moved from one site to another and to be use with or without a permanent foundation, provided, however, that a boat trailer shall not be considered a trailer.

TEMPORARY TRAILER -- a movable trailer or manufactured mobile office which is licensed by the Construction Official to be located on a construction site for a period of time deemed appropriate by the Construction Official given the scope of the construction project.

TOP SOIL -- the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of plant life.

USABLE RECREATION SPACE -- open space designed and developed to be utilized for the purpose of recreation whether it be park land, ball fields, beaches, waterfront or playgrounds.

USE -- the specific purpose for which a parcel of land, a building or a portion of a building is designed, arranged, intended, occupied or maintained. The term "permitted use," or its equivalent, shall not be deemed to include any nonconforming use.

USE, PRINCIPAL -- shall mean the main or primary purpose or purposes for which land and/or structure(s), or use therefor is designed, arranged, or intended or for which they may be occupied or maintained under this Article. All other structures or uses on the same lot and incidental or supplementary thereto and permitted under this chapter, shall be considered accessory uses.

USE, ACCESSORY -- a use which is customarily associated with and subordinate to the principal use of a lot or a building and which is located on the same lot therewith.

VARIANCE -- shall mean permission granted to an applicant for the development by the Planning Board or the Zoning Board of Adjustment, as the case may be, to depart from the literal requirements of the zoning provisions of this Ordinance.

VEHICULAR SIGN -- any sign permanently or temporarily attached to a non-operating vehicle, including but not limited to a car, truck, van or bus.

YARD -- shall mean a ground area, unoccupied space open to the sky except for permitted fences, garden walls, plantings and access-ways, and that portion of any lot extending inward from the lot or street line for the distance required by the district within which the lot is located.

YARD, FRONT -- shall mean a ground area, unoccupied except for planting and/or access-ways fully open to the sky, between the street line and a line drawn parallel thereto along the front of the building, extending from lot line to lot line.

YARD LINE -- shall mean a line drawn parallel to a street or lot line at a distance therefrom equal to the respective yard dimension required by this Ordinance.

YARD, REAR -- shall mean a ground area, unoccupied except for permitted fences, garden walls, planting and/or access-ways, fully open to the sky, between the rear lot line and a line drawn parallel thereto along the rear of the building extending from lot line to lot line.

YARD, REQUIRED -- shall mean any yard measured between a line drawn parallel to a street or lot line at a distance therefrom equal to the respective yard dimension required by this Ordinance.

YARD, SIDE -- shall mean a ground area, unoccupied except for permitted fences, garden walls, planting and/or access-ways, fully open to the sky, between any lot line other than a street or rear lot line, and a line drawn parallel thereto along the side of the building, between the front and rear yards.

ZONING BOARD -- shall mean the Zoning Board of Adjustment as established under this chapter.

ZONING DISTRICT -- shall mean a finite area of land, as designated by its boundaries on the zoning map, through which specific and uniform regulations govern the use of land and/or the location, size and use of buildings.

ZONING MAP -- shall mean the map annexed to and made part of this chapter, indicating zoning districts.

ZONING OFFICER -- shall mean the municipal official appointed by the Borough Commissioners to carry out the literal provisions of the Zoning Ordinance.

ZONING PERMIT -- shall mean a document signed by the which either: is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building; or which acknowledges that such use, structure or building complies with the provisions of the municipal zoning ordinance or variance therefrom duly authorized by a municipal agency pursuant to N.J.S.A. 40:55D-60 and 40:55D-70.

ARTICLE III
ZONING DISTRICTS, RULES AND REGULATIONS

85-12 Establishment of Zoning Districts. The Borough of Wildwood Crest is hereby divided into the following zoning districts, differentiated according to use, area, and bulk requirements, to be designated as follows:

R-1	Low Density Residential Zone
R-1A	Semi-Low Density Residential Zone
R-1C	Single Family Residential Zone
R-2	Two Family Residential Zone
R-3	Multi-family Residential Zone
B-1	Business Zone
MC	Marine Commercial Zone
M-1	Hotel, Motel & Multi-Family Zone
W-1	Beach Front Recreation Zone
W-2	Sunset Lake Recreation Zone

85-13 Effect of Establishment of Districts. Every building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

85-14 Zoning Map. The boundaries of the zoning districts are hereby established as shown on the amended "Zoning Map, Borough of Wildwood Crest," adopted October 6, 2005, which, with all explanatory matter thereon, is hereby adopted and made a part of this Ordinance. An official copy of said map, indicating the latest amendments, shall be kept up to date in the offices of the Construction Official and for the use and benefit of the public. The zoning map shall be the official reference as to the current zoning classification of any land within the boundaries of the Borough of Wildwood Crest. (Rev. 10-05, Ord. 983)

85-15 Interpretation of District Boundaries. In determining the boundaries of districts shown on the map, the following rules shall apply:

A. Where district boundaries are indicated as approximately following the center lines of streets, highways, street lines or highway right-of-way lines, waterways, or railroad rights-of-way or such lines extended, such center lines shall be construed to be such boundaries.

B. Where district boundaries are so indicated that they are running parallel to the center lines or street lines of streets, such district boundaries shall be construed as being parallel thereto, and at such distances therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.

C. Whenever any street or public way is vacated by official action, the zoning districts adjoining the side of such public way shall be automatically extended to include the right-of-way thus vacated which shall thenceforth be subject to all regulations of the extended district or districts. In general, where the vacated right-of-way is bounded on either side by more than one district, the former center line of such right-of-way shall determine extension of each district.

D. In all other cases where dimensions are not shown on the map, the location of boundaries shown on the map shall be determined by the Zoning Officer by application of a scale thereto.

E. In cases of uncertainty or disagreement as to the true location of any district boundary line, the determination thereof shall be with the Board of Adjustment.

F. Zoning district boundaries shall not end at mean high water levels where state-owned land begins and private property ends.

85-16 Principal Building per Lot. Unless otherwise specifically permitted within this ordinance, no more than one (1) principal dwelling or building shall be permitted on one (1) lot.

85-17 General District Regulations. No development shall take place within the Borough nor shall any land be cleared or altered, nor shall any watercourse be diverted or its channel or floodplain dredged or filled, nor shall any parking areas, accessory or otherwise or accessways thereto, be constructed, installed or enlarged, nor shall any building permit be issued with respect to any such structure, land or parking area except in accordance with an approval of such development granted pursuant to this Ordinance unless exempted in accordance with Section 85-21 of this Article. 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 Ordinance 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.

Where the provisions of this ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this ordinance shall be controlling. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this ordinance, the provisions of such statute, other ordinance, or regulations shall be controlling.

Every building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

85-18 Permitted Uses. The following uses are permitted in all districts:

A. All facilities owned or operated or hereafter owned or operated by the Borough of Wildwood Crest or by any authority or agency created by it.

85-19 Prohibited Uses. All uses not expressly permitted by this ordinance are prohibited in all districts (unless permitted by conditional use permit as elsewhere in this ordinance provided), such prohibition to include but not be limited to the following:

A. Any use which emits excessive or objectionable amounts of dust, fumes, noise, odors, smoke, vibrations or waste products.

B. The selling, offering for sale, displaying or advertisement of any food, merchandise, commodity, goods or wares on vacant or unimproved lots.

- C. Trailer camps and mobile home parks.
- D. Heliports.
- E. Removing or causing to be removed topsoil from the Borough of Wildwood Crest.
- F. Trucking terminal, including moving and storage.
- G. Junk yards, car wreck and automobile body repair garages, automobile painting or repairing establishments, and construction enterprises.
- H. Automobile sales establishment, whether new or used.
- I. Dumping or storage of waste or scrap material.
- J. Incinerators.
- K. Floating homes or houseboats.
- L. Trailers.
- M. Storage of oil, gas, gasoline or petroleum, except for on-the-premises consumption for heat, fuel or power.
- N. Cemeteries.
- O. Outdoor coin-operated or mechanically controlled business including but not limited to carwashes and shooting galleries.
- P. Parking of commercial vehicles in residential zones. Two commercial vehicles of a rated capacity not exceeding one ton or 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. The provisions of this chapter must be met on the single lot for which the use is accessory to the main use of the premises. This provision shall not be deemed to limit the number of commercial trucks or cars used upon a farm or construction equipment which is used on the site for construction purposes.
- Q. Any amusement related activity including but not limited to pool rooms, dance halls, moving picture theaters, ice or roller skating rinks, outdoor machine operated amusements (video machines), or bowling alleys.
- R. An operation open between the hours of 11:00 p.m. and 6:00 a.m., unless selling food for on or off-premises consumption.
- S. Car washes.
- T. Change in use of any property from a permitted use in the zone or a change in the use of a permitted pre-existing, nonconforming use is prohibited unless by Zoning Board variance application and approval. Change in ownership of a property including through condominium bylaws and master deed, does not authorize change in the permitted zoning use of the property.

(Rev. 7/08, Ord. No. 1062)

85-20 Conditional Uses. Any use listed as a conditional use in a particular district may be permitted by the Planning Board, but only after it has determined that the development proposal complies with the conditions and standards set forth in this Ordinance for the location and operation of such use. All conditional uses shall comply with the following requirements and standards in addition to those set forth elsewhere in this Ordinance:

A. All proposed structures, equipment, or material shall be readily accessible for fire and police protection.

B. The proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated, will be free of nuisance characteristics, and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

C. In addition to the above, in the case of any use located in, or directly adjacent to, a residential zone:

1. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential zone, or conflict with the normal traffic of the neighborhood; and

2. The location and height of buildings, the location, nature, and height of walls and fences, and the nature and extent of landscaping on the site, shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, nor materially affect property value thereof.

D. Each application for a conditional use shall be accompanied by a proposed site plan showing the size and location of the lot, the location of all buildings and proposed facilities including access drive, parking area, and all streets within one hundred (100) feet of the lot.

E. Any lot for which a conditional use may be granted shall be deemed to be a conforming use in the district in which such use is located, except as provided in Section F below, provided that such approval shall affect only the lot or portion thereof for which such use shall have been granted.

F. In case of review of the conditional use, the Planning Board may impose such reasonable conditions, including, but not limited to, the placing of fencing and screening as will minimize the impact such open use has upon surrounding residential properties. In such cases, the Planning Board may also permit reasonable changes in existing structures on the land, within the limitation of the zone in which said use is located, for the purpose of limiting the open use of the land.

85-21 Uses Requiring Site Plan Approval. All activities except the following shall require site plan approval:

A. The construction, customary use, and modification of single family detached dwelling unit or a two-family dwelling unit, including any permitted accessory buildings and uses incidental to the principal use of the property.

B. Construction which is determined by the Construction Official to constitute ordinary repairs, as defined by the State of New Jersey Department of Community Affairs Uniform Construction Code.

C. A proposed development involving a change in use or occupancy but not affecting existing circulation, drainage, building arrangements, landscaping, buffering, lighting and other considerations of site plan review. Involves normal maintenance or replacement such as a new roof, painting, new siding or similar activity.

D. Any structure or use for which a site plan review application was made to the Planning Board prior to the effective date of this ordinance under municipal ordinance and regulations then in effect superseded by this Ordinance and that is developed in accordance with an approval of such application heretofore given by the Planning Board pursuant to said prior ordinance and regulations, provided that such approval is less than two (2) years old.

E. The construction of a parking area for less than four (4) vehicles.

Site plans for uses of all property, except individual single family and two-family residences and those exemptions listed above, shall in addition to conforming to any and all regulations pertaining thereto that are specifically set forth in this Ordinance, be reviewed and approved by the Planning Board prior to the issuance of a zoning permit. In considering any site plan hereunder, the Planning Board shall be governed by the objectives and standards contained within this Ordinance.

85-22 Waiver of Site Plan and Subdivision Standards/Review. The rules, regulations, and standards set forth in this article shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Borough. However, if the applicant can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of this Ordinance is impracticable or will exact undue hardship, the Planning Board (and the Zoning Board where it has jurisdiction) may permit such exemption(s) and waiver(s) as may be reasonable, within the general purpose and intent of the rules, regulations and standards established by this Ordinance. The Planning Board (and the Zoning Board where it has jurisdiction) may waive the requirement for site plan approval where there is a change in use or occupancy and no extensive construction or improvements (or de minimis construction or improvements) are sought. The waiver may be granted only upon a resolution by the Board's finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of site plan approval and that the existing facilities do not require upgraded or additional site improvements. The application for a waiver shall include a discussion of the prior use of the site, the proposed use and its impact. The waiver can be granted only at a public meeting. An application for plan waiver shall be considered to be an application for site plan approval so as to authorize and permit the Planning Board to exercise its ancillary powers to hear variance requests pursuant to N.J.S.A. 40:55D-60.

85-23 Planning Board/Zoning Board Jurisdiction. In this Ordinance, any reference to the "Planning Board" shall be considered to refer to the Zoning Board of Adjustment in those instances where the Zoning Board of Adjustment has jurisdiction as granted by the Municipal Land Use Law (N.J.S. 40:55D-1 et seq.) and vice versa.

85-24 Bylaws. The Planning and Zoning Board may, from time to time, promulgate such rules and regulations as it may deem necessary for the proper internal administration of this Ordinance. A copy of such rules and regulations shall be kept in the Borough offices on file with the Construction Official and the Borough Clerk.

ARTICLE IV
R-1 LOW DENSITY RESIDENTIAL ZONE

85-25 Permitted Uses. In the R-1 Residential District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one (1) of the following uses:

- A. Single family residences, in connection with which there may be a private garage or carport if consistent with Section 85-26D. There shall not be more than one (1) single family detached dwelling on a single lot.
- B. Parks and playgrounds not operated for profit.
- C. Municipal buildings and uses.
- D. Firehouses and volunteer ambulance corps buildings providing free ambulance, emergency first aid, and disaster assistance to individuals and groups within the Borough of Wildwood Crest.
- E. Community residences for the developmentally disabled and community shelters for victims of domestic violence where they house six (6) or less persons, excluding resident staff.

85-26 Accessory Uses. The following accessory uses shall be permitted in this district:

- A. Private residential swimming pools (see Section 85-81.)
- B. Fences and walls (see Section 85-82.)
- C. Signs (see Section 85-97).
- D. A detached garage or carport of not more than a three (3) car capacity, used solely by the persons living in the dwelling house, and a storage or tool shed housing garden tools, provided that such garage, carport or shed is on the same lot as the dwelling house or on a lot contiguous thereto. No such accessory building shall be constructed upon a lot until the construction of the dwelling house has been commenced, nor shall an accessory building be used unless the dwelling house has been completed and put into use. Private storage or tool sheds shall not exceed ten (10) feet in height to the peak of the roof or one hundred (100) square feet in area.
- E. Boats, sailboats, campers, RV's, travel trailers, house trailers or self-propelled housing units shall be permitted to park or be stored in rear and side yards within accessory building setback lines. Their dimensions shall not be counted in determining maximum building and lot coverage and they shall not be used for temporary or permanent living quarters while situated on the lot. Parking of these boats, vehicles, and other units shall be subject to the following restrictions:
 - 1. They must be at least four (4) feet from any rear or side property line.
 - 2. They must be at least four (4) feet from any structure.
 - 3. They must be parked or stored perpendicular to the curb line.
 - 4. No portion of the boat, sailboat, vehicle or unit may encroach upon any public right-of-way, including sidewalks.
 - 5. If boat covers or custom-made canvas covers are used, they must be tightly secured to the boat or sailboat.

6. Boats and sailboats on trailers, and campers cannot be stored on a lot for more than one hundred eighty (180) consecutive days.
- F. Mechanical equipment for heating and air conditioning subject to the following restrictions:
- a. Located in the side and rear yards only.
 - b. Setback from the property lines a minimum of 4 feet.
 - c. Buffered for noise to the adjoining property by landscaping or other means.

(Rev. 07-06, Ord.
1013)

85-27 Conditional Uses. The following conditional uses shall be permitted in this district:

- A. Public and private day schools of elementary and/or high school grade licensed by the State of New Jersey.
- B. Public utility installations subject to the following special requirements:
1. No storage of materials and trucks and no repair facilities or staging of repair crews shall be permitted, except within completely enclosed buildings.
 2. The exterior of any structure shall be in keeping with the other structures in the immediate neighborhood.
 3. 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.
 4. 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.
 5. 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.
 6. Landscaping, including shrubs, trees and lawns, shall be provided and maintained.
 7. Off-street parking shall be provided as determined by the Planning Board during site plan review.
- C. Home occupations, including family day care homes (see Section 85-83.)
- D. Satellite earth station antennas (see Section 85-85.)
- E. Community residences for the developmentally disabled and community shelters for victims of domestic violence where they house seven (7) to fifteen (15) persons, excluding resident staff, subject to area and bulk regulations in Section 85-28 and special standards in Section 85-86.

85-28 Area and Bulk Regulations.

- A. Minimum lot area shall be four thousand eight hundred (4,800) square feet.
- B. Minimum habitable floor area for a one-story dwelling shall be one thousand three hundred fifty (1,350) square feet and minimum habitable floor area for a two-story dwelling shall be one thousand six hundred (1,600) square feet.
- C. Minimum lot frontage shall be sixty (60) feet.
- D. Minimum lot width shall be sixty (60) feet.
- E. Minimum lot yards for principal building shall be the following:
 - 1. Front: ten (10) feet

2. Side (one story): six (6) feet on each side
(two story): eight (8) feet on each side

A second story addition can be built in line with an existing minimum six feet (6') side yard setback and shall meet current rear and front yard requirements. (Rev. 04-07, Ord. 1030)

3. Rear: 20% of lot depth (Rev. 6/05, Ord. 977)

F. Minimum lot yards for accessory buildings shall be the following:

1. Front: twenty (20) feet
2. Side: four (4) feet on each side
3. Rear: four (4) feet

G. Maximum lot coverage shall be fifty-five (55%) percent.

H. Maximum building coverage shall be forty-five (45%) percent.

I. Maximum building height shall be two and one-half (2½) habitable stories not to exceed 29 feet to the top most part of the roof from the base flood elevation or thirty two (32) feet from the top of the curb, whichever is higher. All principal structures shall have a minimum two-foot high non-habitable foundation. (Rev. 07-06, Ord. 1013)

J. Maximum height of the eave of a building shall not exceed twenty (20) feet from the base flood elevation or twenty-three (23) feet above grade, whichever is higher, and if there is a wall thirty (30) feet or longer, it shall have a minimum of two (2) feet jog or break for at least twenty (20%) percent of the length of the wall. The jog or break shall extend from grade to the soffit or ridge. Non-habitable architectural features may be permitted in the recess of the jog, i.e., bow windows. (Rev. 09-06, Ord. 1017)

K. Minimum lot depth shall be eighty (80') feet from Denver Avenue to Jefferson Avenue.

L. Minimum roof pitch: a minimum roof pitch of 5 on 12 is required for all single- and two-family residential structures. (Rev. 04-07, Ord. 1030)

ARTICLE V
R-1A SEMI-LOW DENSITY RESIDENTIAL ZONE

85-29 Permitted Uses. In the R-1A Residential District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one (1) of the following uses

- A. Single family residences, in connection with which there may be a private garage if consistent with Section 85-30D. There shall not be more than one (1) single family detached dwelling on a single lot.
- B. Parks and playgrounds not operated for profit.
- C. Municipal buildings and uses.
- D. Community residences for the developmentally disabled and community shelters for victims of domestic violence where they house six (6) or less persons, excluding resident staff.

85-30 Accessory Uses. The following accessory uses shall be permitted in this district:

- A. Private residential swimming pools (see Section 85-81.)
- B. Fences and walls (see Section 85-82.)
- C. Signs (see Section 85-97.)
- D. A detached garage or carport of not more than a three (3) car capacity, used solely by the persons living in the dwelling house, and a storage or tool shed housing garden tools, provided that such garage, carport or shed is on the same lot as the dwelling house or on a lot contiguous thereto. No such accessory building shall be constructed upon a lot until the construction of the dwelling house has been commenced, nor shall an accessory building be used unless the dwelling house has been completed and put into use. Private storage or tool sheds shall not exceed ten (10) feet in height to the peak of the roof or one hundred (100) square feet in area.
- E. Boats, sailboats, campers, RV's, travel trailers, house trailers or self-propelled housing units shall be permitted to park or be stored in rear and side yards within accessory building setback lines. Their dimensions shall not be counted in determining maximum building and lot coverage and they shall not be used for temporary or permanent living quarters while situated on the lot. Parking of these boats, vehicles, and other units shall be subject to the following restrictions:
 - 1. They must be at least four (4) feet from any rear or side property line.
 - 2. They must be at least four (4) feet from any structure.
 - 3. They must be parked or stored perpendicular to the curb line.
 - 4. No portion of the boat, sailboat, vehicle or unit may encroach upon any public right-of-way, including sidewalks.
 - 5. If boat covers or custom-made canvas covers are used, they must be tightly secured to the boat or sailboat.

6. Boats and sailboats on trailers, and campers cannot be stored on a lot for more than one hundred eighty (180) consecutive days.

F. Mechanical equipment for heating and air conditioning subject to the following restrictions:

- a. Located in the side and rear yards only.
- b. Setback from the property lines a minimum of 4 feet.
- c. Buffered for noise to the adjoining property by landscaping or other means.

(Rev. 07-06, Ord.
1013)

85-31 Conditional Uses. The following conditional uses shall be permitted in this district:

A. Churches or places of worship may be permitted in the R-1A zone subject to the following special requirements:

1. Minimum lot area shall be three thousand two hundred (3,200) square feet.
2. Minimum lot depth shall be one hundred sixty (160) feet.
3. Minimum lot frontage shall be one hundred sixty (160) feet.
4. Minimum side yard shall be twenty (20) feet on each side.
5. Minimum front and rear yard shall be twenty (20) feet.
6. Maximum lot coverage shall be sixty-five (65%) percent.
7. Maximum building coverage shall be fifty (50%) percent.
8. All buffering and parking requirements as specified in Article XV.
9. Building height shall not exceed forty-five (45) feet to the topmost part of the roof from the base flood elevation.

B. Public and private day schools of elementary and/or high school grade licensed by the State of New Jersey.

C. Public utility installations subject to the following special requirements:

1. No storage of materials and trucks and no repair facilities or staging of repair crews shall be permitted, except within completely enclosed buildings.
2. The exterior of any structure shall be in keeping with the other structures in the immediate neighborhood.
3. 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.
4. 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.

5. 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.
 6. Landscaping, including shrubs, trees and lawns, shall be provided and maintained.
 7. Off-street parking shall be provided as determined by the Planning Board during site plan review.
- D. Home occupations, including family day care homes (see Section 85-83.)
 - E. Satellite earth station antennas (see Section 85-85.)
 - F. Community residences for the developmentally disabled and community shelters for victims of domestic violence where they house seven (7) to fifteen (15) persons, excluding resident staff, subject to area and bulk regulations in Section 85-32 and special standards in Section 85-86.

85-32 Area and Bulk Regulations.

