



LAND DEVELOPMENT ORDINANCE

for the

CITY OF WILDWOOD

Cape May County, New Jersey

As adopted by the City of Wildwood
January 23rd, 2019
Ordinance No. 1128-18

**LAND DEVELOPMENT ORDINANCE
OF THE
CITY OF WILDWOOD**

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Section 100



Title and Purpose

101 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 City of Wildwood into districts for such purposes; adopting a map of said City showing boundaries and the classification of such districts; establishing rules, regulations and standards governing the subdivision and development of land within the City; establishing a Planning Board and a Zoning Board of Adjustment; and prescribing penalties for the violation of its provisions.

102 SHORT TITLE

The short form by which this Ordinance may be known shall be **“The Land Development Ordinance of the City of Wildwood.**

103 PURPOSE

This Ordinance is adopted pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), in order to promote and protect the public health, safety, morals and general welfare of the residents, commercial operators and visitors of the City of Wildwood, and in the furtherance of the following related and more specific objectives as established in N.J.S.A. 40:55D-2:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b. To secure safety from fire, flood, panic, and other natural and man-made disasters;
- c. To provide adequate light, air and open space;
- d. To ensure that the development of the City of Wildwood does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e. 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;

- f. To encourage an appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- h. 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 or blight;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangements;
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- l. To encourage senior citizen community housing construction;
- m. 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;
- n. To promote utilization of renewable energy sources;
- o. 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;

- p. Implement the objectives and standards of the Coastal Area Facilities Review Act, as operationalized by the New Jersey Department of Environmental Protection through its Coastal Zone Management Rules (N.J.A.C. 7:7-1 et. seq. and 7:7E-1 et. seq. as amended), to the maximum extent practicable.
- q. To support the Wildwoods Convention Center and a more year-round economy by providing the standards and guidelines that will foster the development of a denser, higher urban core.
- r. To recommend as appropriate, specific Architectural design standards, to promote a desirable visual environment and ensure the continued visual integrity of both the commercial and residential sections of the City.
- s. To create a denser, compact urban core to accommodate new hotels, motels and resort facilities that are higher than the City's existing profile, varying those heights and intensities according to zones to buffer and maintain Wildwoods' neighborhoods and commercial areas.
- t. To promote and advance the principles, policies, goals and objectives of the Master Plan of the City of Wildwood.

104 INTERPRETATION OF STANDARDS

The provisions of this Ordinance are those of the City of Wildwood and do not substitute for any law, code, rule or regulation established by any State or Federal agency. All land uses and development within the City shall comply with such laws, codes, rules and regulations as applicable.

The New Jersey Coastal Area Facility Review Act (CAFRA) {NJSA 13:19-1 et. seq.} was adopted by the State of New Jersey under the federal Coastal Zone Management Act. CAFRA applies to development projects near coastal waters and regulates almost all development activities involved in residential, commercial or industrial development, including construction, relocation, and enlargement of buildings or structures; and all related work, such as excavation, grading, shore protection structures, and site preparation. The coastal zone covered by CAFRA includes an area stretching from Raritan Bay in Middlesex County southward along the Atlantic Ocean coast around Cape May and then north along the Delaware Bay

into Salem County. *The City of Wildwood is located within the coastal zone. Therefore, development within its borders is subject to CAFRA regulations.*

CAFRA is implemented through the New Jersey Department of Environmental Protection's Coastal Permit Program Rules at N.J.A.C. 7:7-1 et seq. and the Coastal Zone Management Rules at N.J.A.C. 7:7E-1 et seq. The Coastal Zone Management Rules contain various standards depending on the different locations within the CAFRA area. The City of Wildwood, along with Wildwood Crest and North Wildwood, is part of "The Wildwoods CAFRA Regional Center." This type of "center" designation enables more