- A. Minimum lot area shall be three thousand two hundred (3,200) square feet.
- B. Minimum floor area shall be the following:
 1. For all one-story dwellings, a minimum first floor area of one thousand (1,000) square feet of habitable floor area.
 2. For all two-story dwellings, a minimum of one thousand two hundred (1,200) square feet of habitable floor area.
- C. Minimum lot frontage shall be forty (40) feet.
- D. Minimum lot width shall be forty (40) feet.
- E. Minimum lot yards for principal building shall be the following:
 1. Front: ten (10) feet
 2. Side: five (5) feet for each side yard and a combined minimum of 25% of the lot width (Rev. 6/05, Ord. 977)
 3. Rear: 20% of lot depth (Rev. 6/05, Ord. 977)
 4. Bulkhead: 15 feet is the setback from a bulkhead (Rev. 6/05, Ord. 977)

For properties in the R-1A Zone that are subject to the provisions of 85-114B(5)m, "Substantial Improvement," the side yard setbacks shall be one (1) foot for every ten (10) feet of lot frontage, with a minimum side yard setback of five (5) feet.
- F. Minimum lot yards for accessory buildings shall be the following:
 1. Front: twenty (20) feet

2. Side: four (4) feet on each side
 3. Rear: four (4) feet
- G. Maximum lot coverage shall be fifty-five (55%) percent.
- H. Maximum building coverage shall be forty-five (45%) percent.
- I. Maximum building height shall be two and one-half (2½) habitable stories not to exceed 29 feet to the top most part of the roof from the base flood elevation or thirty-two (32) feet from the top of the curb, whichever is higher. All principal structures shall have a minimum two-foot high non-habitable foundation. (Rev. 07-06, Ord. 1013)
- J. The maximum height of the eave of a building shall not exceed twenty (20) feet from the base flood elevation or twenty-three (23) feet above grade, whichever is higher, and if there is a wall thirty (30) feet or longer, it shall have a minimum of two (2) feet jog or break for at least twenty (20%) percent of the length of the wall. The jog or break shall extend from grade to the soffit or ridge. Non-habitable architectural features may be permitted in the recess of the jog, i.e., bow windows. (Rev. 09-06, Ord. 1017)
- K. Minimum lot depth shall be:
1. From Cresse Avenue to Atlanta Avenue: One hundred (100') feet
 2. From Denver Avenue to Jefferson Avenue: Eighty (80') feet
- L. Minimum Roof Pitch: A minimum roof pitch of 5 on 12 is required for all single- and two-family residential structures. (Rev. 04-07, Ord. 1030)

ARTICLE VI
R-1C SINGLE FAMILY RESIDENTIAL ZONE
SECTIONS 85-33 THROUGH 85-36
DELETED IN ITS ENTIRETY BY
ORDINANCE NO. 977

R-1C ZONE HAS BEEN INCORPORATED IN THE R-1A RESIDENTIAL ZONE

CONTINUE TO ARTICLE VII

ARTICLE VII
R-2 TWO FAMILY RESIDENTIAL ZONE

85-37 Permitted Uses. In the R-2 Residential District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one (1) of the following uses:

- A. Single family and two family residences in connection with which there may be a private garage if consistent with Section 85-38D. There shall not be more than one (1) single detached one or two family dwelling on a single lot.
- B. Parks and playgrounds not operated for profit.
- C. Municipal buildings and uses.
- D. Community residences for the developmentally disabled and community shelters for victims of domestic violence where they house six (6) or less persons, excluding resident staff.

85-38 Accessory Uses. The following accessory uses shall be permitted in this district:

- A. Private residential swimming pools (see Section 85-81.)
- B. Fences and walls (see Section 85-82.)
- C. Signs (see Section 85-97.)
- D. A detached garage or carport of not more than a three (3) car capacity, used solely by the persons living in the dwelling house, and a tool shed for housing garden tools, provided that such garage, carport, or shed is on the same lot as the dwelling house or on a lot contiguous thereto. No such accessory building shall be constructed upon a lot until the construction of the dwelling house has been commenced, nor shall an accessory building be used unless the dwelling house has been completed and put into use. Private storage or tool sheds shall not exceed ten (10) feet in height to the peak of the roof or one hundred (100) square feet in area.
- E. Boats, sailboats, campers, RV's, travel trailers, house trailers or self-propelled housing units shall be permitted to park or be stored in rear and side yards within accessory building setback lines. Their dimensions shall not be counted in determining maximum building and lot coverage and they shall not be used for temporary or permanent living quarters while situated on the lot. Parking of these boats, vehicles, and other units shall be subject to the following restrictions:
 - 1. They must be at least four (4) feet from any rear or side property line.
 - 2. They must be at least four (4) feet from any structure.
 - 3. They must be parked or stored perpendicular to the curb line.
 - 4. No portion of the boat, sailboat, vehicle or unit may encroach upon any public right-of-way, including sidewalks.
 - 5. If boat covers or custom-made canvas covers are used, they must be tightly secured to the boat or sailboat.

6. Boats and sailboats on trailers, and campers cannot be stored on a lot for more than one hundred eighty (180) consecutive days.
- F. Mechanical equipment for heating and air conditioning subject to the following restrictions:
- a. Located in the side and rear yards only.
 - b. Setback from the property lines a minimum of 4 feet.
 - c. Buffered for noise to the adjoining property by landscaping or other means.

(Rev. 07-06, Ord. 1013)

85-39 Conditional Uses. The following conditional uses shall be permitted in this district:

A. Churches or places of worship may be permitted in the R-2 zone subject to the following special requirements:

1. Minimum lot area shall be three thousand two hundred (3,200) square feet.
2. Minimum lot depth shall be one hundred sixty (160) feet.
3. Minimum lot frontage shall be one hundred sixty (160) feet.
4. Minimum side yard shall be twenty (20) feet on each side.
5. Minimum front and rear yard shall be twenty (20) feet.
6. Maximum lot coverage shall be sixty-five (65%) percent.
7. Maximum building coverage shall be fifty (50%) percent.
8. All buffering and parking requirements as specified in Article XV.
9. Building height shall not exceed forty-five (45) feet to the topmost part of the roof from the base flood elevation.

B. Public and private day schools of elementary and/or high school grade licensed by the State of New Jersey.

C. Public utility installations subject to the following special requirements:

1. No storage of materials and trucks and no repair facilities or staging of repair crews shall be permitted, except within completely enclosed buildings.
2. The exterior of any structure shall be in keeping with the other structures in the immediate neighborhood.
3. 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.
4. 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.

5. 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.
 6. Landscaping, including shrubs, trees and lawns, shall be provided and maintained.
 7. Off-street parking shall be provided as determined by the Planning Board during site plan review.
- D. Home occupations, including family day care homes (see Section 85-83.)
 - E. Satellite earth station antennas (see Section 85-85.)
 - F. Community residences for the developmentally disabled and community shelters for victims of domestic violence where they house seven (7) to fifteen (15) persons, excluding resident staff, subject to area and bulk regulations in Section 85-40 and special standards in Section 85-86.

85-40 Area and Bulk Regulations.

- A. Minimum lot area shall be three thousand two hundred (3,200) square feet.
- B. Minimum habitable floor area for each dwelling unit shall be eight hundred (800) square feet and shall also meet the following habitable floor area minimums:
 1. For all one-story one family dwellings, a minimum of eight hundred (800) square feet.
 2. For all one-story two family dwellings, a minimum of one thousand (1,000) square feet.
 3. For all two-story one family dwellings, a minimum of one thousand two hundred (1,200) square feet.
 4. For all two-story two family dwellings, a minimum of one thousand three hundred (1,300) square feet.

C. <u>Principal Building Minimum</u>	<u>Single Family</u>	<u>Duplex</u>
Minimum lot frontage	40 ft.	60 ft.
Minimum lot width	40 ft.	60 ft.
Minimum front yard	10 ft.	10 ft.
Minimum side yard	5 ft. with a combined side yard total of 25% lot width (Rev. 07-06, Ord. 1013)	6 ft. with a combined side yard total of 25% lot width (Rev. 07-06, Ord. 1013)
Minimum rear yard	20% of lot depth (Rev. 07-06, Ord. 1013)	20% of lot depth (Rev. 07-06, Ord. 1013)

- D. Minimum lot yards for detached accessory buildings shall be the following:
1. Front: twenty (20) feet
 2. Side: four (4) feet on each side
 3. Rear: four (4) feet
- E. Maximum lot coverage shall be fifty-five (55%) percent for a single family residence and sixty five (65%) percent for a duplex. (Rev. 07-06, Ord. 1013)
- F. Maximum building coverage shall be forty-five (45%) percent for a single family residence and for a duplex. (Rev. 6/05, Ord. 977)
- G. Maximum building height for a duplex shall be two (2) habitable stories, and for a single family shall be two and one-half (2½) habitable stories, not to exceed twenty-nine (29) feet to the top most part of the roof from the base flood elevation or thirty-two (32) feet from the top of the curb, whichever is higher. All principal structures shall have a minimum two-foot high non-habitable foundation. (Rev. 07-06, Ord. 1013)
- H. The maximum height of the eave of a building shall not exceed twenty (20) feet from the base flood elevation or twenty-three (23) feet above grade, whichever is higher, and if there is a wall thirty (30) feet or longer, it shall have a minimum of two (2) feet jog or break for at least twenty percent (20%) of the length of the wall. The jog or break shall extend from grade to the soffit or ridge. Non-habitable architectural features may be permitted in the recess of the jog, i.e., bow windows. (Rev. 09-06, Ord. 1017)
- I. Minimum lot depth shall be:
1. From Cresse Avenue to Atlanta Avenue: One hundred (100') feet
 2. From Atlanta Avenue to Denver Avenue: Ninety (90') feet
 3. From Denver Avenue to Jefferson Avenue: Eighty (80') feet
- J. Minimum Roof Pitch: A minimum roof pitch of 5 to 12 is required for all single- and two-family residential structures. (Rev. 04-07, Ord. 1030)

ARTICLE VIII
R-3 MULTI-FAMILY RESIDENTIAL ZONE

Pursuant to Ordinance No. 983, adopted October 26, 2005, Article VIII, R-3 Multi-Family Residential Zone has been deleted in its entirety, together with all referenced to the R-3 Zone.

(Continued on Page 70)

ARTICLE IX
B-1 BUSINESS ZONE

85-45 Permitted Uses. The purpose of this district is to provide for business, commercial and office uses. Within this district, no lot or building shall be used and no building shall be erected or altered to be used, in whole or in part, unless it complies with the regulations set forth in this article. The following principal uses shall be permitted in this district: (Rev. 6/05, Ord. 977)

- A. Residential use shall be permitted only on upper stories of mixed use buildings.
- B. Stores and shops for the conduct of any retail business, excluding drive-in and curb service establishments.
- C. Personal service establishments including, but not limited to, tailor, barber shops or beauty salons, watch repair, music and record shops, book and stationary stores, card and gift shops, camera shops and similar types of stores.
- D. Indoor repairing and servicing of any article which is permitted for sale in this zone.
- E. Food and food service establishments, including bakeries, candy and nut shops, specialty foods, and sandwich shops.
- F. Self-service and attended laundry and retail dry cleaning services, not including bulk processing, and in the case of dry cleaning establishments not providing for storage of more than one hundred ten (110) gallons of inflammable or toxic cleaning fluid on the premises.
- G. Offices for professional services such as physicians, lawyers or architects; small commercial offices such as realtors, insurance, or travel agencies; small governmental offices, including post office branches or social security; and offices incidental to uses permitted in this section.
- H. Banks, savings and loan associations, and other fiduciary institutions. Drive-up facilities may be permitted, provided such facilities do not adversely impede or conflict with the safe traffic flow required by the principal use on-site or off-site.

85-46 Prohibited Uses. All uses not listed above shall be prohibited in the Business District, and specifically the following:

- A. Outdoor coin-operated or mechanically controlled businesses including but not limited to car washes, shooting galleries.
- B. Any amusement related activity including but not limited to pool rooms, dance halls, moving picture theaters, ice or roller skating rinks, outdoor machine operated amusements (video machines) or bowling alleys.
- C. An operation open between 11:00 p.m. and 6:00 a.m. unless selling food for on- or off-premises consumption.

85-47 Accessory Uses. The following accessory uses shall be permitted in the Business District:

- A. Fences and walls (see Section 85-82.)
- B. Signs (see Section 85-97.)
- C. Parking lots and parking garages provided that:

1. There is no automotive service or repair.
2. The use will not adversely affect traffic in the streets abutting the property.

D. Accessory uses and accessory buildings incidental to the above uses, i.e. fully enclosed storage, dumpster in side or rear yard only, signs, off-street parking and loading, and display kiosks.

E. Public utility installations subject to the following special requirements:

1. No storage of materials and trucks and no repair facilities or staging of repair crews shall be permitted, except within completely enclosed buildings.
2. The exterior of any structure shall be in keeping with the other structures in the immediate neighborhood.
3. 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.
4. 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.
5. 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.
6. Landscaping, including shrubs, trees and lawns, shall be provided and maintained.
7. Off-street parking shall be provided as determined by the Planning Board during site plan review.

F. Child care centers (see Section 85-84).

85-48 Conditional Uses. The following conditional uses shall be permitted in the Business District:

A. Residential in conjunction with business uses may be permitted in the B-1 Zone with the following conditions:

1. Living or sleeping accommodations for one household in conjunction with a permitted use on the ground floor.
2. Such accommodations shall be incidental to the business use of the premises, shall be located within the principal building and only available above the ground floor of the permitted business use.
3. Such accommodations are not located above business uses which by nature of their operation can be considered detrimental to residential living immediately above.

4. The residential portion shall have a direct and separate entrance upon a street either directly or via an unobstructed passageway.
5. The number of parking spaces for the residential uses shall meet the parking criteria for an office use.
6. This use shall be required to meet the bulk and area regulations in Section 85-49.

B. Restaurant, excluding fast food, drive-in, and curb side, may be permitted in the B-1 Zone with the following conditions:

1. Minimum floor area shall be seven hundred fifty (750) square feet.
2. Front yard set back shall be two (2) feet.
3. This use shall be required to meet the bulk and area regulations in Section 85-49.

C. Motor vehicle service stations may be permitted in the B-1 Zone with the following conditions:

1. Minimum lot width including any lot side shall be one hundred (100) feet.
2. Minimum lot area shall be ten thousand (10,000) square feet.
3. Minimum set back line from all street line shall be forty (40) feet.
4. Minimum distance of buildings from all property lines other than street lines shall be ten (10) feet.
5. Minimum distance between any access driveways and the lot line of the following uses -- church, library, school and similar uses -- shall be two hundred (200) feet, measured along the same street line in the same block.
6. Minimum distance between gasoline pump islands, compressed air connections, and similar equipment and facilities and any street lines shall be twenty-five (25) feet.
7. Spacing of access driveways:
 - a. Minimum distance from adjoining property lines shall be ten (10) feet.
 - b. Minimum distance from intersections shall be twenty (20) feet.
 - c. Minimum distance between access driveways shall be thirty (30) feet.
 - d. Access driveways onto state or county highways shall be approved by the Borough Engineer and the state or county highway department.
8. Hydraulic hoists, pits, and all lubrication, greasing, washing, and repair equipment shall be entirely enclosed within buildings.

- 9. Exterior lighting shall be shielded so that it is deflected away from adjacent properties and from passing motorists.
- 10. The proposed use shall not be detrimental to the health, safety, or general welfare of the borough, and it shall not result in a depreciation of any established property values in the general area.
- 11. To secure safe and efficient traffic movement patterns, the minimum distance between structures of any service station and another service station, or those for which a building permit has been issued: two hundred (200) feet, measured along the same street line in the same or adjoining block. For similar use establishments located on opposite sides of the street, the point of beginning measurement shall be offset to the opposite street line.
- 12. No parking shall be permitted within the front yard setback. All parking in the side and rear yards shall be adequately screened and landscaped so as to obscure any stored vehicles from view at the adjoining lot lines and the public street.
- 13. The premises of a motor vehicle service station shall primarily be used for the sale of gasoline; and the use of the premises for body work, painting, storage of wrecked or junked motor vehicles, major motor repairs, parking of car or trucks, or the sale or rental of any new or used motor vehicles, motorcycles, or trailers is hereby specifically prohibited.
- 14. This use shall be required to meet the bulk and area regulations in Section 85-49.

- D. Satellite earth station antennas (see Section 85-85.)
- E. Home occupations including family day care homes (see Section 85-83).

85-49 Bulk and Area Regulations.

- A. Minimum lot area shall be three thousand two hundred (3,200) square feet.
- B. Minimum first floor area shall be seven hundred fifty (750) square feet.
- C. Minimum lot frontage shall be forty (40) feet.
- D. Minimum lot width shall be forty (40) feet.
- E. Minimum lot yards for principal building shall be the following:
 - 1. Front: two (2) feet
 - 2. Side: four (4) feet on each side
 - Side adjoining street: ten (10) feet
 - 3. Rear: four (4) feet
- F. Maximum lot coverage shall be eighty (80%) percent.

- G. Maximum building coverage shall be fifty (50%) percent.
- H. Maximum building height shall be two (2) stories, but not to exceed twenty-nine (29) feet in height to the topmost point of the roof from the base flood elevation.
- I. All principal ingress and egress shall be solely off of New Jersey Avenue.

85-50 Design Standards. Any permitted and conditional use in the B-1 Zone shall only be permitted if it complies with the following standards:

A. Parking and Service Areas

- 1. Curbing or curb stops shall be provided in all off-street parking areas and along all access-ways.
- 2. No parking area, access drive or aisle may be permitted closer than five (5) feet to any property line.
- 3. Off-street parking areas and access-ways thereto shall be properly drained, and all such areas shall have a paved hard surface.
- 4. All off-street parking areas and access-ways shall be so arranged that cars and trucks may be turned on the lot so that it is not necessary to back into any roadway.
- 5. Common or joint driveway access and parking to the rear of sites is encouraged.
- 6. Access driveways onto major thoroughfares shall be permitted only if alternatives, including side or rear access and common or shared single access driveways, have been considered by the Planning Board.
- 7. Impervious parking coverage shall be limited, to the extent possible, by the use of parking in or under buildings, the elimination of excess paving, grassed land bank parking, and the use of permeable surfaces for paving where appropriate.
- 8. Parking areas shall be designed to minimize pedestrian and moving vehicle conflicts. Pedestrian walkways, parking lot islands, signage and pavement texture differentiation shall be required by the Planning Board where appropriate to ensure the safe movement of pedestrians.
- 9. All parking and service areas shall be screened from the view of adjoining residentially zoned properties and/or actual residential use.

B. Parking Lot Extension Into Residential Zones. Any permitted use in the B-1 Zone may be permitted to extend its parking area into an adjacent residential zone if it complies with the following regulations:

- 1. No access shall be permitted to the parking area from within the residential zone.

2. Parking area may extend a maximum of one hundred and twenty (120) feet into the residential zone.
3. A buffer strip shall be provided between the parking area and the residential zone. The buffer strip shall consist of a ten-foot wide planted area and a screen fence of six (6) feet in height. Shrubs shall be planted five (5) feet on center and shall be five (5) feet in height at the time of planting. Evergreen trees shall be six (6) feet to eight (8) feet tall and deciduous trees shall have a minimum caliper of 3+ inches measured six (6) inches above the ground.

C. Off-Street Parking Location. Parking spaces may be provided either on-site, off-site or a combination thereof.

1. All off-street parking requirements shall be provided on-site. All off-street parking shall be designed in accordance with the standards contained in Article XV of this Ordinance.
2. Commercial parking spaces may be provided on-site, off-site or a combination thereof.
3. Off-site parking spaces for permitted uses may be provided through one or a combination of the following options:
 - a. Providing the required spaces on other properties owned in fee simple by the commercial use, located within a zone which permits the proposed use(s), either contiguous with or within three hundred (300) feet walking distance of a primary pedestrian entrance to the site being developed.
 - b. Providing evidence that the required spaces have been leased or rented from others within three hundred (300) feet walking distance. In such case, the space to be leased or rented shall be properly established under the terms of this Ordinance and the minimum term of such lease or rental shall be consistent with the probable duration of the proposed occupancy but not less than twenty (20) years.
4. If off-street parking requirements are not met as provided above, the developer must:
 - a. Obtain approval of a parking space variance subject to the provisions of Article XV of this Ordinance, and
 - b. If a variance is granted due to demonstrated hardship or other good and sufficient, make a cash contribution to the Borough of Wildwood Crest for each required space not provided in order to develop a program of constructing public parking lots, in an amount equal to the cost of providing the required number of off-site parking spaces, to be calculated by the Borough Engineer.
 - c. Any monies which are paid to the borough for parking spaces under 4b. above shall be a one-time credit against an assessment for parking spaces if they are included within the assessment.

D. Building Design and Use

1. The treatment of side and rear walls of any building in terms of building materials shall be similar to the treatment of the front facade.
2. The display of merchandise or nonpermanent uses and/or activities, e.g. picnic areas and vending machines, placed on the exterior premises of any building is prohibited. All solid waste not stored within a building shall be stored within an enclosed container.
3. Buildings shall be oriented, to the extent possible, so as to maximize the potential for the use of solar energy for heating, cooling, and energy conservation.
4. All buildings shall have a unified architectural treatment whether constructed as new or as an additional structure physically and aesthetically integrated with the existing structure. The Planning Board shall consider in its architectural review items such as materials, colors, building setbacks, facade treatments and building height and shall encourage the revitalization of existing structures to insure compatibility with proposed building additions.

E. Site Design and Building Layout

1. The site design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection, impact on surrounding development and contiguous and adjacent buildings and lands.
2. To promote a desirable visual environment and to ensure good civic design, the Planning Board in its review shall consider, but not be limited in its consideration of, visual impacts of the proposed development, including views and view interference, shadow effects and solar orientation, noise impacts, and design compatibility with surrounding land uses.

F. General Design Requirements. Any development in this district which will be used wholly or in part for business purposes shall be designed so as to provide a comprehensive development plan for the area for which it is a part, the goals being to control means of access and to coordinate internal pedestrian and vehicular traffic flow relating to existing development and architectural compatibility.

G. Facade Review. Any new facade or change in the facade of an existing building (architecture, color and design) shall be reviewed by the Development Review Committee and approved by the Planning Board.

ARTICLE X
MC MARINE COMMERCIAL ZONE

85-51 Permitted Uses. The purpose of this district is to provide for marine oriented business activities and uses. Within this district no lot or building shall be used, in whole or in part, unless it complies with the regulations set forth in this article. The following principal uses shall be permitted in this district:

- A. All permitted and conditional uses and associated area and bulk regulations as identified in the R-1A Zone. (Rev. 7-28-04 - Ord. 962; 6/06, Ord. 977)
- B. Pleasure boats and other vessels that are in keeping with the resort community and related facilities including launching, dock-side services such as the sale of gas and oil, subject to applicable Borough and State regulations.
- C. Jet-ski business and related facilities.
- D. Marine supply retail sales, service and repair establishments.
- E. Sight-seeing and sport fishing boats.
- F. Boatels or other transient residential accommodations for boat travelers when located immediately adjacent to boat docking facilities.
- G. Marine support facilities, e.g. commercial and private docks, maintenance yard, boat storage, fishing docks, and offices for the sale of marine equipment or products.
- H. Fish and tackle shops.
- I. Boat and marine engine sales and display.
- J. Retail sale or rental of boating, fishing, diving and bathing supplies and equipment.
- K. Yacht clubs and marinas, including uses accessory to them such as swimming pools, tennis courts and racquetball facilities.
- L. Marine civic, social, and fraternal association meeting places.
- M. Marine oriented boutique or gift shop.
- N. Art galleries and museums with a nautical theme; art or craft shops and studios.
- O. Offices for professional and business services.
- P. Restaurants including waterfront restaurants, but excluding fast-food, drive-in and curb service establishments. Such prohibitions shall not, however, prevent service at tables on a covered or uncovered terrace or porch incidental to a permitted restaurant.
- Q. Miniature golf course.
- R. Stores and shops for retail businesses.

85-52 Prohibited Uses. All uses not listed above shall be prohibited in the Marine Commercial District, and specifically the following:

A. Outdoor coin-operated or mechanically controlled businesses including, but not limited to, car washes, shooting galleries.

B. Any indoor amusement related activity including, but not limited to, pool rooms, dance halls, moving picture theaters, ice or roller skating rinks, outdoor machine operated amusements (video machines) or bowling alleys.

C. An operation open between 11:00 pm and 6:00 a.m., unless selling food for on or off-premises consumption.

85-53 Accessory Uses. The following accessory uses shall be permitted in the Marine Commercial District:

A. Fences and walls (see Section 85-82.)

B. Signs (see Section 85-97.)

C. Parking lots and parking garages provided that:

1. There is no automotive service or repair.

2. The use will not adversely affect traffic in the streets abutting the property.

D. Accessory uses and accessory buildings incidental to the above uses, i.e. fully enclosed storage, dumpster in side or rear yard only, signs, off-street parking and loading, and display kiosks.

E. Public utility installations subject to the following special requirements:

1. No storage facilities of materials and trucks and no repair facilities or staging of repair crews shall be permitted, except within completely enclosed buildings.

2. The exterior of any structure shall be in keeping with the other structures in the immediate neighborhood.

3. 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.

4. 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.

5. 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.

6. Landscaping, including shrubs, trees and lawns, shall be provided and maintained.

- 7. Off-street parking shall be provided as determined by the Planning Board during site plan review.
 - F. Child care centers (see Section 85-84).
 - G. Mechanical equipment for heating and air conditioning subject to the following restrictions:
 - a. Located in the side or rear yards only.
 - b. Setback from the property line a minimum of 4 feet.
 - c. Buffered for noise to the adjoining property by landscaping or other means.
- (Rev. 07-06, Ord. 1013)

85-54 Conditional Uses. The following conditional uses shall be permitted in the Marine Commercial Zone:

- A. Satellite earth station antennas (see Section 85-85).
- B. Home occupations including family day care homes (see Section 85-83).

85-55 Area and Bulk Regulations.

- A. Minimum lot area shall be three thousand two hundred (3200) square feet.
- B. Minimum lot frontage shall be forty (40) feet.
- C. Minimum lot width shall be forty (40) feet.
- D. Minimum floor area shall be seven hundred fifty (750) square feet.
- E. Minimum lot yards for buildings shall be the following:
 - 1. Front: five (5) feet
 - 2. Side: four (4) feet on each side
Side adjoining street: ten (10) feet
 - 3. Rear: four (4) feet
 - 4. Bulkhead: four (4) feet

For properties in the MC Zone that are subject to the provisions of 85-114B(5)m, "Substantial Improvement," the side yard setbacks shall be one (1) foot for every ten (10) feet of lot frontage, with a minimum side yard setback of five (5) feet.

- F. Maximum lot coverage shall be eighty (80%) percent.
- G. Maximum building coverage shall be fifty (50%) percent.
- H. Maximum building height shall be two (2) stories, but not to exceed twenty-nine (29) feet in height to the topmost point of the roof from the base flood elevation.

85-56 Design Standards. Any permitted use in the MC Zone shall only be permitted if it complies with the following standards:

A. Parking and Service Areas

1. Curbing or curb stops shall be provided in all off-street parking areas and along all access-ways.
2. No parking area, access drive or aisle may be permitted closer than five (5) feet to any property line.
3. Off-street parking areas and access-ways thereto shall be properly drained, and all such areas shall have a paved hard surface.
4. All off-street parking areas and access-ways shall be so arranged that cars and trucks may be turned on the lot so that it is not necessary to back into any roadway.
5. Common or joint driveway access and parking to the rear of sites is encouraged.
6. Access driveways onto major thoroughfares shall be permitted only if alternatives, including side or rear access and common or shared single access driveways, have been considered by the Planning Board.
7. Impervious parking coverage shall be limited, to the extent possible, by the use of parking in or under buildings, the elimination of excess paving, grassed land bank parking, and the use of permeable surfaces for paving where appropriate.
8. Parking areas shall be designed to minimize pedestrian and moving vehicle conflicts. Pedestrian walkways, parking lot islands, signage and pavement texture differentiation shall be required by the Planning Board where appropriate to ensure the safe movement of pedestrians.
9. All parking and service areas shall be screened from the view of adjoining residentially zoned properties and/or actual residential use.

B. Parking Lot Extension Into Residential Zones. Any permitted use in the Marine-Commercial District may be permitted to extend its parking area into an adjacent residential zone if it complies with the following regulations:

1. No access shall be permitted to the parking area from within the residential zone.
2. Parking area may extend a maximum of one hundred and twenty (120) feet into the residential zone.
3. A buffer strip shall be provided between the parking area and the residential zone. The buffer strip shall consist of a ten-foot wide planted area and a screen fence or wall of six (6) feet in height. Shrubs shall be planted five (5) feet on center and shall be five (5) feet in height at the time of planting. Evergreen trees shall be six (6) to eight (8) feet tall and deciduous trees shall

have a minimum caliper of 3+ inches measured six (6) inches above the ground.

C. Off-Street Parking Location. Parking spaces may be provided either on-site, off-site or a combination thereof.

1. All off-street parking requirements shall be provided on-site. All off-street parking shall be designed in accordance with the standards contained in Article XV of this Ordinance.
2. Commercial parking spaces may be provided on-site, off-site or a combination thereof.
3. Off-site parking spaces for permitted uses may be provided through one or a combination of the following options:
 - a. Providing the required spaces on other properties owned in fee simple by the commercial use, located within a zone which permits the proposed use(s), either contiguous with or within three hundred (300) feet walking distance of a primary pedestrian entrance to the site being developed.
 - b. Providing evidence that the required spaces have been leased or rented from others within three hundred (300) feet walking distance. In such case, the space to be leased or rented shall be properly established under the terms of this Ordinance and the minimum term of such lease or rental shall be consistent with the probable duration of the proposed occupancy but not less than twenty (20) years.
4. If off-street parking requirements are not met as provided above, the developer must:
 - a. Obtain approval of a parking space variance subject to the provisions of Article XV of this Ordinance, and
 - b. If a variance is granted due to demonstrated hardship or other good and sufficient, make a cash contribution to the Borough of Wildwood Crest for each required space not provided in order to develop a program of constructing public parking lots, in an amount equal to the cost of providing the required number of off-site parking spaces, to be calculated by the Borough Engineer.
 - c. Any monies which are paid to the borough for parking spaces under 4b. above shall be a one-time credit against an assessment for parking spaces if they are included within the assessment.

D. Building Design and Use

1. The treatment of side and rear walls of any building in terms of building materials shall be similar to the treatment of the front facade.
2. The display of merchandise or nonpermanent uses and/or activities, e.g. picnic areas and vending machines, placed on the exterior premises of any

building is prohibited. All solid waste not stored within a building shall be stored within an enclosed container.

3. Buildings shall be oriented, to the extent possible, so as to maximize the potential for the use of solar energy for heating, cooling, and energy conservation.
4. All buildings shall have a unified architectural treatment whether constructed as new or as an additional structure physically and aesthetically integrated with the existing structure. The Planning Board shall consider in its architectural review items such as materials, colors, building setbacks, facade treatments and building height and shall encourage the revitalization of existing structures to insure compatibility with proposed building additions.

E. Mixed Use Development

1. Mixed use development shall maximize the use of uniform and/or integrated architectural design and styles, unique building materials, including, but not limited to, ornamental lighting, architectural planters, brick and other special paving materials, water features, landscaped internal pedestrian courtyards, sitting areas and other site amenities.
2. Mixed use development shall provide weather protection for customers either by enclosed shopping areas, canopies or other means.
3. The location of store entrances and orientation of buildings shall minimize distances to walk from one store to another.

F. Site Design and Building Layout

1. The site design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection, impact on surrounding development and contiguous and adjacent buildings and lands.
2. To promote a desirable visual environment and to ensure good civic design, the Planning Board in its review shall consider, but not be limited in its consideration of, visual impacts of the proposed development, including views and view interference, shadow effects and solar orientation, noise impacts, and design compatibility with surrounding land uses.

G. General Design Requirements. Any development in this district which will be used wholly or in part for business purposes shall be designed so as to provide a comprehensive development plan for the area for which it is a part, the goals being to control means of access and to coordinate internal pedestrian and vehicular traffic flow relating to existing development and architectural compatibility.

H. Facade Review. Any new facade or change in the facade of an existing building (architecture, color and design) shall be reviewed by the Development Review Committee and approved by the Planning Board.

ARTICLE XI

M-1-A (East of Ocean Avenue; Cresse Road to Farragut Road)

M-1-B (East of Atlantic Avenue, Farragut Road to Jefferson Avenue)

M-1-C (between Ocean Avenue and Atlantic Avenue; Cresse Road to Farragut Road)

HOTEL, MOTEL, & MULTI-FAMILY ZONE

(Rev. 10/05, Ord. 983)

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.

The following principal uses shall be permitted in the M-1-A, M-1-B and M-1-C Zones: (Rev. 7/08, Ord. No. 1062)

- A. Multi-Family Residential shall be and requires:
 - (1) If rented, minimum one-week rental period without daily maid service
 - (2) Cannot be advertised for commercial use as motel/hotel room rental to the general public
 - (3) An annual mercantile license shall be obtained from the municipality
 - (4) Through mercantile licensing, owner shall remit annual GWTIDA and state, federal and other applicable taxes (Rev. 7/08, Ord. No. 1062)
- B. Hotel/Motel shall be and requires:
 - (1) Hotel/motel services are offered to the general public.
 - (2) Temporary lodging in the form of hotel/motel rooms rented to the general public on a daily or weekly basis but not more than thirty (30) days, and not intended to be occupied or used for any primary residential purpose, either temporary or permanent.
 - (3) A front desk area is maintained to serve guests and the public.
 - (4) Maid service and other room amenities, including linens and towel service, in a quality manner expected from the traveling public is provided.
 - (5) A manager and/or desk staff meeting the requirements of State lodging laws and State swimming pool regulations are employed to provide these services.
 - (6) Advertisement for motel-like services is done in appropriate NSDIA manner promoting motel to the general public.
 - (7) Sales and use tax, tourism tax and tourism fees on revenue generated from the above sales and services are paid.
 - (8) An annual mercantile license is obtained from the municipality for the operation of same.

Number of uses per building and number of principal use buildings per development parcel is restricted. The following uses per building and buildings per parcel shall be restricted in the M-1-A, M-1-B and M-1-C Zones:

M-1-A Zone:

- A. Multi-family residential – There shall be one (1) principal use per building and one (1) detached principal use building per development parcel.

- B. Hotel/Motel – one (1) principal use per building consistent with definition of hotel/motel use and one (1) detached principal use building per parcel.

M-1-B Zone:

- A. Multi-family residential – There shall be one (1) principal use per detached building and one (1) or more principal use buildings per parcel.
- B. Hotel/Motel – one (1) principal use per building per development parcel consistent with definition of hotel/motel use.
- C. Single-family and two-family residential as per R-2 zoning district regulations, except as modified herein.

M-1-C Zone:

- A. Outside the buffer zone (between Cardinal and Primrose), Multi-Family Residential – there shall be one (1) principal use per detached building and one (1) or more detached principal use building per parcel.
- B. Outside the buffer zone (between Cardinal and Primrose), Hotel/Motel – one (1) principal use per building per development parcel consistent with definition of hotel/motel use.
- C. Outside the buffer zone (between Cardinal and Primrose), Single-Family and Two-Family Residential – there shall be one (1) or more detached principal use buildings per parcel in compliance with R-2 District bulk requirements, except as modified herein.
- D. Single-Family Residential within the buffer zone on as per the district regulations of the R-1 Zone, except as modified herein.

85-58 Accessory Uses. The following accessory uses shall be permitted in the M-1-A, M-1-B and M-1-C Zones:

- A. Restaurant/coffee shop associated with hotel/motel (40 room minimum, 60 seat maximum, 2 parking spaces plus bike rack)
- B. Gift shop associated with hotel/motel with 40 or more rooms
- C. Private residential and public swimming pools per Section 85-81. (Rev. 9-06, Ord. 1017)

85-59 Conditional Uses. No conditional uses shall be permitted in the M-1-A, M-1-B and M-1-C Zones.

85-60 Area and Bulk Regulations.

- A. Minimum lot yards for buildings shall be as follows:

M-1-A Zone:

Minimum Yard Setbacks (feet)

Front (along all east/west streets)

30 ft. if lot depth 100'

27 ft. if lot depth 90'

24 ft. if lot depth 80'

Front (Atlantic and Ocean Avenues) 20 ft.

Side: 8 ft.

Rear: 8 ft.

Bulkhead: 10 ft.

Minimum Lot Frontage (hotel/motel/multi-family): 80 ft.

Maximum Height: 65' or 6 floors for multi-family; 85' within existing footprint for motel/hotel only and a finished interior floor to ceiling height of not less than 8 feet shall be maintained throughout the entire habitable space.

Maximum Building Coverage: 50% motel/hotel; 40% multi-family

Maximum Lot Coverage: 80% motel/hotel; 70% multi-family

Maximum Density: Multi-family residential 1,800 sq. ft. of lot area per unit

Minimum Hotel/Motel Unit Size: 375 sq. ft.

M-1-B Zone:

Minimum Yard Setbacks (feet)

Front (along all east/west streets)

30 ft. if lot depth 100'

27 ft. if lot depth 90'

24 ft. if lot depth 80'

18 ft. for single-family and two-family

Front (Atlantic and Ocean Avenues): 20 ft.

Side: 8 ft.

Rear: 8 ft.

Bulkhead: 10 ft.

Minimum Lot Frontage (hotel/motel/multi-family): 80 ft.

Maximum Height: 39' or 3 floors for single-family and two family; 65' or six floors for multi-family, 65' within existing footprint for motel/hotel only and a finished interior floor to ceiling height of not less than 8 feet shall be maintained throughout the entire habitable space.

Maximum Building Coverage: 50% motel/hotel; 40% multi-family; 45% single-family and two-family

Maximum Lot Coverage: 80% motel/hotel; 70% multi-family; 55% single-family and two-family

Maximum Density: Multi-family residential 1,800 sq. ft. of lot area per unit

Maximum Hotel/Motel Unit Size: 375 sq. ft.

M-1-C Zone (between Ocean Avenue and Atlantic Avenue; Cresse Road to Farragut Road):

Minimum Yard Setbacks

Front (Atlantic and Ocean Avenues) 20'

Front (along all east/west streets)

30 ft. if lot depth 100'

27 ft. if lot depth 90'

24 ft. if lot depth 80'

15 ft. for permitted single-family uses

Side: 8 ft.

Rear: 8 ft.

Bulkhead: 10 ft.

Minimum Lot Frontage (hotel/motel/multi-family): 80 ft.

Maximum Height: 65' within existing footprint for motel/hotel only and a finished interior floor to ceiling height of not less than 8 feet shall be maintained throughout the entire habitable space; 45' or 4 floors for multi-family; 29' or 2 floors for permitted single-family.

Maximum Building Coverage: 50% motel/hotel; 40% multi-family; 45% single-family.

Maximum Lot Coverage: 80% motel/hotel; 70% multi-family; 55% R-1 uses

Maximum Density: Multi-family residential 1,800 sq. ft. of lot area per unit

Minimum Hotel/Motel Unit Size: 375 sq. ft.

Buffer Zone: 100' minimum

B. Height Regulations:

M-1-A Zone:

Maximum Height: 65' or 6 floors for multi-family; 85' within existing footprint for motel/hotel only and a finished interior floor to ceiling height of not less than 8 feet shall be maintained throughout the entire habitable space.

M-1-B Zone:

Maximum Height: 39' or 3 floors for single-family and two-family; 65' or six floors for multi-family, 65' within existing footprint for motel/hotel only and a finished interior floor to ceiling height of not less than 8 feet shall be maintained.

M-1-C Zone:

Maximum Height: 65' within existing footprint for motel/hotel only and a finished interior floor to ceiling height of not less than 8 feet shall be maintained throughout the entire habitable space; 45' or 4 floors for multi-family; R-1 District Regulations for single-family. (Rev. 07-06, Ord. 1013)

C. Minimum Hotel/Motel Unit Size:

M-1-A Zone: 375 sq. ft.

M-1-B Zone: 375 sq. ft.

M-1-C Zone: 375 sq. ft.

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.

E. Each multi-family dwelling shall contain the following minimums:

1 bedroom unit	600 square feet
2 bedroom unit	800 square feet
3 bedroom unit	1,000 square feet
each additional bedroom	+200 square feet

F. (Deleted pursuant to Ordinance No. 983 adopted October 26, 2005)

G. A hotel and motel "buffer" zone shall be established in the M-1-C Zone as a transition from the hotel or motel use to the residential use in adjacent R-1A Zoning district. This "buffer" zone shall have the following conditions:

- (1) For the area between Cardinal Road and Primrose Road and one hundred (100) feet southeastwardly from Atlantic Avenue: a hotel or motel business office as an accessory to a hotel or motel may be erected only within the buffer zone, provided that an individual or stockholder in a corporation or partner of record is the owner of the motel erected immediately adjacent thereto and is also the owner of a private dwelling within the buffer zone extending one hundred (100) feet southeastwardly from Atlantic Avenue. Also, off-street parking shall be permitted in connection with the operation of any hotel or motel or multi-family dwelling for the motor vehicles of guests, tenants

or licensees upon or within portions of the one hundred foot buffer zone extending to a point one hundred (100) feet eastwardly of Atlantic Avenue.
(Rev. 7/08, Ord. 1062)

- H. In the M-1 Zones the maximum lot coverage shall be eighty (80%) percent and maximum building coverage shall be fifty (50%) percent.
- I. (Deleted pursuant to Ordinance No. 983 adopted October 26, 2005)
- J. (Deleted pursuant to Ordinance No. 983 adopted October 26, 2005)
- K. (Deleted pursuant to Ordinance No. 983 adopted October 26, 2005)

ARTICLE XII
W-1 BEACH FRONT RECREATION ZONE

85-61 Permitted Uses. The purpose of this district is to promote recreational activities along the Atlantic Ocean beach front. Within this district no lot or building shall be used and no building shall be erected or altered to be used, in whole or in part, unless it complies with the regulations set forth in this article. The following principal uses shall be permitted in this district:

- 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, walk-throughs, 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, piers, and related facilities.
- E. Shore protection projects, both structural and nonstructural, including groins, jetties, sea walls, revetments, bulkheads, beach nourishment, and dune creation.
- F. All other uses are prohibited.

85-62 Area and Bulk Regulations.

- A. Maximum building height shall be one (1) story, but not to exceed sixteen (16) feet in height to the topmost point of the structure from the base flood elevation.

ARTICLE XIII
W-2 SUNSET LAKE RECREATION ZONE

85-63 Permitted Uses. The purpose of this district is to promote recreational activities along the Sunset Lake frontage. All uses in the riparian area shall be considered as accessory to the adjoining permitted zone uses. These accessory uses shall include the following:

A. Areas Adjacent to Residential Zones

For the area adjoining residential zones, permitted uses shall include non-commercial boat slips for pleasure craft, and other non-commercial marine facilities such as boat launch ramps and boat launch booms.

B. Areas Adjacent to the MC Marine Commercial Zone

For the area adjoining the Marine Commercial Zone, the following shall be permitted:

1. Fishing docks.
2. Pleasure boats and other vessels that are in keeping with the resort community and related facilities, including launching dock-side services such as the sale of gas and oil, subject to applicable borough and state regulations.
3. Sight seeing and sport fishing boats.
4. Marine support facilities, e.g. commercial and private docks, maintenance yards, boat storage, fishing docks, and offices for the sale of marine equipment or products.

C. All other uses are prohibited.

85-64 Area and Bulk Regulations.

- A. Maximum building height shall be one (1) story, but not to exceed sixteen (16) feet in height to the topmost point of the structure from the base flood elevation.

ARTICLE XIV
EXCEPTIONS AND SUPPLEMENTAL REGULATIONS

85-65 Non-Conforming Uses.

A. Applicability. The following provisions shall apply to all buildings and uses lawfully existing on the effective date of this ordinance which do not conform to the requirements set forth in this ordinance and to all buildings and uses that become non-conforming by reason of any subsequent amendment to this ordinance.

B. Regulations. Any non-conforming use of buildings or land and any non-conforming buildings may be continued indefinitely, but such buildings or uses:

1. Shall not be enlarged, altered, extended, reconstructed or restored, except as provided in Section 85-66 herein, nor placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this ordinance, nor shall any external evidence of such use be increased by any means whatsoever.
2. Shall not be moved to another location where such use would be non-conforming.
3. Shall not be re-established if such use has been legally abandoned, or has been changed to, or replaced by, a conforming use.
4. Shall not be restored for other than a conforming use after substantial destruction thereof.

85-66 Additions and Alterations to Non-Conforming Buildings. Nothing in this Article shall be deemed to prevent normal maintenance and repair, structural alteration in, or the reconstruction of, a non-conforming structure, provided that such action does not increase or extend the degree of, or create any new, non-conformity with regard to the regulations pertaining to such buildings or the lot upon which they are constructed; * [*As an example, a dwelling which complies fully with all requirements except that it is closer to the street than the minimum required depth of a front yard may build an addition to the rear that does not encroach on the required rear yard.] except that, the floor area of a detached single family house that occupies a lot that is smaller than the minimum lot area required in the district in which such house is located may be increased by not more than ten percent (10%) of the floor area existing as of the date of adoption of this ordinance provided that the resulting structure complies with all other requirements of this ordinance.

85-67 Non-Conforming Lots of Record. No non-conforming vacant lot existing at the time or as a result of the adoption of this Ordinance shall be further reduced in size. Such lots in residential districts as well as those which are consolidated into a single lot but still are non-conforming in size may be improved for single family residence provided the following provisions are met:

A. Side and rear yard setback provisions maybe reduced in direct proportion to the difference in lot areas, but in all cases shall not be less than four (4) feet for each side yard and four (4) feet for rear yards.

B. The minimum lot area may be reduced in direct proportion to the difference in lot areas, but in all cases shall not be less than the conditions imposed on a forty by eighty (40' x 80') foot plot.

- C. The maximum lot coverage may be increased inversely in proportion to the difference in lot area.
- D. The lot is in separate ownership and not contiguous to lots in the same ownership.
- E. All necessary health approvals are given by the responsible municipal agency or its agent.
- F. The height of the dwelling shall be reduced in direct proportion to the percentage of the shortfall of the required lot width.

Example: If the minimum lot width in the zone is forty (40) feet, and the non-conforming lot has a lot width of only thirty (30) feet, the height of the building shall be reduced by $40 \text{ feet} - 30 \text{ feet} / 40 \text{ feet} = 25\%$.

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 access-ways 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 (4) feet of each side yard and within four (4) 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 (1) principal use structure on any development parcel, except as specifically permitted in the M-1-B and M-1-C Zoning districts. (Rev. 7/08, Ord. No. 1062)
- E. Accessory building shall not exceed sixteen (16) feet in height and may not occupy more than thirty (30) percent of the required rear yard. Accessory buildings shall be located so that all yard requirements for the lot are met by the principal use.
- F. Storage shed, tool sheds, bathhouses and playhouses shall not exceed ten (10) feet in height and may not exceed one hundred (100) square feet.
- G. A construction permit shall be required for the construction of every accessory building, 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.

85-69 Landscaping in All Zones. Other provisions of this ordinance notwithstanding, in any district, the entire lot, except for areas covered by buildings or surfaced as parking, recreation or

service areas, shall be seeded, sodded or planted with ground cover and suitably landscaped to include trees, shrubs, edging materials, stones, rocks or gravel; in accordance with an overall landscape plan consistent with the natural surroundings. All landscaping shall be properly maintained throughout the life of any use on said lot. In the front yard landscape area, there shall be no more than 50% for concrete/pavers for driveways, walkways, ground level patios (i.e., impervious coverage); there shall be a 30% minimum in plantings and mulching; there shall be no more than 20% maximum for stone and/or grass coverage in the front yard area. All stones, rocks and/or gravel shall be placed over filter fabric, and any use of plastic or other impermeable material as a weed barrier is prohibited. Landscaping stones shall only be permitted if they are enclosed by four by four (4 x 4) railroad ties, or other comparable and suitable materials to prevent the stones from getting onto the sidewalk, curb, driveway and gutter area. (Rev. 3-09, Ord. 1074)

85-70 Public Sidewalk Displays. The use of public sidewalks for business purposes, advertising purposes, or the storing, displaying or placing of goods, wares and merchandise or the like for any purpose, is hereby prohibited beyond or over the respective property lines, provided that in no event shall any display be allowed more than two (2) feet from the building.

85-71 Towers. Radio or television poles or towers will not be permitted in front of the building face in any zone. Fixed flagpoles on buildings must be above street traffic level and approved by the Borough Construction Official, after meeting the requirements of the Uniform Construction Code.

85-72 Removal of Fill. No person shall strip, excavate or otherwise remove sand, fill or soil of any nature or description from privately owned property within the corporate limits of the borough except in connection with the construction or alteration of a building on such premises and excavation of grading incidental thereto; or unless excess material exists on said premises above that which is required to bring the lot or block to the official established grade, in which case, the excess material only may be removed.

85-73 Exceptions and Supplemental Requirements to Bulk and Area Regulations:

A. Corner Lots - At all street intersections in all districts, no obstructions to vision exceeding twenty-four (24) inches in height above curb level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along such street lines twenty (20) feet distant from their point of intersection.

B. Height Limitations - The height limitations of this Ordinance shall not apply to church spires, nor to chimneys or radio and television antennae, nor elevator shafts and other non-habitable projections. Architectural appurtenances for motels/hotels in the M-1-A, M-1-B and M-1C Zones are exempt from the height limitations of this Ordinance as long as not more than 10% of the roof is covered and the maximum height of the appurtenance does not exceed 10 feet. (Rev. 10-05 – Ord. 983)

C. Number of principal-use buildings restricted: (Rev. 7/08, Ord. No. 1062)

(1) In the R-1, R-1A, R-2 and M-1-A Zoning districts, shall be no more than one (1) principal-use building per each development parcel.

(2) In the M-1-B Zoning district and in the M-1-C Zoning district, with exception of the M-1-C buffer zone requirement, R-1, R-1A and R-2 development is permitted, with subdivision, in one principal building according to R-1, R-1A and R-2 Zoning regulations, except as modified and extended herein for height and for front yard set-back requirements.

(3) In the M-1-B Zoning district and in the M-1-C Zoning district, with exception of buffer zone requirements, multi-family, single, or duplex residential development

or combination thereof shall be permitted in one or more than one detached building on a single parcel without subdivision.

D. Frontage upon a Street - Every principal building shall be built upon a lot with the minimum lot width fronting upon an improved and approved street in accordance with the road standards established by the Borough or on a private road shown on an approved site plan.

E. Side yard setback in the R-1 Zone: a second story addition can be built in line with an existing minimum six foot (6') side yard setback and shall meet current rear and front yard requirements. (Rev. 04-07, Ord. 1030)

F. Roof Pitch for Residential Structures: Up to a maximum of thirty percent (30%) of the roof area is not required to meet the minimum 5 on 12 pitch requirement to allow for a roof top deck, a loft or to provide for architectural variation. Any roof top deck must be buffered by a 5 on 12 minimum pitched roof except for sides that border a street, waterway or have a minimum sixteen (16) foot setback. Exterior stairs leading to a roof top deck can only be located in a side or rear yard and must meet building setback requirements. (Rev. 04-07, Ord. 1030)

85-74 Vehicular Access to Private Property. Vehicular access from public streets to off-street parking areas or driveways shall be made only through authorized curb cuts, as hereinafter defined and regulated.

A. "Curb cuts" as used in this section shall include the making of an opening in or through any existing curb and the leaving of voids in curbs when the same are constructed in any street.

B. No new curb cut (unless constructed by the Borough) nor any opening in or through any existing curb of any street shall be constructed, except for single family and two-family homes unless it is part of an application for development.

C. The reconstruction of any existing curb or off-street parking area access drive shall be done by first obtaining a building permit from the Construction Official. The reconstruction shall be done in accordance with construction specifications approved by the Borough Engineer.

D. All new and reconstructed curb cuts shall comply with the following:

1. Minimum distance between the curb cut and the nearer right-of-way line of an intersecting street shall be twenty (20) feet.

2. The minimum distance between any curb cut and any fire hydrant shall be two (2) feet; provided, however, compliance with Paragraph D.1. above must be met.

3. Any adjustments to utility poles, light stanchions, fire hydrants, catch basins, street signs, signals or other public improvements or installations required by any curb cut of off-street parking area access way shall be accomplished without cost to the Borough. (Rev. 9-06, Ord. 1017)

4. In the M-1-A, M-1-B and M-1-C Zones where land is presently vacant and is abutted by depressed curbs which do not comply with Paragraph D.5. below, any permit issued for future construction on said vacant lands shall include the require-

ments that said depressed curbs shall be reconstructed so that they will comply with Paragraph D.5. below. (Rev. 9-06, Ord. 1017)

5. In the M-1-A, M-1-B and M-1-C Zones where there presently exist depressed curbs which do not provide direct access to a legal parking space, any permit issued for future construction, including renovation or addition to existing

construction upon the lands abutting said depressed curbs, shall include the requirement that said depressed curbs shall be reconstructed so that they will be of standard curb height. (Rev. 9-06, Ord. 1017)

6. The maximum curb cut dimension for a single-family on lots 40' and smaller shall not exceed 12'. On all other lot sizes for single-family and duplexes, the curb cut shall not exceed 20'. In all cases, there shall be a minimum of 50% of the lot frontage to have raised curb with a minimum of 35% being continuous raised curb. The area in front of the curb to the building shall be landscaped. (Rev. 3-09, Ord. 1074)

85-75 Off-street Parking and Loading Requirements. Off-street parking and loading for uses allowed in this Ordinance shall be subject to the requirements stipulated in Article XV.

85-76 Signs. Signs shall be subject to the requirements stipulated in Article XV.

85-77 Special Agreements. Nothing contained in this Ordinance shall be construed or deemed to restrict, inhibit or circumscribe the rights and powers of the Borough of Wildwood Crest to grant lease concessions and public property as provided and permitted by the Revised Statutes of the State of New Jersey.

85-78 Grading of Lot. No certificate of occupancy shall be issued for any building to be erected upon any lot until all of said lot shall be filled into a grade of minimum of six (6) inches on rear property line pitched to the inside of the sidewalk.

85-79 Setbacks. Steps shall be permitted in the front yard setback but shall be no closer than 50% of the required front yard setback. (Rev. 9-06, Ord. 1017)

85-80 Patios and Decks. Patios and decks shall be permitted in conjunction with residential uses. Where patios and decks are permitted, they shall, however, specifically be subject to the following conditions and restrictions:

- a) The maximum height above grade for a first floor rear yard deck shall be limited to 30 inches. Any above grade decks shall be set back from the rear lot line 15% of the lot depth. Patios and decks at grade may be located anywhere within the rear yard. A second floor deck shall comply with principal building setback requirements. A deck as part of a third floor loft must fall within the maximum square footage of a loft as defined herein, and it must be under a roof. Both first and second floor decks along the bulkhead require a minimum setback from the bulkhead of four (4) feet. (Rev. 9-06, Ord. 1017)
- b) A patio or deck shall not encroach into the front yard setback. (Rev. 9-06, Ord. 1017)

85-81 Private Residential Swimming Pools. (Rev. 9-06, Ord. 1017)

A. Private Residential Swimming Pools.

Except for portable swimming pools which have a depth at any point of less than 15 inches or a capacity of 300 gallons or less, the following regulations shall apply to permanent and portable swimming pools that are accessory to a residential use:

1. Said use shall be located on the same lot as the principal structure.
2. Said use shall be appropriately screened and fenced to minimize adverse impact on adjoining properties. Each fence around a swimming pool shall have at least one

gate with a self-latching or closing device at least four (4) feet above the ground so designed as to keep gates or doors securely closed. No portion of the fence erected around a swimming pool shall be less than five (5) feet from the nearest point of water.

3. No loudspeakers or amplifying devices which can be heard beyond the lot lines of the lot on which said facility is located shall be used in connection with such recreation facilities.
4. A swimming pool shall be a permitted accessory use and no swimming pool shall be permitted unless it complies with the requirements of this ordinance and State regulations regarding construction and operation.
5. No existing or hereafter constructed swimming pool shall be located on a lot unless there is a residence on such lot.
6. No swimming pool shall be hereafter constructed, installed, relocated or reconstructed unless the pool itself and any apron, accessory building, structure and equipment are all located at least six (6) feet from all property lines and at least sixteen (16) feet from the proper line bordering a street. Pools adjacent to a bulkhead must meet the following setback from the bulkhead: ten (10) feet plus one additional foot for every foot below grade of the pool. Pools adjacent to bulkheads will require CAFRA review.
7. Swimming pools are prohibited in front yards.

A. Public Pools.

1. Municipally-owned public pools are exempt from zoning regulations.
2. Said use shall be located on the same lot as the principal structure and shall be appropriately screened and fenced to minimize adverse impact on adjoining properties. Each fence around a swimming pool shall have at least one gate with a self-latching or closing device at least four (4) feet above the ground so designed as to keep gates or doors securely closed. No portion of the fence erected around a swimming pool shall be less than five (5) feet from the nearest point of water.
3. No loudspeakers or amplifying devices which can be heard beyond the lot lines of the lot on which said facility is located shall be used in connection with such recreation facilities.
4. A swimming pool shall be a permitted accessory use and no swimming pool shall be permitted unless it complies with the requirements of this ordinance and State regulations regarding the construction and operation of said pool
5. No swimming pool shall be hereafter constructed, installed, relocated or reconstructed unless the pool itself and any apron, accessory building, structure and equipment are all located at least six (6) feet from all property lines.

85-82 Fences and Walls.

- A. On any lot in any district, no fence, hedge, solid wall or living fence shall be erected or altered so that said fence, hedge, or wall shall be over four (4) feet in height in

front yards, five (5) feet in height in the side yard and six (6) feet in height in the rear yard.

(Rev. 07-06, Ord. 1013)

B. Fences, hedges, solid walls or living fences may be maintained behind the building line at a height of not more than five (5) feet along the side property lines and six (6) feet at the rear of the building. Each fence around a swimming pool shall have at least one gate with a self-latching or closing device at least four (4) feet above the ground so designed as to keep gates or doors securely closed. No portion of the fence erected around a swimming pool shall be less than five (5) feet from the nearest point of water. (Rev. 9-06, Ord. 1017)

C. Walls and fences shall be required to compliment the structural type, design, and color of the principal building.

D. Walls and solid fences are more appropriately used adjacent to or attached to buildings as architectural extensions and careful consideration shall be given to coordination with the lines, materials and color of any principal structure.

E. Walls and fences shall be constructed of durable, high quality materials and shall display a high level of quality in finish and detail. Walls with a lesser quality of finish and detail may be considered for approval if they are continuously screened by landscaping. Gates in walls and fences between streets and open areas may be required by the Planning Board.

F. Plantings shall be considered as part of any wall or fencing plan.

G. The use of plant screens instead of fences is encouraged along property lines.

H. Materials and construction:

1. If the fence is wood or wood frame, the framework must face the interior of the lot or be finished on both sides.
2. If the fence is open metal mesh supported by posts or frames or either pipe or wood, the posts and frame must face the interior of the lot.
3. If the fence is of masonry construction, a finished surface must be provided on the exterior side.

I. Two (2) separate fences placed back-to-back along common property lines shall be discouraged.

J. Hedges shall be subject to the same provisions as regular fencing; provided, however, that they shall not be placed nearer than four (4) feet to any sidewalk or any prospective sidewalk.

K. The height of walls and fences shall be measured from the elevation of the average finished grade within ten (10) feet from the base of the wall or fence to its highest point. However, in no event shall any fence be higher than seven (7) feet from the grade from which the fence is installed.

L. No fence, hedge, or solid wall of any type shall be erected or maintained if it is deemed a safety hazard in obstructing the view of motorists. 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 thirty inches (30") above the street centerline, 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 (1) located on each curb line or driveway centerline at a distance of twenty-five (25') feet or one (1') foot for each mile of allowed street speed limit, whichever is greater, or fifteen (15') feet along the centerline 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 Borough of Wildwood Crest."

M. All fences erected shall be maintained in a safe, sound and upright condition by the property owner and all hedges shall be neatly maintained and trimmed in appearance and kept at a height not greater than prescribed by this Ordinance.

N. No person shall erect a fence or wall until after obtaining a permit from the Building Inspector. An application must be obtained from the Zoning Officer and shall require a \$25.00 permit fee to be paid with the application. Living fences shall not require a permit, but shall be governed by the rules of this Ordinance.

O. Existing fences at the time of adoption of this Ordinance shall be allowed to remain and to be maintained, but cannot be replaced except by compliance with the regulations herein prescribed.

P. Existing living fences in areas not permitted by this Ordinance can be maintained at a height of not more than four (4) feet. No living fence in violation of the Ordinance shall be replaced except by compliance with the regulations herein prescribed.

85-83 Home Occupations and Family Day Care Homes. Home occupations and family day care homes shall be subject to the following requirements:

A. Such occupation may be pursued in the principal dwelling unit structure or in a secondary building which is accessory to such principal building structure, except a garage, tool shed or storage shed.

B. The use of the property for the home occupation shall be clearly incidental and subordinate to its use for residential purposed by its occupants, and not more than twenty five (25%) percent 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 (1) secretary of 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 (2) 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. Family Day Care Homes as defined in this Ordinance may, however, provide services to no less than 3 and no more than 5 children for no less than 15 hours per week.

F. The home occupation shall not necessitate the need to park more than one (1) 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 3/4-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 (1) 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 following uses do not constitute a "home occupation" in this Ordinance: real estate agents; the maintenance and operation of a private school; 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 similar use.

H. The dwelling unit shall be permitted to have a small, unlighted nameplate sign not over two (2) square feet in area, attached flat against the dwelling and displaying only the occupant's name, occupation and/or profession.

I. No hazardous materials as defined by the New Jersey Department of Environmental Protection shall be kept on the premises.

J. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the dwelling unit shall be used.

K. No goods, chattels, materials, supplies or items of any kind shall be delivered more than once a day to or from the premises in connection with a home occupation and shall be limited to passenger automobiles or van delivery trucks, having a length not greater than twenty (20) feet.

L. There shall be no nuisance element detectable in connection with the home occupation.

M. No home occupation or professional office shall be permitted which is noxious, offensive or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare, radiation or other objectionable emissions.

N. No stock in trade shall be sold, offered for sale, or distributed from the premises except that which may be produced on the premises.

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

P. There shall be no detrimental impacts to the use, peaceful enjoyment, economic value, or development of the surrounding properties or neighborhoods.

Q. Family day care homes shall be deemed to be a home occupation in any district in which home occupations are permitted and shall be subject to the same restrictions applicable to all other home occupations (except that the presence of children or customary residential recreational facilities shall not be considered as exterior evidence of a home occupation) and shall require minor site plan approval from the Planning Board in accordance with Subsections C through I, K & L of Section 85-84 of this article and, additionally, shall require public notice.

85-84 Child Care Centers. Child care centers shall be permitted in the B-1, MC, and M-1 Zones within churches or other places of worship, public schools, private schools, hotels or motels, community and public buildings, and office buildings as accessory uses and subject to site plan review and the following conditions:

- A. The applicant shall provide substantial evidence that there is a definite need for the child care center in the requested location and that the proposed child care center will have no adverse impact on surrounding properties.
- B. The child care center shall have easy and direct access, and the entrance and exits shall be located away from areas of heavy vehicular and pedestrian traffic with limited contact with commercial and/or office uses.
- C. The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. No outdoor play areas shall be used before 9:00 a.m. or after 7:00 p.m. There shall be no overnight care.
- D. The child care center shall not create any objectionable traffic or lighting conditions.
- E. Parking areas, pedestrian walkways or other exterior portions of the premises subject to use by child care center occupants at night shall be illuminated to provide safe entrance to and egress from the center.
- F. An outdoor play area shall be on the same lot as the child care center. The area shall be graded, well drained, completely fenced and not include driveways, parking areas or land and uses otherwise unsuitable. All outdoor play areas shall include sheltered play space.
- G. No part of any outdoor play area may be situated in the front yard.
- H. Storage facilities for movable outdoor play equipment shall be provided and such equipment shall be stored in these facilities when not in use. In addition, outdoor play equipment shall be designed to accommodate disabled children.
- I. All outdoor play areas shall be screened from adjacent properties by a fence or wall with a maximum height of six (6) feet and screen plantings. Outdoor areas located near or adjacent to hazardous areas determined by the Planning Board to be unsafe (including, but not limited to, streets, roads, driveways, parking lots, swimming pools, streams, open pits, high voltage lines or propane gas tanks) shall be fenced or otherwise protected by a natural or man-made barrier or enclosure.
- J. The child care center may be identified only by signage which is consistent with the overall sign design theme of the particular development project in which the center is located.
- K. The site shall be free from any hazards to the health, safety or well-being of the children.
- L. The child care center, including any outdoor play space provided, shall be so located and designed that there shall be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual or other objectionable conditions. The Board may require such special treatment in the way of design, screening or buildings, planting and parking areas, signs or other requirements as it shall deem necessary to protect adjacent and nearby properties.
- M. All child care centers must either be licensed by or meet the requirements of the New Jersey Department of Human Services.
- N. The floor area occupied in any building or structure as a child care center shall be excluded in calculating any parking requirement otherwise applicable to the number of units or amount of floor space, as appropriate, under state and local laws or regulations adopted thereunder and the permitted density allowable for that building or structure under any applicable zoning standard.

85-85 Satellite Earth Station Antennae. The Borough finds that, when unregulated, satellite earth station antennae can be installed in such a manner as to make them aesthetically unpleasant, with adverse impacts on surrounding property values. The intent and purpose of this section is to establish a procedure and the criteria to avoid such adverse impacts and to preserve the character, beauty and general welfare of the community. In all designated zones, satellite earth station antennas shall be permitted as a conditional use subject to the following:

A. A satellite earth station antenna shall function only as a receiving station and not as a transmitting station except, subject to the following requirements, an antenna used by an amateur radio operator licensed by the Federal Communication Commission is permitted, provided that the antenna is permitted only at the authorized transmitting location.

B. Each satellite earth station antenna must be accessory to a permitted principal structure located on the same lot as the principal use for which it is accessory.

C. A satellite dish antenna shall be ground mounted in the rear yard area of a lot and shall be located in conformity with the rear yard and side yard setback requirements for a principal permitted structure in the zoning district in which the lot is located; except that, in cases where the applicant can demonstrate that locating the satellite dish antenna in the rear yard is impracticable or would prevent the otherwise proper functioning of the satellite dish antenna, the Board may approve an alternate location as listed hereinbelow in order of municipal preference, based upon the testimony offered by the applicant:

1. As a first preferred alternate, a satellite dish antenna may be ground mounted in the rear yard of the lot and shall be located in conformity with the rear yard and side yard setback requirements for a permitted accessory structure in the zoning district in which the lot is located; or
2. As a second preferred alternate, a satellite dish antenna may be ground mounted in the side yard area of the lot and shall be located in conformity with the side yard setback requirements for permitted accessory structures and the front yard setback requirements for a permitted principal structure in the zoning district in which the lot is located; or
3. As a third preferred alternate, a satellite dish antenna may be roof-mounted, provided that the bottom of the satellite dish antenna shall not extend above the roof line where mounted and is located toward the rear of the structure away from the street line.

D. The materials used in the construction of a satellite earth station antenna shall not be unnecessarily bright, shiny, garish or reflective. They must be properly colored so as to conform to the principal use and surrounding area, including the color of the roof if roof-mounted.

E. The satellite earth station antenna shall be erected on a secure ground mounted foundation. No advertisement shall be permitted on a satellite earth station antenna.

F. Each satellite earth station antenna shall be a free standing structure.

G. A satellite earth station antenna may be installed in the rear yard area of any lot, and the proposed location of a satellite earth station antenna shall conform to the rear yard and side yard

set back requirements for a principal permitted structure in the zone in which the lot is located. Moreover, no satellite earth station antenna shall extend higher than fifteen (15) feet above ground level.

H. A satellite earth station antenna shall not exceed twelve (12) feet in diameter and shall be effectively screened with non-deciduous plantings and, to the greatest extent possible, shall blend with the immediately surrounding area. Unless impracticable, all satellite earth station antennae shall be of the aluminum mesh type.

I. No lot shall have more than one satellite earth station antenna. Wires and cables running between the ground mounted antenna and any structure shall be properly installed underground in accordance with the Uniform Construction Code. Additionally, the installation of the satellite earth station antenna shall meet all local, state and federal requirements, including those contained in the Uniform Construction Code.

J. Portable mounted satellite earth station antennae are prohibited.

K. Satellite earth station antennae shall be installed or constructed in a manner so as not to interfere with television, radio or similar reception in adjacent and nearby areas.

L. Applications for installation and/or construction of satellite earth station antennae shall be subject to minor site plan review and approval from the Planning Board in accordance with applicable requirements of this Ordinance, and additionally, shall require public notice.

85-86 Community residences for the developmentally disabled and/or community shelters for victims of domestic violence:

A. Any community residence for the developmentally disabled or community shelter for victims of domestic violence, excluding resident staff, shall require Planning Board approval for the use of a dwelling unit for such shelter or residence, including the conversion of a dwelling unit for such use.

B. The residential character of the lot and buildings shall not be changed and there shall be no exterior evidence of the community residence or community shelter. No signs shall be permitted except information and direction signs as permitted for single-family detached dwellings.

C. The following design requirements shall be incorporated within the submitted plan:

1. Each community residence or community shelter shall be connected to public water and sewer facilities;
2. Community residences or community shelters shall have immediate access to public transportation services or, in the alternative, provide occupants with a van or equivalent transportation service; and
3. Community residences or community shelters shall resemble single-family detached dwellings in appearance.

D. All community residences or community shelters shall have three-quarters (+) parking spaces for each resident thereof. The Planning Board shall give due consideration to provisions for visitation and the number of resident staff in order to ensure that there are ample parking facilities. Therefore, the Planning Board may, at its discretion, require more parking spaces than three-quarters (+) spaces per resident, or may, if the evidence so warrants, waive strict adherence to this standard. Moreover, sufficient off-street area is to be provided for the pick-up and discharge of occupants by vans or other vehicles servicing the residents.

E. The Board may deny approval to any proposed community residence for the developmentally disabled or community shelter for victims of domestic violence which would be located within one thousand five hundred (1500) feet of an existing such residence or shelter; provided further, however, that the Board may deny the issuance of any additional such permits if the number of persons, other than resident staff, resident at existing such community residences or community shelters within the Borough exceeds fifty (50) persons, or 0.5% of the population of the Borough, whichever is greater.

F. The applicant shall have applied for and received minor site plan review and approval from the Planning Board in accordance with the applicable requirements of this Ordinance, and additionally, shall require public notice.

ARTICLE XV
DESIGN STANDARDS FOR SUBDIVISIONS AND SITE PLANS

85-87 General Interest. In passing on the adequacy of development plans, the Planning Board or Zoning Board shall apply the standards contained in this Article. Each plan shall conform to design standards that will encourage good development patterns within the Borough. The plan shall conform to the proposals and conditions shown on the Official Map and on the Master Plan. The streets, drainage, rights-of-way, school sites, public parks and playgrounds shown on an officially adopted master plan or official map, shall be considered in approval of site plans and subdivision plats.

No subdivision or site plan shall be approved by the Planning Board or Zoning Board unless the plan, development, or use meets the performance standards herein set forth and such state or federal standards as may be more stringent than those set forth herein. Failure to comply with the performance standards at any time after the issuance of a certificate of occupancy shall be cause for revocation of such certificate. In reviewing any plan, the Planning Board or Zoning Board shall consider:

A. Circulation and Parking - The pedestrian and vehicular traffic movement within and adjacent to the site with particular emphasis on the provision and layout of parking areas, off-street loading and unloading, movement of people, goods and vehicles from access roads, within the site, between buildings and vehicles shall be reviewed.

B. Site Design and Building Layout - The site design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection, impact on surrounding development and contiguous and adjacent buildings and lands.

C. Lighting - Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Directional lights shall be arranged so as to minimize glare and reflection on adjacent properties.

D. Buffering - Buffering shall be located around the perimeter of the site to minimize headlights of vehicles, noise, light from structures, the movement of people and vehicles, and to shield activities from adjacent properties when necessary. Buffering can consist of fencing, landscaped berms, evergreens, shrubs, bushes, deciduous trees or combinations thereof to achieve the stated objectives.

E. Landscaping - Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include preservation of existing vegetation to the extent possible as well as trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and the use of building and paving materials in an imaginative manner.

F. Common Open Space - Common open space shall be provided as part of any planned development. Open space should be classified as developed (recreational) or undeveloped (natural) space. Undeveloped open space should have as a prime objective the preservation of a site's natural amenities (e.g. beaches, water body features, dunes, etc.).

G. Signs - Signs shall be designed so as to be aesthetically pleasing, harmonious with other signs and buildings on the site. They shall be located so as to achieve their purpose without constituting hazards to vehicles and pedestrians or be visually distracting from the overall site design.

H. Utilities - Storm drainage, sanitary waste disposal, water supply and solid waste collection and disposal shall be reviewed. Particular emphasis shall be given to the preservation of stream corridors, establishment of drainage rights-of-way and the adequacy of existing utility systems, and the need for improvements both on-site and off-tract, where appropriate, to adequately carry run-off and sewage, and to maintain an adequate supply of water at sufficient pressure.

I. Environmental Considerations - Environmental elements relating to prevention of soil erosion, preservation of trees, protection of watercourses, wetlands and floodplains, protection of water sources, noise, air quality, topography, soil and animal life shall be reviewed and the design of the plan shall minimize any adverse impact on these elements.

J. Street Furniture - The site plan shall provide for those elements of street furniture appropriate to the particular use. These may include phone booths, benches, bike racks, trash receptacles and bus shelters.

K. Conformance with Master Plan or Official Map - If the master plan or the official map provides for the reservation of designated streets, public drainageways, flood control basins, or public areas such as parks, school sites, historic sites or similar lands within the proposed development, such areas shall be shown on the plan in locations and sizes suitable to their intended uses. The Planning Board may reserve the locations and extent of such public areas in accordance with the requirements of NJSA 40:55D-44.

L. Minimum Roof Pitch – A minimum roof pitch of 5 on 12 is required for all single and two-family residential structures. (Rev. 6/05, Ord. 977)

85-88 Landscape Transition Areas, Buffers, Natural Features, Landscaping, and Landscape Plans.

A. Landscape transition areas or buffers shall be provided along any lot and street line of any non-residential lot where such line or the center line of the adjacent street coincides with a residence zone boundary. Yard requirements may be deemed to be included as part of the landscape transition buffer.

The Planning Board may waive the landscape transition area requirement where existing natural or manmade physical barriers provide an effective visual separation between residential and non-residential uses.

Each permitted use shall provide suitable buffers in order to protect the character, and to minimize any adverse impacts or nuisances on adjoining properties. Buffers shall be located around the perimeter of the site to minimize glare from headlights of vehicles, to minimize noise, to shield light from structures, to shield the movement of people and vehicles from adjacent property and to shield activities from adjacent properties. Buffers are fences, walls, landscaping, berms and mounds used to minimize any adverse impacts or nuisances on the site from adjacent areas. The applicant shall incorporate into its landscaping plan submitted with the site plan a buffer design plan which shall incorporate the following principles:

1. Buffers shall be located along property lines shielding various uses and activities from each other to be consistent with Section 85-82.
2. Buffer areas shall consist of lawn areas and massed evergreen and deciduous trees and shrubs planted in a manner that will provide a continuous visual screen throughout the entire year.

3. Evergreen and deciduous shrubs shall have a minimum height of three (3) feet when planted and shall be of varieties suggested herein.
4. The height of shrubs planted in a buffer area shall be measured from the ground level around the base of shrub to the topmost part of the shrub, once the shrub has been properly planted in the ground.
5. Where an area required for a buffer is already landscaped, it shall be left in its natural state, and existing growth shall be supplemented with additional plant material where necessary to bring the buffer area up to the minimum requirements of this section.
6. In non-residential zones, all parking areas, garbage collection areas and loading/unloading areas exclusive of ingress and egress drive shall be screened from adjacent properties by a buffer strip at least five (5) feet in width.

The plant materials, fences, or walls used for screening purposes shall be sufficient to screen an area at all seasons of the year from the view of persons standing at an elevation approximately equal to that of the area to be screened on adjacent streets or properties.

Any article or material stored outside an enclosed building as an incidental part of the primary operation on a lot shall be screened as provided hereinafter by fencing, walls or evergreen planting.

Where the Planning Board deems it necessary to assure an effective visual screen between non-residential uses and streets or residentially zoned properties, such Board may require, in addition to landscaping, the provision of a fence of a type, height, and design suitable for the purpose, provided that the height of such fence or screening shall not exceed six (6) feet.

B. Landscaping Plan: Every application for approval of a site plan or a subdivision shall contain a landscaping plan prepared by a New Jersey certified Landscape Architect, Registered Architect or Professional Engineer. The plan shall identify, locate and provide planting details for all proposed trees, shrubs, bushes, plant material and ground cover, all such existing plant materials proposed to be retained, and all ground cover, and natural features. For all existing natural growth proposed to be retained the plan shall state the method(s) proposed to be used for its protection during and after construction (e.g. fencing, tree wells, curbing or similar devices).

The landscaping plan shall conform with the following design requirements, as applicable:

1. The site plan or subdivision plan shall be so designed as to preserve, wherever possible, natural features such as large trees, views, and scenic features or other recognized community assets. Efforts shall be made to utilize as much existing vegetation on the site as possible.
2. All non-paved areas on properties shall be appropriately landscaped with trees and shrubs, grass and other suitable landscaping materials.
3. Landscaping shall be provided in public areas, recreation sites and adjacent to buildings. Where possible, shade trees shall be planted on the south side

of buildings to shield them from the summer sun and evergreens on the north side of buildings, to serve as windbreaks.

4. The landscaping plan shall provide for a variety and mixture of plant materials taking into consideration their susceptibility to disease, colors (by season), textures, shapes, blossoms, and foliage.
5. The choice of landscaping shall be appropriate to site soil conditions and availability of water for irrigation.
6. Street trees shall be planted at a minimum interval of 40 feet on-center and they shall have a minimum caliper of three and one-half (3+) inches measured at six (6) inches from the ground. Street trees can help unify dissimilar building styles and uses, separate vehicle and pedestrian zones, and provide shade, overhead canopy and scale to the streetscape. Flowering trees shall not be used as street trees.
7. Existing large trees shall be saved by not changing the surface elevation around the trees by more than twelve (12) inches, construction of tree wells, and by erecting 4 foot high snow fence located at the drip-line of trees prior to any site disturbance.
8. Any tree on the site having a trunk diameter of more than four (4) inches at a height of two (2) feet from the ground shall not be removed or relocated unless it is in accordance with a plan approved by the Planning Board.
9. A sufficient number of shade trees shall be provided and planted on the site to maximize shading and insure a desirable living environment. Except as set forth hereinafter, at planting, deciduous trees shall have a minimum caliper of two and one-half (2+) inches measured at six (6) inches above ground level, and evergreen trees shall be at least six (6) feet high. All trees shall be balled and burlapped.
10. Shrubs used as screens in buffer areas shall have an initial height of not less than five (5) feet and planted at intervals appropriate for the activities involved.
11. All new plant materials shall be guaranteed for two (2) years to be in healthy and vigorous condition and replaced as deemed necessary by the Planning Board.
12. Any damaged or dead trees shall be replaced by the developer and/or applicant up to two (2) years after a final certificate of occupancy has been issued.
13. Landscaping shall be located to provide for climate control. For example, shade trees on the south to shield the hot summer sun and evergreens on the north for windbreaks.
14. Use landscaping to accent and complement buildings. For example, groupings of tall trees to break up long, low buildings and lower plantings for taller buildings.

15. Shade trees shall be planted on each side of every street so as not to interfere with utilities, sidewalks and proper sight distance at intersections.
16. Replacement trees shall conform to the type of existing trees in a given area.
17. Landscaping shall be provided in public areas, recreation sites and adjacent to buildings.
18. Provide for a variety and mixture of landscaping. The variety shall consider susceptibility to disease, colors, season, textures, shapes, blossoms and foliage.
19. Consider the impact of any proposed landscaping plan at various time intervals so that, for example, shrubs do not grow and eventually block sight distances.
20. Landscaping shall be located in protected areas, along walkways, center islands and at the end of parking bays. In narrow islands, low spreading plants such as creeping juniper, English ivy, myrtle or pachysandra are appropriate.
21. All landscaping in parking areas shall be carefully located so as not to obstruct vision. A variety of different types of trees shall be grouped to break up the mass of cars. Tree types shall be selected from those specified in "Trees for New Jersey Streets - 2nd Revision, 1974," published by N.J. Federation of Shade Tree Commission. Trees that cause damage or excessive site maintenance problems due to root systems or leaf shedding shall be avoided. Trees that can withstand parking area conditions are encouraged.
22. Those portions of all front, side and rear yards not used for off-street parking, or vehicular or pedestrian circulation, shall be planted with trees, shrubs, plants or grass lawns or combinations thereof.
23. An in-ground or drip hose irrigation system shall be used to water landscaping as determined to be necessary by the Planning Board.

C. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include preservation of existing vegetation to the extent possible as well as trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and the use of building and paving materials in an imaginative manner.

The following landscape materials shall be used in the development of landscape plans. This list of species is to be used as a guideline and is not meant to exclude other acceptable species.

	<u>Common Name</u>	<u>Minimum Size</u>
<u>Shade Trees</u>		
Acer pseudoplatanus	Planetree Maple	2-2+" cal 12-14' HT
Acer rubrum	October Glory Red Maple	2-2+" cal 12-14' HT
Celtis occidentalis	Common Hackberry	2-2+" cal 12-14' HT
Quercus phellos	Willow Oak	2-2+" cal 12-14' HT
Platanus acerfolia "Bloodgood"	London Planetree	2-2+" cal 12-14' HT
<u>Flowering Trees</u>		
Cornus Kousa	Kousa Dogwood	6-8' HT
Magnolia virginiana	Sweetbay Magnolia	6-8' HT
Amelanchier canadensis	Shadblow Service- berry	6-8' HT
Viburnum prunifolium	Blackhaw Viburnum	2-2+" cal 8-9' HT
Malus floribunda	Japanese Crabapple	8-9' HT
Prunus yedoensis	Yoshino Cherry	2-2+" cal
<u>Evergreen Trees</u>		
Ilex opaca	American Holly	7-8' HT
Pinus strobus	White Pine	7-8' HT
Pinus thunbergii	Japanese Black Pine	7-8' HT
Juniperus virginiana	Eastern Red Cedar	7-8' HT
Thuja occidentalis "Nigra"	Dark American Arborvitae	7-8' HT
<u>Shrubs</u>		
Ilex glabra	Inkberry	18-24" HT, 3' o.c.
Myrica pensylvanica	Bayberry	18-24" HT, 3' o.c.
Prunus maritima	Beach Plum	18-24" HT, 3' o.c.
Viburnum dentatum	Arrowwood Viburnum	18-24" HT, 3' o.c.
Pyracantha coccinea	Rutgers Firethorn	18-24" HT, 3' o.c.
Rosa rugosa	Rugosa Rose	18-24" HT, 3' o.c.
Rosa virginiana	Virginia Rose	18-24" HT, 3' o.c.
Vaccinium corymbosum	Highbush Blueberry	18-24" HT, 3' o.c.
Ilex crenata	Japanese Holly	18-24" HT, 3' o.c.
Berberis gladwynensis	William Penn Barbery	18-24" HT, 3' o.c.
<u>Ground Cover:</u>		
Cotoneaster dammeri	Bearberry Cotoneaster	12-15" HT, 2' o.c.
Juniperus chinensis	Sargent Juniper	12-15" HT, 2' o.c.

sargentii

Rosa wichuraiana
Juniperus conferta

Memorial Rose
Shore Juniper

12-15" HT, 2' o.c.
12-15" HT, 2' o.c.

NOTE: All trees and shrubs shall be balled and burlapped.

85-89 Parking, Loading, Storage, and Recycling Requirements.

A. In all zones, at the time any building or structure is erected, enlarged, or increased in capacity, there shall be provided off-street parking for automotive, bicycle and other vehicles and off-street loading facilities in accordance with the requirements set forth herein as well as the parking space requirements for the handicapped contained in PL 1975, Chapter 221. All required parking and loading facilities shall be paved with an all weather impervious surface and shall be completed prior to the issuance of a Certificate of Occupancy. The construction, alteration, or enlargement of any public or private parking or loading area or of accesses to such area shall require site plan approval by the Planning Board.

B. Each permitted use shall provide an area for the orderly deposit and pickup of refuse which is concealed from adjacent residential properties. This area shall be visually screened by a decorative wall or fence and landscaping. The overall design shall be in architectural harmony with the principal building and shall not be located within buffer areas.

C. All provisions and facilities for storage, other than the pickup of refuse, shall be contained within a principal building.

D. The following minimum number of parking spaces shall be provided for the uses specified per gross floor area unless otherwise indicated: (Rev. 07-06, Ord. 1013)

<u>Land or Building Use</u>	<u>Minimum Standards</u>
Assembly hall, auditorium, theater, church or other similar place of public assemblage.	1 space for each 4 fixed seats. One seat shall be considered twenty-two (22) inches in calculating the capacity of pews or benches.
Automobile and gasoline service station	1 space per tow truck, grease rack, or similar unit of service capability, with a minimum of 5 spaces, plus 1 space for each 2 employees during the period of greatest employment, provided that the total number of spaces shall be not less than 6, but no greater than 12 spaces.
Banks and other financial institutions	1 space for each 600 square feet of gross floor area. Additionally, drive-in banks shall provide room for at least three (3) automobiles per drive-in window and/or lane for queuing purposes.
Beauty & barber shops	1 space for each 400 square feet of gross floor area.
Business, professional offices	1 space for each 400 square feet of gross floor area.
Sightseeing and sport fishing boats	1 space for four (4) passengers as determined by the appropriate Bor-

Dwelling: Detached single family unit

ough license and recorded seating capacity.

2 parking spaces per living unit. Stacked parking may contribute toward meeting the minimum requirement as long as parked vehicles do not encroach upon public property. If there is a garage, there must be twenty (20') feet from the property line to the garage door. (Rev. 04-07, Ord. 1030)

Dwelling: Attached single family, e.g. two-family unit, townhouse, duplex, three-family unit, or triplex

Two (2) spaces per living unit and stacked parking for two (2) cars may be permitted according to site plan review. Stacked parking within an enclosed garage where vehicles must exit the site by backing out into the street is not permitted. A car may be stacked in front of the garage if there is 20 feet from the garage to the property line. If there is a garage, there must be 20 feet from the property line to the garage door. (Rev. 12-05, Ord. 988)

Dwelling: Multi-family or garden apartment with more than three units per structure

Two (2) parking spaces per living unit and stacked parking for two (2) cars may be permitted according to site plan review. Stacked parking within an enclosed garage where vehicles must exit the site by backing out into the street is not permitted. A car may be stacked in front of the garage if there is 20 feet from the garage to the property line. If there is a garage, there must be 20 feet from the property line to the garage door. (Rev. 12-05, Ord. 988)

Fast food or drive-in restaurants

One (1) space for each three (3) seats, plus one (1) space for each forty (40) square feet of gross floor area, excluding the seating area

General office, corporate office, research	One (1) space for each four hundred (400) square feet of gross floor area.
Hotel or motel, including all M-1 Zones and Multi-Family (Rev. 10/05, Ord. 983) Minimum On-Site Parking: Motel/Hotel	1 space (up to 650 sq. ft.) – no tandem parking permitted 2 spaces (from 651-799 sq. ft.) – tandem parking permitted if dedicated to a single unit
Multi-Family	2 spaces (800 – 2,000 sq. ft.) – tandem parking permitted if dedicated to a single unit 3 spaces (over 2,000 sq. ft.) – one of 3 spaces may be tandem
Medical or dental clinic or office	1 space for each 100 square feet of gross floor area or 4 spaces for each doctor or dentist, plus 1 space for each employee, whichever is greater.
Personal service business	1 space for each four hundred (400) square feet of gross floor area.
Private kindergarten, child nursery or institutional home	1 space for each six hundred (600) square feet of gross floor area.
Public or private schools	1 space for each employee, plus 1 space for each 5 seats in the auditorium or other places of assembly available to the public.
Restaurant, similar establishment outside the M-1 zone	1 space for each six (6) seating accommodations of 1 space for each sixty (60) square feet of floor area devoted to patron drinking and dining use, or 1 space for every two hundred (200) square feet of building floor area, whichever yields the greatest number of spaces plus 1 space for every 500 square feet of total square feet (including kitchen and storage areas) dedicated for employee parking.
Recreation centers, clubs and service organizations	1 space for each five hundred (500) square feet of gross floor area plus

	1 space for each two (2) full-time employees.
Retail business and stores	1 space for each four hundred (400) square feet of gross floor area.
Self-service laundry	1 space for each four hundred (400) square feet of gross floor area.
Supermarkets	1 space for each four hundred (400) square feet of gross floor area.
Undertakers, mortuary or funeral home	1 space for each sixty (60) square feet of floor area available for seating accommodations plus 1 space for each person employed therein.
Mixed uses	If two or more uses are conducted on one lot, the minimum required number of parking spaces shall be the aggregate required minimum number of parking spaces for each use, computed separately.
Uses not specified	As determined by the Planning Board on the basis of the number of persons to be employed or to reside in or visit said building and the anticipated use by residents, visitors, or patrons of transportation modes other than private automobiles.

E. Bicycle or Moped Parking Requirements - In addition to the required facilities for passenger automobiles, facilities for the secure and convenient parking of bicycles shall be required.

F. Off-Street Loading Requirements - Off-street loading area or berths, open or enclosed with proper access from a street, highway, common service driveway or alley shall be required.

G. Supplementary Parking, Storage and Loading Space Requirements - In addition to other provisions of this Article, the following shall apply:

1. Fractional space: When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, a space shall be required for each such fraction.
2. Computing number of employees: The number of employees, where not clearly stipulated, shall be computed on the basis of persons to be employed, taking into consideration day, night and seasonal variations.
3. In determining minimum parking space requirements focuses not covered in this Article, the Planning Board shall be guided by the number of persons to be employed in said building or by the use; the number of persons expected to reside in, visit, or patronize the building or use; the anticipated percentage of residents, visitors or patrons using various transportation modes; and the need for safe and convenient loading space for visitors or patrons and goods.
4. Trash storage containers shall be provided for all motels at a ratio of one (1) standard container capable of holding forty (40) to fifty (50) cubic feet for each forty (40) units. A coffee shop shall be considered five (5) units.
5. Each permitted use shall provide an area for the orderly deposit and pick-up of refuse which cannot be seen from adjoining public streets, customer parking areas or adjacent lots when viewed by a person standing on ground level. This area shall be visually screened by a decorative wall or fence and landscaping. The overall design shall be in architectural harmony with the principal building and shall not be located within buffer areas.
6. Solid waste collection areas shall be provided and shall be located for the convenience of the occupants. Exterior and interior refuse receptacles, aesthetically designed, shall be provided for shopper convenience.
7. All provisions and facilities for storage, other than pick-up of refuse, shall be contained within a principal building. Any article or material stored outside an enclosed building or an incidental part of the preliminary operation on a lot shall be located in the side or rear yard and be so screened by fencing, walls, evergreen planting or combinations thereof that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
8. All fences, trees, plantings, shrubbery, or other screening required by the Planning Board shall be consistently maintained at the level of quality required of said items at the time they were initially installed.

H. Parking and Off-Street Loading and Unloading Requirements

1. Where it can be demonstrated, at the time of Planning Board review, that the parking and/or loading and unloading requirements of this Article will result in more parking spaces than actual needs require, the Planning Board may permit a portion of the proposed parking and/or loading areas to remain unpaved, but landscaped. Such unpaved area shall remain reserved for such future facilities needs, and if conditions in use or actual operation of the proposed use vary, the Planning Board may require such unpaved space to be paved.
2. Minimum off-street parking loading requirements as required by this Article may only be exceeded, where it can be demonstrated, at the time of Planning Board review, that such additional parking facilities are necessary for the actual operation of a proposed use. In such instances, the Planning Board may grant an increase in minimum spaces on a lot, provided that all other bulk and area requirements are met for the use in the district in which it is located.
3. A variance and public notice shall be required when the proper number of parking spaces are not being provided on a lot.

I. Use Change Affecting Parking Needs - Whenever after the date of this Ordinance there is a change in the number of employees or business visitors or in the lawful use of the premises or in any other unit of measurement specified herein and whenever such change creates a need for an increase in more than twenty percent (20%) of the number of off-street automobile parking spaces as determined by the requirements of this Chapter, additional off-street parking facilities shall be provided within a reasonable time on the basis of the adjusted needs. The provision of additional parking shall constitute an expansion of use and will in turn require site plan review by the Planning Board.

J. Recycling Requirements. The intention of this section is to provide standards and design guidelines governing the preparation of recycling plans for certain developments requiring subdivision or site plan approval. A recycling plan shall be submitted with every preliminary development plan application for fifty (50) or more units of single family or two family housing, multi-family or townhouse dwellings of twenty-five (25) or more units, and all non-residential development proposals for the utilization of one thousand (1,000) square feet or more of land.

Non-residential and institutional establishments that are exempt from source separation requirements pursuant to NJSA 13:1E-99-16 of the Recycling Act shall submit written verification of such exemption in lieu of the recycling plan required herein.

1. Standards for Single Family and Two Family Dwellings:
 - a. A recycling plan in the form of a narrative description and diagram or maps shall be submitted with every preliminary development proposal for the construction of fifty (50) or more units of single family or two family housing.
 - b. The recycling plan shall furnish a list of all applicable recyclable materials, including at a minimum, the following:
 - (1) Acceptable glass containers
 - (2) Acceptable metal containers
 - (3) Acceptable plastic containers

- (4) Acceptable mixed paper
- (5) Tires
- (6) White goods
- (7) Leaves
- (8) Batteries

c. Each single family and two family dwelling unit or its associated garage shall be designed to provide a location containing at least 24 cubic feet of space per unit for storage of designated recyclable material. The location shall be clearly marked as such on floor plans of the dwelling unit or garage.

2. Standards for Multi-family and Townhouse Dwellings:

a. A plan in the form of a narrative description and diagrams and maps shall be submitted with a preliminary development application for multi-family or townhouse development of twenty five (25) or more units. The herein standards may be modified by the Planning Board upon documentation from an applicant indicating actual solid waste surveys from similar projects that would support such modification and ensure the most appropriate space allocation that encourages recycling.

b. The recycling plan shall furnish a list of all applicable recyclable materials, including, at a minimum, the following:

- (1) Acceptable glass containers
- (2) Acceptable metal containers
- (3) Acceptable plastic containers
- (4) Acceptable mixed paper
- (5) Tires
- (6) White goods
- (7) Leaves
- (8) Batteries

c. Each multi-family and townhouse dwelling unit shall be designed to provide a location containing at least eighteen (18) cubic feet of space per unit for storage of designated recyclable materials. The location shall be clearly marked as such on floor plans of the dwelling unit. The required storage area may be designated within a garage structure accessory to the dwelling unit, if available.

d. For every twenty five (25) dwelling units or portions thereof, an outdoor storage area containing a concrete pad of sufficient dimension to handle the following projected minimum recyclable material generation rates shall be provided.

Minimum Generation Rates

Newspaper	10 lbs. per person per month
Glass	7 lbs. per person per month
Aluminum	0.4 lbs. per person per month
Tin cans	6 lbs. per person per month

Plastic containers

0.8 lbs. per person per month

An explanation of the method used to determine the proposed size of a storage area shall be provided. An explanation shall also be provided concerning how the determination was made for the size of storage containers.

The outdoor storage area shall be conveniently located for residential disposition of recyclables, preferably near, but clearly separated from a trash refuse dumpster. The outdoor area shall be enclosed on three (3) sides by a solid fence of six feet height and landscaping shall be provided around the fence in accordance with landscape standards contained in this Ordinance.

Outside deposit areas shall not be permitted in any required yard or setback area nor shall they interfere with the adequate operation of off-street parking facilities.

3. Standards for Non-residential Development:

a. All preliminary non-residential development proposals for the utilization of one thousand (1,000) square feet or more of land shall submit with a preliminary site or subdivision plan a recycling plan to the Borough and to the Cape May County Municipal Utilities Authority that includes the following information:

(1) Description of the type of business expected to occupy the building. In a case where, during site plan or subdivision review, the business type is unknown, a recycling plan shall be based on an assumed tenancy mix. Should there be substantial deviation by more than twenty-five (25%) percent from the assumed tenancy mix prior to issuance of a certificate of occupancy, a revised recycling plan shall be submitted to the Borough's Construction Official and/or Recycling Coordinator prior to issuance of the final certificate of occupancy.

(2) Non-residential establishments shall furnish a list of all applicable recyclable materials, including, at a minimum, the following:

- (a) Paper, including acceptable mixed paper, corrugated cardboard, and office paper.
- (b) Acceptable glass containers
- (c) Acceptable metal containers
- (d) Tires
- (e) Used motor oil
- (f) White goods
- (g) Batteries
- (h) Food wastes
- (i) Organic material

- (3) Approximate amount of each recyclable material, listed by type, expected to be generated (in cubic yards or tons, monthly, or annually.)
 - (4) Material separation and handling practices, which shall include the following:
 - (a) A list of areas where material is expected to be generated.
 - (b) A method of storing material at the point of its generation.
 - (c) A method of moving material from the generation area to the storage area.
 - (d) Location of designated storage area.
 - (e) Size of storage area with an explanation of method used to determine size of storage area.
 - (f) Size and type of container used to store each material, both at the point of generation and storage prior to hauler pick-up. An explanation shall be provided concerning how determination was made for the sizing of storage containers.
 - (g) The method of visually screening the recycling area.
 - (h) Method of material removal, including frequency of pick-up and type of vehicle(s) expected to be used for pick-up.
 - (i) Safeguards to minimize confusion between recycling areas and refuse collection areas shall be outlined.
4. Any agreement with a solid waste hauler or within a separate entity for recycling of source separated designated materials shall also be submitted for review.
5. On-site storage space requirements for designated recyclable materials shall be sufficient to accommodate the volume of recyclable materials expected to be generated by the proposed development. On-site collection areas shall not be permitted in any required yard or setback area, nor shall they interfere with the adequate operation of off-street parking facilities.
6. Landscaping and screening of the recycling storage area shall be provided in accordance with landscape standards contained elsewhere in this Ordinance.
7. Compliance with Other Municipal Codes

Storage areas, both indoors and outdoors, shall meet all fire, building, health codes, and other applicable requirements of the Borough of Wildwood Crest.

8. Recycling Collection and Education Plan

For both residential and non-residential developments required to submit a solid waste recycling program, a plain language summary of the proposed recycling requirement storage areas and collection process shall be prepared. Such summary material shall be included as part of any sales or rental transactions, and the method for such information dissemination shall be provided as part of a development application.

If a residential or non-residential development application contains a homeowners association or business owners association, then the bylaws for such associations shall address the recycling plan envisions for the development project.

85-90 Circulation, Parking, Driveways and Loading Area Design Standards.

A. Access - Unobstructed access to and from a street shall be provided. Paved access drives or driveways shall be provided in accordance with the criteria provided in this Article.

B. Location of Parking Spaces - Such parking spaces, open or enclosed, shall be on the same lot or tract of land as the building or use to be served unless the Planning Board, in connection with site plan review, shall approve collective off-street parking facilities for two or more buildings or uses on adjacent or contiguous lots. The total of such collective off-street parking facilities shall be not less than the sum of facilities required for the individual uses computed separately.

1. Loading and unloading areas shall be prohibited in the area between the front building line and the street line on arterial roads.
2. In residential zones, a driveway within a required front yard may be used and counted as one motor vehicle parking space, provided a parked vehicle does not encroach upon public property.
3. In commercial zones, parking spaces which require vehicles to back out directly onto any "main" or north/south streets are prohibited. However, backing out is permitted on side streets.
4. Every attached dwelling unit type shall have a minimum setback of 10 feet from any common or shared parking area(s) containing 5 or more vehicle parking spaces.

C. Location in Different Zones - No access drive, driveway or other means of ingress and egress shall be located in any residential zone to provide access to uses other than those permitted in such residential zone.

D. Sidewalks and Curbing - Sidewalks between parking areas and principal structures, along aisles and driveways and wherever pedestrian traffic shall occur, shall be provided with a minimum width of five (5) feet of passable area and be raised six (6) inches or more above the parking area except when crossing streets or driveways. At points of intersection between pedestrian and motorized lines of travel, and at other points where necessary to avoid abrupt changes in grade, a sidewalk shall slope gradually so as to provide an uninterrupted line of travel.

Guardrails and wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas.

E. Curb Cuts in All Districts. Curb cuts in all districts shall be limited in order to provide for on-street parking. Curb cuts for single-family and duplexes shall be limited as specified under 85-74D6. For all other developments, curb cuts shall be limited to the size needed to access the development as approved by the Planning Board during site plan review. However, in all districts, at least 50% of the lot frontage shall be raised curb, with a minimum of 35% being continuous raised curb. The area in front of the raised curb to the building shall be landscaped.

F. Access to Off-Street Parking - In the M-1 zone circulation patterns shall be designed to minimize curb cuts and be designed to lessen traffic impacts flowing on the North and South Avenues.

G. Landscaping

1. Parking areas shall be suitably landscaped to minimize noise, glare and other nuisance characteristics as well as to enhance the environment and ecology of the site and surrounding area. General landscaping design shall conform to criteria set forth in this Article. All open parking areas and access-ways thereto shall be properly drained and all such areas shall be a paved surface.

2. Parking viewed from the public right-of-way or from any property used for residential purposes shall be suitable shielded.

1. All commercial off-street parking areas shall be bordered by landscaped areas containing trees and shrubs to shield automobiles from view. Whenever feasible, the Planning Board shall require that at least 10 percent of the total parking lot area be used for interior landscaping. Such interior landscaping shall be distributed throughout the parking lot in planting islands to provide maximum shade and buffer from noise and glare. At least one deciduous tree for every 10 parking spaces shall be required within the parking lot. For the purposes of this requirement, any parking area enclosed or covered shall not be calculated as part of the total parking area.

4. In all residential off-street parking areas interior landscaping shall be distributed throughout as determined by the Planning Board to provide for maximum shade and buffer from noise and glare. Buffering of fencing, evergreens, shrubs, bushes, deciduous trees, plants, or combination thereof shall be located along the edge of parking lots or property lines to minimize headlights of vehicles, noise, light from structures, the movement of people and vehicles, and to shield activities from adjacent properties and roadways.

5. Landscaping shall be provided as part of the overall site plan design and shall be integrated into building arrangements, topography, parking, and buffering requirements. Landscaping shall include preservation of existing vegetation to the extent possible as well as trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art, and the use of building and paving materials in an imaginative manner.

H. General Circulation Design Principles

1. Parking space allocations should be oriented to specified buildings.

2. Parking areas may be designed to focus on major walkways which should be marked.
3. Where possible, parking areas shall be separated from streets by islands with a minimum width of six (6) feet.
4. All parking areas shall be provided with permanent and durable curbing or bumpers unless this requirements is waived by the Planning Board.
5. Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks should be clearly designated by pavement markings and/or signs.
6. All parking and loading spaces and driveways should be so arranged that cars and trucks may be turned on the lot so that it is not necessary to back into any street. Vehicles being repaired shall be screened from adjacent properties.

I. Driveway Design

1. All entrance and exit driveways shall be located to afford maximum safety to traffic, provide for safe and convenient ingress and egress to and from the site, and to minimize conflict with the flow of traffic.
2. Any exit driveway or driveway lane shall be so designed in profile and grading and located to provide the following minimum sight distance of one hundred fifty (150) feet measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway that is immediately outside the edge of the road right-of-way.
3. No entrance or exit driveway shall be located on a rotary, ramp of an interchange, or within twenty (20) feet of the beginning of any ramp or other portion of an interchange.
4. For all one, two, and three family dwellings with a driveway between a building and property line, there shall be a minimum distance of ten (10) feet between the building and property line.

J. Driveway Angle

1. Two-way operation: Driveways used for two-way operation shall intersect the road at an angle to as near ninety (90) degrees as site conditions will permit and in no case will be less than sixty (60) degrees.
2. One-way operation: Driveways used by vehicles in one direction of travel (right turn only) shall not form an angle smaller than forty-five (45) degrees with a road, unless acceleration and deceleration lanes are provided.

- K. Driveway Dimensions - The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily onto the land development for which a site plan is prepared. The required minimum dimensions of nonresidential driveways shall be twenty-four (24) feet.

L. New or Altered Parking Lots - No public or private parking area or access roads thereto shall be constructed, altered or added to in the Borough until there shall have been filed with the Planning Board an application for a building permit, which shall include a plan, in duplicate, drawn to scale, showing the actual dimensions of the lot or lots to be built upon, the exact size and location on the lot or lots of the building or structure and accessory buildings already existing or to be erected, and containing such other information as shall be deemed necessary by the Planning Board to determine conformity with the provisions of this ordinance and of the Building Code.

M. Maintenance of Off-Street Parking and Loading Areas

1. Every parcel of land hereafter used as a public or private off-street parking or loading area shall be maintained in good condition, free of hazards and deterioration. All pavement areas, sidewalks, curbs, drainage facilities, lighting, bumpers, guardrails, markings, signs, bicycle parking devices, landscaping and other improvements shall be maintained in workable, safe and good condition.
2. All off-street parking and loading areas, including driveways, shall be maintained with graded, dust-free surfaces that are well drained, such as asphalt or porous pavement as approved by the Borough Engineer. All such off-street parking and loading space and necessary passageways and driveways giving access thereto shall be maintained in a state of good repair and the surface thereof shall be kept clear of ruts, potholes, protrusions, debris, and other vehicular or pedestrian hazards. One (1) or two (2) family dwellings, however, may incorporate parking strips separated by gravel or grass as approved by the Borough Engineer for all off-street parking spaces and/or driveways.
3. The governing body may authorize repairs for such improvements if, after proper notice, the owner fails to maintain such improvements and such conditions constitute a hazard to health and safety or where such improvements are government by a development or other similar agreement.

N. Automobile Parking Design Principles

1. The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements set forth below.

The minimum width of access aisles shall conform with the following requirements:

Parking Angle (Degrees)	Aisle Width One-way Traffic	Aisle Width Two-way Traffic
0 parallel	12	20
30	12	20
45	14	20
60	18	20
90 perpendicular	23	20

2. A one-way car movement (to the left or counter-clockwise) should be encouraged. A major loop road should be developed around the parking

areas. All parking shall be located in bays generally perpendicular to driveways or roads.

3. Parking areas or lots providing for more than sixty (60) motor vehicle spaces shall, where possible, be subdivided into modular parking bays. A single row or line of spaces within a bay should be no more than ten (10) spaces in length. Parking bays should be separated from access or circulation drives by six (6) foot wide islands for the full width of a bay at the ends of rows.
4. In outdoor parking or service areas for uses open to the public, parking spaces shall be striped, lines shall be four (4) inches wide. Such areas shall be curbed with permanent and durable curbing to confine cars to striped parking, without overhang or projection onto sidewalks, driveways, bicycle parking areas, planted areas or adjacent landscaped areas.
5. Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport, or other area available for parking, other than a street, access lane or a driveway. However, a driveway within a required front yard for a one-family residence may count as one parking space. All required parking spaces shall have a vertical clearance of at least seven (7) feet. Curbed islands are required.
 - a. All residential and motel parking shall require every parking space to consist of not less than one hundred sixty-two (162) square feet of usable area and shall be measured exclusive of interior driveway or maneuvering areas. Minimum parking stall width shall be nine (9) feet, minimum length shall be eighteen (18) feet.
 - b. All business parking shall require every parking space to consist of not less than one hundred sixty two (162) square feet of usable area and shall be measured exclusive of interior driveway or maneuvering areas. Minimum parking stall width shall be nine (9) feet, minimum length shall be eighteen (18) feet.
 - c. All Marine Commercial Zone parking designated for boating purposes shall permit stacking. A parking lot attendant may be required at all times to assist vehicular entry, exit and use of stacked parking lots. Each space shall require a width of nine (9) feet and a length of eighteen (18) feet.

O. Bicycle Parking Design Principles

1. Bicycle parking facilities shall be of such a type and quantity so as to encourage and facilitate the use of the bicycle as a means of transportation by the employees and customers of the proposed use requiring site plan approval.
2. Outdoor bicycle parking facilities should be located in convenient locations close to building entrances or pedestrian walkways leading to building entrances. Such facilities shall be clearly marked, and separated from automobile access by either landscaping, raised curbs or similar devices. Indoor bicycle parking facilities should be provided in a secure and safe area.
3. Bicycle access should be combined with motor vehicle access where possible. Bicycle access driveways or aisles shall not contain hazards to the

cyclists (e.g. parallel bar drainage grates, insufficient sight clearance at points of intersection, or insufficient lateral or vertical clearance or radii of curvature).

4. Bicycle parking facilities should be located close to major entrances to buildings, or other areas they serve, in view of working personnel on-site or close to high activity areas to minimize chances of theft or vandalism.

P. Location and Access of Loading Areas, Berths

Unobstructed access, at least ten (10) feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading areas or berths shall be on the same lot as the use to which they are accessory. No entrance or exit for any loading area or berth shall be located within fifty (50) feet of any street intersection. No off-street loading berth or area shall be located in any front yard.

All areas for the loading and unloading of vehicles and for the servicing of establishments or shops shall be paved and have adequate and unobstructed access from a street, service driveway or alley and shall be so arranged that they may be used without blocking or otherwise interfering with the use of automobile access-ways, parking facilities, fire lanes or sidewalks.

85-91 Streets.

A. Street Extensions - The arrangement of streets not shown on the Master Plan or Official Map shall be such as to provide for the appropriate extension of existing streets.

B. Minor Streets - Minor streets shall be so designed as to discourage through traffic.

C. Right-of-way - The right-of-way width shall be measured from lot line to lot line and shall not be less than the following:

1. Arterial streets, eighty (80) feet.
2. Collector streets, sixty (60) feet.
3. Minor streets, fifty (50) feet.
4. Marginal access streets, forty (40) feet, or less than the extension of an existing streets, as shown on the Official Map, whichever shall be least.
5. The right-of-way width for internal roads and alleys in multi-family, commercial and industrial development, shall be determined on an individual basis by the planning board, and shall in all cases be of sufficient width and design to safely accommodate the maximum traffic, parking and loading needs and maximum access for fire fighting equipment.

D. Lots Abutting Existing Streets - Subdivisions that adjoin or include existing streets that do not conform to widths as shown on the Master Plan or Official Map or the street-width requirements of this ordinance shall dedicate additional width along either one (1) or both sides of said road. If the subdivision is along one (1) side only, one-half (+) of the required extra width shall be dedicated.

E. Intersections - Street intersections shall be as nearly at right angles as is possible and in no case shall be less than sixty (60) degrees. The block corners at intersections shall be rounded at the curb line, with a curve having a radius of not less than twenty (20) feet. Also, only one point of access and one point of egress may be allowed each property except where large frontages are present. In those latter cases, the Borough Engineer may advise the Planning Board to the safety requirements involved.

F. Property Access - Unless necessary to provide access to a lot in separate ownership existing before the date of this ordinance, no driveway access to property or additional street intersection may be permitted within "Sight Triangles" as specified herein.

G. Street Jogs - Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall be prohibited.

H. Reverse Curves - A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

I. Connecting Street Lines - When connecting street lines deflect from each other at any one point by more than ten (10) degrees and not more than forty-five (45) degrees, they shall be connected by a curve with a radius of not less than one hundred (100) feet for minor streets and three hundred (300) feet for arterial and collector streets.

J. Cul-de-sacs - Dead-end streets (cul-de-sacs) shall not be longer than six hundred (600) feet and shall provide a turnaround at the end with a radius of not less than fifty (50) feet and tangent, whenever possible, to the right side of the street.

K. Temporary Cul-de-sacs - If a dead-end street is of a temporary nature, a similar turnaround shall be provided and provisions made for future extension of the street and reversion of the excess right-of-way to the adjoining properties.

L. Street Names - No street shall have a name which will duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name.

M. Alleys - The following shall apply to the design and location of alleys:

1. Public alleys shall not be permitted in residential development except by permission of the Planning Board. Where public alleys are permitted in residential developments, they shall be 20 feet wide and paved for the full width.
2. Alleys serving commercial and industrial establishments are required unless other provisions for service are approved by the Planning Board. Alleys serving such establishments shall have a paved width of at least 24 feet. If it is impossible for an alley to go through a block, the alley shall be provided with a standard cul-de-sac turnaround at its closed end.

85-92 Lots.

A. Lot Size - Minimum lot size shall be governed by the Zoning Ordinance.

B. Lot and House Numbers - House and lot numbers shall be assigned each lot by the Borough Engineer.

C. Side Lot Lines - Insofar as is practical, side lot line shall be at right angles to straight streets and radial to curved streets.

D. Lot Frontage and Width - Each lot shall front on an approved street accepted by the municipality. Frontage shall be measured along a straight line between points where side lines meet street lines, e.g. the chord of a circle in a cul-de-sac.

E. Lot Line on Widened Streets - Where extra width is provided for the widening of existing streets, lot measurements shall begin at such extra width line and all setbacks shall be measured from such line unless otherwise provided by the Zoning Ordinance.

F. Unsuitable Lots - Where there is a question as to the suitability of a lot or lots for their intended use, due to factors such as flood conditions or similar circumstances, the Planning Board may, after adequate investigation, withhold approval of such lots. If approval is withheld, the Board shall give reasons and notify the applicant and enter the same into the minutes.

G. Concrete Monuments - Concrete monuments shall be installed on both sides of all streets and elsewhere in accordance with the requirements of the N.J. Map Filing Act.

85-93 Easements.

A. Utility Installation and Other Easements - Easements along rear property lines or elsewhere for utility installation may be required. Such easements shall be at least fifteen (15) feet wide and located in consultation with the companies or municipal departments concerned.

B. Drainage and Conservation Easements - Where a subdivision is traversed by a watercourse drainage way channel or street, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction or both as will be adequate for the purpose.

C. Preservation of Natural or Manmade Assets - Wherever possible, subdividers shall preserve trees, sand dunes, waterways, scenic points, historic spots, and other community assets and landmarks.

D. Buffer Areas - If a subdivision abuts an area zoned for a use different from the use permitted in the area of the subdivision, the Planning Board shall consider the need to provide a separation to promote the public safety and general welfare of the municipality. The Planning Board may require a landscape transition buffer as set forth in this Ordinance to be shown on the plat of the subdivision. The Planning Board shall be guided by the design criteria for such buffers as is contained in this Ordinance.

85-94 Construction Standards for Specific Improvements. The following construction standards and improvements are necessary to protect the health, safety, welfare, and convenience of the residents and public as well as needed to meet local, county, regional, state and national goals and objectives. It is recognized, however, that in peculiar situations, all of the improvements listed below may not be appropriate or needed.

A. Streets - The developer shall submit plans, profiles, cross sections and design for the work to the Borough Engineer for approval prior to the start of any construction; at his own expense, grade all streets for their full width in conformity with the terrain and good engineering practices; shall have all underground utilities installed prior to any street paving construction; shall construct adequate underground pipe drainage systems to carry off surface water; shall construct streets in accordance with specification shown below; and shall a base course.

The paved roadway areas shall be constructed in accordance with the following:

1. Arterial streets: As determined by the appropriate agency.
2. Collector streets: Five (5) inch bituminous stabilized base course and three (3) inch type FABC-2 surface course.
3. Minor streets: Four (4) inch bituminous stabilized base course and two (2) inch type FABC-1 surface course.

Prior to placing the surface course, the base course shall have a tack coat of bituminous material. All of the above construction shall be in accordance with current New Jersey Department of Transportation Standard Specifications and supplements thereto on file in the office of the Borough Engineer. The Standard Specifications are further supplemented to require that, prior to placing final surface course, the intermediate base course shall be open to traffic and shall so remain for at least one (1) winter season. Thereafter, the engineer shall inspect the pavement and will require areas of pavement failure to be removed and replaced, settled areas shall be leveled with hot mixed bituminous concrete. The engineer may require compacted selected fill or approved sub-base material as needed to replace native sub-grade material.

All traffic lanes, both moving and parking, shall be striped in accordance with the Manual on Uniform Traffic Control Devices, as amended. (U.S. Department of Transportation, Federal Highway Administration, 1971.)

B. Curbs - Shall be constructed of Portland cement air-entrained concrete, class B, having a standard strength of 4,500 pounds per square inch. Depressed curbs at driveways shall have a full depth of eighteen (18) inches.

C. Sidewalks - Shall be constructed of Portland cement air-entrained concrete, class C, having a standard strength of 4,000 pounds per square inch. Minimum width shall be five (5) feet.

D. Water Mains - Water mains are to be installed in accordance with specifications approved by the City of Wildwood Water Utility or the following:

1. Engineering requirements for all water main installations are to comply with the rules and regulations of the New Jersey State Department of Health.
2. All pipe shall be not less than Class 150 cast-iron pipe of the size determined by the engineer, but in no case less than six (6) inches in diameter, and meeting the current specifications of the American Water Works Association.
3. All joints shall be lead or mechanical joint.
4. The depth of pipe from the finished surface or roadway or grade shall be not less than four (4) feet from the top of pipe.
5. Fire hydrants shall be installed not greater than one thousand (1,000) feet apart at locations approved by the Borough Fire Inspector.
6. Valves shall be installed with all fire hydrants and at such other locations in the lines as directed by the engineer.

7. House service connections, from the main to the curb stop and box, must be installed at all lots prior to placing any foundation or surface on the roadway.
8. No installation shall be covered until inspected and approved by the engineer.

E. Sewers - Where required by the Planning Board, sanitary sewers including service laterals, shall be installed in all streets and easements before the base materials for the streets are in place or the if the grading of the easement is complete, whether or not such sewers can be put to immediate use. Sewers in the streets and easements are to be constructed in accordance with the following:

1. All sewers, manholes, appurtenances and equipment shall be designed, constructed and installed in accordance with the requirements of the Department of Health of the State of New Jersey, the approval of which shall be noted on plans and specifications submitted as part of the data required, and in accordance with the most recent approved specifications and details of the Borough.
2. Pipe shall be asbestos cement or cast iron, of the class, type and strength of each required for the particular use and location.
3. The minimum inside diameter shall be eight (8) inches for sewers in roadways or easements and five (5) inches for house connections; the diameter and slope (gradient) being such as to maintain theoretically a velocity of two (2) feet per second when flowing one-half (+) full (or full) with an assumed $n = 0.013$. Without special permission of all approving authorities, pipes larger in diameter with flatter slopes shall not be permitted if the project rate of flow does not theoretically fill the pipe one-half (+) full.

F. Joints - Sections of pipe shall be joined by slip-type rubber gasketed joints, mechanical joints and such other gasketed joints as approved. Hot poured bituminous joints and caulked lead joints may be used, if approved, where conditions are such that pre-formed gasketed joints are not applicable.

G. Watertight Caps or Plugs - Termination of service laterals or any other temporary or permanent opening into the system shall be sealed by an acceptable means against the entrance of surface and ground water. Such sealed caps or plugs shall be so installed as to be watertight against any such internal pressure as might be applied in the testing of the sewer, as well as external subsurface water infiltration. Terminations of laterals shall be referred to "S" cuts on curbs or to other permanent monuments to facilitate locating the ends in the future.

H. Manholes - Manholes may be either pre-cast or built in place. No deviation from the approved standards will be permitted which may adversely affect water-tightness, structural strength, safe use or maintenance of the manhole or the pipes connecting thereto.

I. Service Connections - Laterals for sanitary sewers shall be constructed from mains to a point two (2) feet beyond underground utility easement in front of the realty improvement to be sewerred.

The owner shall, at the time he deeds the streets within a development to the Borough, give a bill of sale to the municipality, transferring title to all sewer utility improvements within street line limits and within easement limits absolutely free to Wildwood Crest Borough.

85-95 Lighting. In connection with every site plan, the applicant shall submit plans for all proposed exterior lighting. These plans shall include the location, type of light, radius of light, manufacturer's specification sheet and intensity in foot candles. Adequate lighting shall be provided to insure safe movement of persons and vehicles and for security purposes. The following design standards shall be followed:

- A. All lighting shall be serviced underground. The style of the light and light standard shall be consistent with the architectural style of the principal building.
- B. The maximum height of freestanding lights shall be the same as the principal building, but not exceeding twenty-five (25) feet.
- C. All lights shall be arranged and shielded in such a manner as not to create a hazard or nuisance to nearby residential properties or the traveling public.
- D. Where lights along property lines would be visible to adjacent residents, the lights shall be appropriately shielded.
- E. Light fixtures attached to buildings and visible to the public shall be shielded.
- F. Free-standing lights shall be so located and protected to avoid being easily damaged by vehicles.
- G. Lighting shall be located along streets, parking areas, at intersections, and where various types of circulation systems merge, intersect, or split.
- H. Pathways, sidewalks and trails shall be lighted with low or mushroom type standards.
- I. Stairways, and sloping or rising paths, building entrances and exits require illumination.
- J. Lighting shall be provided where buildings are set back or off-set if access is provided at such points.
- K. The following intensity in foot candles shall be provided:
 - 1. Parking lots - an average of five tenths (0.5) foot candles throughout.
 - 2. Intersections - three tenths (0.3) foot candles.
 - 3. Maximum at property lines - one and zero tenths (1.0) foot candles.
 - 4. Residential areas - average of three tenths (0.3) foot candles.

85-96 Buffers. Buffers are fences, landscaping, berms and mounds used to minimize any adverse impacts or nuisances on the site or from adjacent areas. They shall be provided in accordance with the provisions as set forth in this Ordinance to include landscape transition buffers and landscape strips. The following design principles shall be considered:

- A. Evergreens may be used as buffers providing they are planted properly. An evergreen buffer requires two or even three rows of staggered plantings. The rows shall be planted at intervals such that within one complete growing season, visibility from public view is obscured between uses being buffered.

B. Fences or walls as buffers shall complement the structural type, design and color of the principal building. A chain link fence with interwoven wood slats is not appropriate for residences or commercial properties.

C. Solid fences (solid picket, board and batten, panel or louver types) are most appropriately used adjacent or attached to a building as an extension of its architecture. In such instances, consideration shall be given to coordination with the design theme, materials, and color of the principal structure.

D. Semi-transparent fences (1" x 2" wood screen, picket or contemporary types) are less architecturally related to a principal structure and shall be finished in a more natural manner.

E. Transparent fences (hedge, split-rail, wire mesh, chain link types) shall be as unobtrusive as possible and be located within an overall landscaping plan so that they blend into the landscape.

F. Plantings shall be considered as part of any wall or fencing plan.

G. Consider buffers for the following areas:

1. Where interior roads run parallel with roads exterior to the site, a buffer should be erected to prevent confusion, particularly at night.
2. Buffer parking areas, garbage collection areas, and loading and unloading areas.
3. Consider prevailing wind patterns and use buffers to stop wind-borne debris from leaving the site.

Section 85-97 – Signs: (Entire Section 85-97 Rev. 12/06, Ord. No. 1022)

85-97 Signs. Signs shall be permitted only in compliance with the following regulations which are intended to provide attractive, coordinated, informative and efficient signs in the borough.

A. General regulations. The following regulations shall apply to all permitted and pre-existing non-conforming signs:

1. No signs shall be hung, erected, rebuilt or placed upon any building or structure unless a zoning permit and/or construction permit has been obtained by the property owner or an authorized agent of owner. Permit applications shall be accompanied by a plan showing details of the sign, type of illumination, type of materials, colors, size and location of the sign on the building and/or parcel.

2. All signs shall be kept in good repair which shall include replacement or repair of broken structural elements, casings, or faces, maintenance of legibility and all lighting elements.

3. The owner of the premises shall be responsible for keeping the area surrounding ground signs neat, clean and landscaped.

4. Directional and State-required signs having areas of less than two (2) square feet are exempt from area and location regulations except they shall be located a minimum of five (5) feet from any property line and further provided they do not constitute a hazard to the traveling public.

5. Applications shall comply with all applicable county, state and federal sign regulations.

6. Non-conforming signs shall not be enlarged, changed, or altered in size, location or appearance unless they are to conform to these regulations. Non-conforming signs may be reconstructed or rebuilt with prior approval by the zoning officer.

7. All principal buildings in all districts shall be clearly identified as to street number by means of a small unobstructed sign, clearly visible and legible from the main and abutting street.

8. Letter form and the use of symbols on signs must be simple, bold, and identifiable. The size, location, design, color, texture, lighting, and materials of all temporary and permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.

9. All signs shall be constructed and placed in such a manner as to insure driver reaction time and safe stopping distance to the entrance of the business or commercial use.

10. Every sign shall be in good scale and proportion in design and visual relationship to structures, buildings and other surroundings.

11. Every sign shall be designed as an integral architectural element of the structure, building and site to which it principally relates. As an architectural element, a sign shall be in harmony with the structure, building or site's character and use.

12. The colors, materials, and lighting of every sign shall be harmonious with the structure, building and site to which it principally relates.

13. The number of graphic elements on a sign shall be limited to a minimum needed to convey the sign's main message, and shall be composed in proportion to the area of the sign face.

14. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.

15. Awnings are permitted in all zones subject to district/use regulations outlined below.

16. Any application for site plan review shall include any proposed temporary and permanent signs.

17. Where a sign does not have a panel background, the area of such sign shall be computed by measuring the plane surface lying within the shortest straight lines connecting the exterior points of the letters and ornaments on and of said sign.

18. No sign shall be located in the sight triangle, as defined as that area outside of the curb line and the straight line connecting "sight points," one (1) located on each curb line at a distance of twenty-five (25) feet from the corner.

19. Any lighting associated with a sign shall be arranged and shielded in such a manner as not to create a hazard or nuisance to nearby residential properties or the traveling public.

B. Prohibited signs. Signs prohibited in all zones shall specifically include, but not be limited to, the following:

1. Any sign which does not pertain to an occupant, service, or product actually occupying or provided on the premises where such sign is located, except for the placement of temporary signs for sale, for rent or open house. (Rev. Ord. 1043, 9/07)

2. Roof signs and signs extending above the wall to which they are attached except as where permitted in the M-1 zone.

3. Signs posted on fences, posts, utility poles or trees.

4. Signs posted on borough property without the consent of the Governing Body.

5. Signs standing, installed or painted on sidewalks, curbs or the public right-of-way.

6. Exterior moving signs or lights of any nature.

7. Signs on abutments, retaining walls, embankments, standpipes, water towers or similar structures unless approved by the Governing Body.

8. Advertising signs painted directly on buildings, except in the M-1 and B-1 zones.

9. Advertising signs on accessory buildings.

10. Advertising signs which constitute a hazard to the traveling public.

11. Pylon signs except as permitted herein.

12. Billboard signs.

13. Throwaways or handbills on porches, in cars, or distributed in any manner as to permit their being blown and littering the streets.

14. Automobile, trailer (attached or unattached) or vehicle of any nature bearing signs or advertisements, parked or left for more than twenty-four (24) hours upon any vacant land or public street.

15. Flashing or illuminating signs that spell or present alternating messages.

16. Any lighting or control mechanism which may cause radio or television interference.

17. All signs operating between the hours of 1:00 a.m. and 6:00 a.m., with the exception of a service sign denoting "Vacancy" no larger than two (2) feet by four (4) feet and the further exception of all signs in the B-1, MC, and M-1 Zones.

18. Signs where the actual force of illumination is exposed to public view with the exception of neon.

19. Pennants and banners, except for open house, which pennants and banners are not to exceed sixteen (16) square feet and are to be removed daily by 4:00 P.M. (Rev. Ord. 1043, 9/07)

20. Flags for the purpose of advertising, except for a business in the B-1 and M-1 Zones, and except for open house, which flags shall not exceed sixteen (16) square feet and are to be removed daily by 4:00 P.M. (Rev. Ord. 1043, 9/07)

21. Signs on balconies or attached to balcony railings.

22. All temporary signs shall be prohibited except as outlined below.

C. Temporary signs. Temporary signs in all zones and for all parcels, including vacant lots, shall be subject to the following regulations:

1. During construction, no more than one (1) sign total identifying architects, builders, real estate brokers, lending institutions, and contractors is permitted. No sign shall be displayed until municipal approval has been granted and shall be removed when a Certificate of Occupancy is issued. Maximum size is:

16 square feet for lots up to 12,000 square feet

32 square feet for lots greater than 12,000 square feet

The location of the sign's outboard edge shall not be nearer than one-half the required setback from any property line, and shall not stand more than six (6) feet from the ground.

Said signs shall be permitted to remain on site for a period not to exceed one (1) year after either the first certificate of occupancy is issued or first deed of conveyance, whichever first occurs. (Rev. Ord. 1043, 9/07)

As part of site plan review by the Planning Board or permit review by the Zoning Officer, proposed temporary signs shall be presented including requests for waivers from the above regulations.

2. For Sale or Rent – No permit shall be required when placed by the property owners or their duly authorized and licensed real estate brokers and meet the requirements below. Vacant ground shall be subject to the regulations below.

For single family or two-family residential units, one (1) temporary ground mounted sign shall be permitted per unit announcing that the property on which it is located is for sale or rent, provided such sign shall be displayed for only so long as such property is for sale or rent. Such signs shall not exceed a total of five (5) square feet or 2 x 2 1/2 ', inclusive of two (2) six (6) inch riders. One information sheet holder is permitted but must be securely attached to the for rent or sale sign. For sale or rent signs shall be located no closer than ten (10) feet from the curb on residential properties, and the top of the sign shall be no more than four (4) feet above ground level.

For properties in the Motel Zone that contain more than two multi-family residential units, there may be one (1) ground or building-mounted sign advertising for rent or for sale with a maximum size of 4' x 4', allowing up to fourteen (14) double sided or twenty-eight (28) single sided rider-size (6" x 18") real estate placards per side. Additional signs may be added not to exceed the amount required for one (1) sign per unit. For sale or rent signs shall be located no closer than twenty (20) feet from the curb, and the top of the sign shall be no more than four (4) feet above ground level on multi-family residential properties in the M zones.

For any properties that are pre-existing and non-conforming as to setbacks and for which placement of "for sale" or "for rent" signs within the setback would present an undue hardship or be impractical to comply with, the zoning officer shall have the authority to authorize the placement of the temporary sign within the setback area or to refer applicant to the Zoning Board for waiver or variance relief if deemed necessary.

Two (2) open house signs are permitted on the property that is for sale during the time the open house is taking place and only if an agent or broker is on-site. Balloons are permitted attached to the sign during the period of the open house. The open house sign and balloons must be removed at the conclusion of the open house. For open house, the use of

either pennants, flags or banners will be allowed only on the property during the open house and must be removed daily no later than 4:00 P.M. All open house signs, pennants or flags or banners or balloons are permitted only on a daily basis between the hours of 10:00 A.M. and 4:00 P.M. to be removed daily. (Rev. Ord. 1043, 9/07)

3. Temporary contractor – One (1) temporary window or ground-mounted sign shall be permitted announcing a contractor performing work on a property, only so long as the work is in progress, or three (3) months, whichever is less. Such sign shall not exceed five (5) square feet and shall be located no closer than ten (10) feet from the curb, and the top of the sign shall be no more than four (4) feet above ground level.

4. Temporary political signs shall be permitted in all zones for a period of two (2) months prior to a primary, general and/or special election and for one (1) week thereafter. Said signs shall not exceed twelve (12) square feet and no side of any sign shall be more than six (6) feet in any direction.

D. Signs in Business and Marine Commercial Zones - Signs in non-residential districts may be erected only in accordance with the following requirements:

1. Those signs permitted in residential zones.

2. Exterior wall signs on non-residential establishments shall be permitted a total of two (2) signs provided, however, that no single exterior wall of any one (1) establishment shall contain more than one (1) of the two (2) permitted signs. The total sign area for the sign permitted on the face of any wall shall not exceed five (5) percent of the face of the wall area.

3. Free-standing signs may be permitted in the B-1 Zone at a maximum of one (1) free-standing sign advertising the business establishments or services located on the lot therein, provided that:

a. The area of said sign shall not exceed sixteen (16) square feet on each side or surface for lots forty (40) feet wide or less; and shall not exceed thirty (30) square feet for lots with a width greater than forty (40) feet.

b. The location of said sign's outboard edge shall not be nearer than one-half the required setback from any property line.

c. The base of said sign shall be appropriately landscaped.

d. No free-standing sign shall be erected on a side which borders on a residential zone.

e. Freestanding signs may be permitted for marine fishing and marine sightseeing uses directly related to boats provided they do not interfere with pedestrian sidewalk traffic

4. A-frame signs standing on the ground are permitted on the property of the business. They are prohibited on the sidewalk or in the public right of way, and they must be on the property that the business is located.

5. The location of signs shall not block the view of any existing signs on adjacent properties as seen from the inside travel lane.

6. Awnings that are entirely supported by the building may be located within the front yard setback. Any supporting posts may also be located within the front yard setback. Awnings and support structures are prohibited in the public right-of-way. Lettering and logos are permitted at a maximum of sixteen (16) square feet total for the awning.

7. Window lettering and window signs. For the purpose of enforcing this Ordinance, window lettering and signs shall not be construed as signs, but shall be subject only to the following restrictions:

All window lettering and signs shall be inside the window, and considered interior sign as defined in Article II of this Ordinance.

Permanent window lettering and signs shall be permitted only if the space confining such lettering and signs, or the background, upon which it appears, does not exceed twenty five (25) percent of the window area. Any painted area of any window shall be construed as window lettering or signs, whether or not such area actually contains lettering or advertising.

Window lettering or signs shall pertain only to that establishment occupying that portion of the premises where the window is located. Temporary window lettering or signs, advertising special sales or event, shall be removed within thirty (30) days. Also, such window lettering or signs, in conjunction with permanent window lettering or sign, shall not cover, in the aggregate, more than thirty (30) percent of the window area.

8. Murals may meet the definition of a sign (if there is lettering or images that represent the item or service for sale), therefore must apply for a zoning permit and are subject to the regulation regarding wall signs (above).

9. Signs attached to or hung from the principal structure and perpendicular to the street is permitted in the B-1 zone only with a total sign area of sixteen (16) square feet per side.

10. Any combination of the permitted signs above must not exceed one hundred (100) square feet per property for corner lots, and seventy-five (75) square feet for inside lots in the B-1 and MC zones.

11. Gasoline service stations and public garages shall be permitted to display only the following signs:

a. One (1) temporary sign, located inside the property line, specifically advertising special or seasonal servicing of motor vehicles, provided such sign does not exceed seven (7) square feet in size to a side.

b. One (1) non-moving, freestanding or pylon sign advertising the name of the station or garage and/or the principal products sold, including any special company or brand name, insignia or emblem, provided that the actual sign area does not exceed thirty (30) square feet in size to a side, and further provided that such sign shall be more than ten (10) feet but less than twenty (20) feet above ground level and is no closer than five (5) feet to any property line.

c. Additional signs or lettering displayed over individual entrance doors or bays, bearing legends, essentially the same or similar to the following: "washing, lubrication, repairs, mechanic on duty, car rental, U-hauls." There shall be no more than one such sign over each entrance or bay, such signs shall not exceed six (6) square feet in size, nor shall the lettering on such signs be greater than twelve (12) inches high.

d. Customary lettering or other insignia which are an integral part of a fuel pump and consisting only of a fuel name, lead warning sign, price indicator and any other sign or signs as required by law. Such sign shall not exceed three (3) square feet in aggregate area on each pump.

e. A single, non-illuminated credit card sign, not exceeding two (2) square feet in size, may be placed on or near each pump island.

E. Signs in Motel/Multi-Family Zones

1. Hotels/motels and their permitted accessory uses in the motel district shall be permitted to display only the following signs:

a. Two (2) signs for the purpose of identification and advertising which shall both be attached to the building, or one attached to the building and one placed on the roof of the building. The total area of these two signs shall not exceed fifty (50) square feet in area. No one sign shall exceed twenty five (25) square feet in area. In addition, a free-standing sign is permitted but shall not exceed twenty-five (25) square feet per side, and shall be setback at least one half of the required setback. Signs mounted on a roof shall not be permitted to extend ten (10) feet above the topmost point of the roof.

b. Hotels or motels containing and maintaining, in connection with the operation thereof, a restaurant, are permitted to erect and maintain two (2) illuminated service display signs advertising the restaurant facilities which sign is not to exceed sixteen (16) square feet.

c. Where beauty shops and gift shops are permitted in motels, one (1) small, maximum six (6) square feet illuminated sign shall be permitted to advertise services.

d. Awnings that are entirely supported by the building may be located within the front yard setback. Any supporting posts may also be located within the front yard setback. Awnings, and support structures are prohibited in the public right-of-way. Lettering and logos are permitted at a maximum of twenty-four (24) square feet total for the awning.

e. A-frame signs standing on the ground are permitted on the property of the motel. They are prohibited on the sidewalk or in the public right of way, and they must be on the property that the motel is located.

2. Multi-family residential

a. There may be one (1) sign maximum, either affixed to the building or free-standing.

b. Maximum area of the sign shall be twenty-five (25) square feet if the sign is affixed to the building.

c. Maximum area of a free-standing sign shall be twelve (12) square feet and shall not stand more than six (6) feet high. It shall be placed no closer to the street than 50% of the setback requirements.

d. Awnings that are entirely supported by the building may be located within the front yard setback. Any supporting posts may also be located within the front yard setback. Awnings, and support structures are prohibited in the public right-of-way. Lettering and logos are permitted at a maximum of twenty-four (24) square feet total for the awning.

e. One (1) exterior wall mounted management sign is permitted and shall have a maximum size of three (3) square feet.

F. Signs in residential districts. Only the following types of signs shall be permitted in residential districts:

1. Signs accessory to parking areas for institutional or public uses. Signs designating entrance or exits to or from a parking area shall be limited to one (1) sign for each such exit or entrance, with a maximum size of two (2) square feet for each sign. One (1) sign per parking area designating the conditions of use or identity of such parking area, and limited to a maximum size of six (6) square feet shall be permitted.

2. Nameplate and identification signs for single-family dwellings. A sign indicating the name or address of the occupant, or a small professional announcement sign may be permitted provided that the sign shall be no larger than two (2) square feet.

3. Institutional signs. Signs of schools, colleges, churches and other institutions of a similar public or semi-public nature may be erected and maintained provided that:

a. The size of any freestanding sign shall not exceed ten (10) square feet and not more than one (1) such sign is placed on a property, unless such property fronts upon more than one (1) street, in which instance a sign may be erected on each frontage.

b. Signs may be affixed to a maximum of two (2) walls of a structure. The total sign area on each wall shall not exceed twenty-five (25) square feet or two (2) percent of the wall, whichever is less. The wall area shall be measured from ground level to the bottom of the roof eaves and from the side of the building to the other side.

4. A sign erected by the borough, county, state or federal government.

5. Signs used for the protection of the public during construction or repairs.

6. Awnings that are entirely supported by the building may be located up to two (2) feet into the required front and side yard setback, and must not fall within six (6) feet of the rear property line. Any supporting posts must meet front and side yard setback requirements, and must not fall within six (6) feet of the rear property line. Lettering or graphics are prohibited on awnings in the residential zone.

G. Substandard signs may be removed by the Borough for the following reasons:

1. Unsafe signs. Whenever a sign becomes structurally unsafe or endangers the safety of life or property, the Construction Official shall give either a written or verbal notice that the sign either be made safe or removed. Compliance with the notice shall be immediate if the sign poses imminent danger and the Construction Official or designee shall have the right to remove said sign: otherwise, compliance shall be made within seventy-two (72) hours. The Borough may charge the owner of the sign for any costs incurred in removing hazardous signs.

2. Abandoned signs. Any individual, corporation or entity who owns or leases a sign shall remove said sign within thirty (30) days after the party advertises that business is no longer conducted in or on the premises, or the party vacates the premises. Removal of the sign can be done in the same manner as described in paragraph 1 above.

3. Illegal signs. Any sign erected or applied in violation of this Ordinance shall be removed by the owner immediately upon notification with reason by the zoning officer or designee. Failure to remove said "illegal" sign shall be cause for the issuance of a summons to appear in municipal court.

4. Dilapidated signs. A sign determined to be substantially dilapidated as determined by the zoning officer or designee shall be removed in accordance with Paragraph 1 above.

85-98 Utilities. The design and location of all utilities shall be based on borough standards and the public utility having primary jurisdiction. The location of all utilities shall be coordinated by the Borough Engineer. Storm drainage, sanitary waste disposal, water supply, and solid waste collection and disposal shall be reviewed and considered. Particular emphasis shall be given to the adequacy of existing systems and the need for improvements, on-site, off-site and off-tract, to adequately carry runoff and sewage and to maintain an adequate supply of water at sufficient pressure. All plans shall be approved by the Borough Engineer and shall be in accordance with those detail and design standards on file with the Borough Clerk.

85-99 Street Furniture. Street furniture are the manmade elements of the environment. These include, but are not limited to, phone booths, benches, planting boxes, mail and meter boxes, lighting standards, directional signs, bollards (posts), fences and walls, water fountains and pools, drinking fountains, trash receptacles and bike racks. In reviewing a site plan, details of street furniture shall include location, size, lighting, and design relationship to principal building(s). Such furniture shall be subordinate to the site plan and arranged in a design-coordinated fashion to the principal use on the lot (e.g. color, scale, bulk shall be reasonably harmonious with the principal building and coordinated with the overall site landscaping plan).

85-100 Building Site Design Principles. In the site planning and layout of multi-family and higher density residential developments, the following principles, as appropriate, should be considered:

A. For townhouse style or similar attached structures, a maximum of six (6) dwelling units in a single row with a minimum offset of two (2) to four (4) feet between every two dwelling units should be encouraged. No more than six dwelling units should be permitted in a straight line. The planes of other straight facades should be no more than 80 feet in length without at least a two-foot offset. Private parking areas should be located near the entrances and outdoor living areas or patios adjoining open space or paths leading to open space. Townhouses and similar style structures in each cluster should be consistent in terms of architectural style and major design elements such as materials, color tones, windows, roof lines, or roof design.

B. The site plan should be broken into visually small groupings such as quadrangles, clusters and courts, devices to slow speed and reduce the size of each visual grouping, such as garden walls and gates, reduction in setbacks of facing buildings, and variable landscape layouts.

C. Private off-street parking areas shall be located near dwelling unit entrances.

D. Architectural elements such as masonry walls and fences shall be compatible, in both style and materials, with the dwelling unit and development of which it is a part.

E. Architectural style and major design elements of each dwelling unit, such as materials, color tones, windows, and roof design, shall be compatible with all proposed dwelling units in the immediate neighborhood. Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior.

F. All garages or carports shall conform architecturally to and be of similar materials as the principal building in the development.

G. An outdoor private living space shall be provided for each dwelling unit. Buildings shall have open balconies or decks and patios.

H. Each building or complex of buildings shall have an architectural theme with appropriate variations in design to provide attractiveness to the development compatible with the development and in its relationship 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 Planning Board for review and approval.

I. All dwelling units shall be connected to approved and functioning water and sanitary sewer systems prior to the issuance of Certificate of Occupancy.

J. 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.

K. Dwelling units shall have access to a master television antenna system and individual units may not erect individual external television antennae.

L. For each apartment unit, in addition to any storage area contained inside individual dwelling units, there shall be provided for each dwelling unit two hundred fifty (250) cubic feet of storage 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.

M. No dwelling unit shall be constructed below grade. Units shall be designed in such a manner as to provide maximum security and visual privacy from adjacent dwelling units.

N. The use of natural lighting and solar heating is encouraged. Buildings shall be sited so as to take advantage of view, sun and wind factors.

85-101 Airborne Emissions. No use generating airborne emissions, activity, operation or device shall be established, modified, constructed or used without having first obtained valid permits and certificates from the Bureau of Air Pollution Control, NJDEP, pursuant to NJAC 7: 27-8.

Specifically, no use, activity, operation or device shall be established, modified or constructed without a valid "Permit to Construct." No use, activity, operation or device shall be operated, occupied or used without a valid "Certificate to Operate Control Apparatus or Equipment."

In addition to the requirements of NJDEP, the following shall also apply:

A. Particulate matter shall not be discharged into the outdoor air in a concentration exceeding three hundredths (0.03) grains per cubic foot of gas at actual gas conditions unless a minimum of ninety-five (95) percent of such particles leaving the process in the stack gas are removed from the gas prior to discharge. However, regardless of degree of gas cleaning, the following provisions shall apply:

1. The concentration of solid particles shall not exceed five hundredths (0.05) grains per cubic foot at six hundred degrees Fahrenheit (600F) and one atmosphere pressure.
2. No more than three (3) percent by weight of the particles discharged shall equal or exceed forty-four (44) microns in diameter.
3. No more than twenty (20) pounds of particulate matter per hour shall be discharged into the outdoor air from any single source.

B. Visible emission such as smoke, the shade or appearance of which is darker than No. 1 on the Ringelman Smoke Chart, shall not be emitted into the open air from any fuel-burning equipment; provided, however, that smoke emitted during the clearing of a fire box or the building of a new fire, the shade or appearance of which is not darker than No. 2 on the Ringelman Smoke Chart, may be permitted for a period or periods aggregating no more than three (3) minutes in any fifteen (15) consecutive minutes.

85-102 Noise.

A. Standard: Noise shall be measured with a sound level meter complying with the standards of The American National Standards Institute, "American Standards Specifications for General Purpose Sound Level Meters" (ANSI S1.4-1961 or its latest revisions). The instrument shall be set to the A-weighted response scale and the meter to the slow response. Measurements shall be conducted in accordance with "American Standard Method for the Physical Measurements of Sound" (ANSI S1.2-1961).

B. Noise level restrictions: Noises shall not exceed the maximum sound levels specified in the table, except as designated below:

Noise Level Restrictions

<u>Performance Category</u>	<u>Maximum Level Permitted</u>	<u>Where Measured</u>
Residence Districts	55dBA	On or beyond the neighboring use or lot line
All other Districts	65dBA	On or beyond the lot line or district boundaries

In any residence district, the A-weighted sound levels shall not exceed 50 dBA during the hours of 9:00 p.m. and 7:00 a.m. Whenever a residence district abuts any other district, the most restricted of the limitations shall apply.

C. Exclusions and permitted variations:

1. The levels specified in the table may be exceeded once by ten (10) dB in a single period of 15 minutes, during any one day.
2. Peak values of short duration also known as impact noises may exceed the value specified in the table by twenty (20) dB or have a maximum noise level of seventy-five (75) dBA, whichever is more restrictive.
3. Noises such as alarms, sirens, emergency warning devices, are excluded from the above limitations.

85-103 Glare and Heat.

A. Allowable illumination: Any operation or activity producing intense glare except for emergency procedures shall be conducted so that direct and indirect illumination from the source shall not exceed three tenths (0.3) foot candle in any area zoned residential. Flickering and intense sources of light shall be controlled so as not to cause a nuisance across adjacent lot lines.

B. Heat: Sources of heat, including but not limited to steam, gases, vapors, products of combustion or chemical reaction shall not discharge onto or directly contact structures, plant life or animal life on neighboring uses or impair the function or operation of a neighboring use. No use, occupation, activity, operation or device shall cause an increase in ambient temperature, as measured on the boundary between neighboring uses.

85-104 Storage and Waste Disposal.

A. All outdoor storage facilities for fuel, raw materials and products stored outdoors, shall be enclosed by an approved safety fence and suitable landscaping to screen such areas from public view and shall conform to all yard requirements imposed by Borough zoning standards upon the principal buildings in the zone.

B. No materials, wastes or other substance shall be stored or maintained upon a lot in such a manner that natural run-off from such areas on a site with an approved storm water drainage plan

can impair the existing water quality of a stream, water course or aquifer more than the primary use intended for the lot.

C. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

D. Except for smoke which is emitted from chimneys, no smoke, fumes or objectionable odors shall be emitted from any building.

E. Storage and disposal of hazardous waste materials shall not be permitted in the borough.

85-105 Drainage. In order to duplicate as nearly as possible natural drainage conditions, regulation and control of storm water runoff and erosion shall be through on-site storm water detention and/or ground absorption systems, where possible, which include, but are not limited to, the following:

A. Detention areas, which may be depressions in parking areas, excavated basins or basins created through the use of curbs, landscaped areas, or any other form of grading which serves to temporarily impound and store water.

B. Rooftop storage through temporary impoundment and storage of storm water on flat or slightly pitched building rooftops by use of drain outlets which restrict the storm water runoff from the roof surface.

C. Dry wells or leaching basins which control storm water runoff through ground absorption and temporary storage.

D. Porous asphaltic pavement which preserves the natural ground absorption capacity of a site and provides a sub-surface reservoir for temporary storage of storm water.

E. Any system of porous media, such as gravel trenches drained by porous well of perforated pipe, which temporarily stores and dissipates storm water through ground absorption.

F. Any combination of the above mentioned or other techniques, as approved by the Borough Engineer, which serves to limit and control storm water runoff from a given site.

G. The storm system shall be adequate to carry off the storm water and natural drainage water which originates within the lot or tract boundaries. No storm water run-off 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.

H. Techniques for computing water run-off shall be as prescribed by the Borough Engineer.

I. Lots shall be graded away from the building(s). Additionally, drainage shall be provided in a manner which will prevent the collection of storm water in pools or other unauthorized concentrations of flow and water shall not flow across adjacent property lines at greater than pre-development rates.

85-106 Odor Odors shall not be discernible at the lot line or beyond. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.

85-107 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.

85-108 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.

85-109 Toxic and Radioactive Substances. There shall be no toxic or radioactive substances associated with any use.

85-110 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.

85-111 Soil Protection.

A. A soil disturbance review shall be required when an amount of soil exceeding five thousand (5,000) square feet or more of disturbance is to be removed or placed upon any site, regardless of the time span to accomplish such removal. Any proposed removal under 5,000 s.f. shall be reviewed and approved by the Borough Engineer. However, nothing in this review shall be construed to prevent any owner, otherwise eligible in accordance with law, from excavating or cutting, stripping or otherwise disturbing lands or soil for the following purposes:

1. Construction, uses and modifications of a one-family dwelling and its normal accessory and appurtenant uses.
2. Gardening for noncommercial purposes.
3. Commercial, agricultural or horticultural use when in accordance with accepted farm agricultural practices, approved by the County Soil Conservation District.
4. Excavation or cutting, stripping or other land or soil disturbance other than removal from the site necessary for the construction or reconstruction of curbs, sidewalks, private residential driveways, drainage systems, sewage disposal systems and other utility service connections, provided that all other borough, county, state and district approvals have been received.
5. Installation, removal, replacement or maintenance of landscaping, including trees, shrubs, flowers and cover where the existing land contours are not changed by more than one (1) foot.

B. In reviewing site plan applications for soil disturbance, the Planning Board shall consider the following criteria:

1. Any proposed soil disturbance shall be the minimum necessary consistent with the proper development of the site and shall be done in a manner which will minimize erosion and sedimentation damage and other adverse consequences.
2. Physical characteristics of the remaining soil shall be adapted for uses to which the land may lawfully be put.

3. Wherever feasible, natural vegetation shall be retained and protected.
4. The extent of the disturbed area and the duration of its exposure shall be kept within practical geographic and time limits.
5. Either temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during soil disturbance.
6. Drainage provisions shall accommodate any increased water runoff resulting from modified soil and surface conditions during and after the soil disturbance.
7. Water runoff shall be minimized and retained on site wherever possible to facilitate groundwater recharge and to mitigate possible downstream damage.
8. Sediment shall be retained on site to the maximum extent feasible.
9. Necessary diversions and sedimentation basins and similar required preventive measures shall be installed prior to any on-site soil disturbance.
10. Compliance with minimum standards and specifications contained in Standards for Soil Erosion and Sediment Control in New Jersey and approval of the Soil Conservation Service prior to actual soil disturbance shall be required.
11. Dust and mud on the premises in question, as well as on abutting lands shall be prevented or controlled.
12. Soil fertility and the resulting ability of the affected area to support plant and tree growth shall be preserved by the preservation of adequate topsoil.
13. Necessary lateral support and grades of abutting lands, structures and other improvements shall be maintained.
14. Pits and declivities which are hazardous or which provide insect breeding locations shall be avoided.
15. The manner of disturbance and/or transportation or removed soil will not adversely affect the public health, safety and general environmental welfare of the Borough.

85-112 Monuments. Monuments shall be installed in compliance with the requirements of N.J.S.A. 46:23-9.11(q). All lot corners shall be marked with a metal alloy pin of permanent character.

85-113 Street Lighting. Street lighting of a type supplied by the utility and of a type and number approved by the Borough Engineer shall be provided for all street intersections and along all arterial and collector streets and anywhere else deemed necessary by the Planning Board. Wherever this ordinance requires the underground installation of electric utilities for residential areas, the applicant shall provide for the installation of underground service for street lighting.

85-114 Critical Areas.

A. Basis for Establishing Critical Areas:

The mapping of critical areas within the Borough of Wildwood Crest is based upon the delineation of flood hazard areas on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency dated January 6, 1983.

Additionally, while information depicted on the Flood Insurance Rate Maps has 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 borough 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 Borough of Wildwood Crest 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 Borough of Wildwood Crest has been designated by the Federal Emergency Management Agency as being exposed to a one percent (1%) or greater chance of being flooded in any given year;
- c. The beaches and dunes of Wildwood Crest 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 borough to potential loss of life, personal injury, 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 Section 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 Wildwood Crest 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

- a. Appeal: A request for a review of the Construction Official's interpretation of any provision of the Section or a request for a variance from the Board of Adjustment.
- b. Area of Special Flood Hazard: Land in the borough with a one percent (1%) chance or greater of flooding in any given year, as designated on the most FIRM by the Federal Emergency Management Agency as Zone A7, A8 or VII.
- c. Base Flood Elevation: A determination of the water surface elevations of the flood level, above sea level, that has a one percent (1%) chance or greater chance of occurrence in any given year, as designated on the most recent FIRM by the Federal Emergency Management Agency, most recent map effective February 16, 1996.
- d. Beach: Gently sloping unvegetated areas of sand that extend landward from the mean high water line of the Atlantic Ocean to either:
 - (1) The vegetation line connecting the most seaward naturally occurring perennial plants with other such plants;
 - (2) A man-made structure generally parallel to the Atlantic Ocean, such as a retaining structure, seawall, bulkhead, revetment, or road except that sandy areas that extend fully under or landward of any elevated boardwalk are considered to be beaches; or
 - (3) The seaward edge of the dunes.
- e. 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.
- f. Coastal High Hazard Area: Areas subject to high velocity tidal water, including but not limited to wave heights in excess of three feet (3') or wave runup or wave-induced erosion, from hurricanes, northeasters, and coastal storms, as designated on the most recent FIRM by the Federal Emergency Management Agency as Zone VII.
- g. 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 or drilling operations within the area of special flood hazard.

- h. 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.
- i. Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of tidal waters; or
 - (2) The unusual and rapid accumulation of run-off of surface waters from any source.
- j. 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 Borough of Wildwood Crest. The most recent map is dated February 16, 1996.
- k. Lowest Floor: The lowest level of the lowest enclosed area, including basement. An unfinished or flood resistant 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 the Section.
- l. Structure: For flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground.
- m. Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:
 - (1) Before the improvement or repair is started, or
 - (2) If the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) 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

(2) Any alteration of a structure listed on the National Register of Historic Places or the State Register of Historic Places.

n. 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. Compliance -- No structure shall be located, extended, converted, or structurally altered in a special flood hazard area, and no land shall be developed, graded, filled, or built upon in a special flood hazard area without full compliance with the provisions of this Section.

b. Basis for Establishing the Areas of Special Flood Hazard -- The areas of special flood hazard delineated by the Federal Emergency Management Agency in a specific and engineering report entitled "The Flood Insurance Study for the Borough of Wildwood Crest, New Jersey," dated January 3, 1983, with an accompanying Flood Insurance Rate Map, or the most recent Federal Insurance Study and Flood Insurance Rate Map, is hereby adopted by reference and declared to be a part of this Section. The Flood Insurance Study is on file and available for public inspection in the Office of the Construction Official.

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 Borough of Wildwood Crest; and

(3) Deemed neither to limit nor to 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 borough 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 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. 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 flood-proofed;
 - (3) Plans showing how any non-residential flood-proofed structure will meet the flood-proofing criteria of this Section, and, after the structure is built, certification by a registered engineer or architect that the structure as built meets the flood-proofing 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 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.

(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 flood-proofed structures:
 - i. Verify and record the actual elevation, in relation to mean sea level, to which the structure was flood-proofed, and
 - ii. Maintain the flood-proofing certifications required in Section 6 below.
 - iii. For 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.

(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 -- All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

- 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 flood waters in the system; and
 - (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- d. Lowest Floor Elevation for Residential Construction --New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
- e. Lowest Floor Elevation or Flood-proofing 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 to the level of the base flood elevation; or
 - (2) Together with attendant utility and sanitary facilities, shall:
 - (a) Be flood-proofed so that below the base flood level the structure is watertight 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 certification 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 (12) pound creosote to resist decay, and the same shall likewise be applied to the bulkheads.

7. Supplemental Construction Standards for Coastal High Hazard Areas
 - 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.
 - 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 one (1%) percent 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 non-supporting 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 ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot 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 one (1%) percent 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.

e. Use of Enclosed Space -- The use of fill for structural support of buildings in the Coastal High Hazard Area is prohibited.

f. Location Landward of Sea Walls -- All new construction or substantial improvements adjacent to sea walls, revetments, bulkheads or other shore protection structures fronting on the Atlantic Ocean shall be set back a minimum of ten (10) feet from the centerline 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 Beach grass, "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, 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 device is prohibited, except for the construction authorized pursuant to this Section.
- g. No person shall be in a dune unless on an approved pathway or in the performance of such activities as may reasonable 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. Variances and Appeals

- a. Appeal to the Zoning Board of Adjustment -- The Zoning Board of Adjustment as established by this Ordinance shall hear and decide appeals and requests for variances from the requirements of this Section.
- b. Appeals of Alleged Errors to the Zoning Board of Adjustment -- The Zoning Board of Adjustment 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 Zoning Board of Adjustment -- Any person aggrieved by the decision of the Zoning Board of Adjustment 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 the Coastal Flood Hazard Protection System, the Zoning Board of Adjustment 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 flood waters 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 be generally issued only for new construction and substantial improvements to be erected on lots of less than one-half (+) 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.

g. Findings Required for Variances -- Variances shall only be issued upon four (4) finding by the Zoning Board of Adjustment:

- (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.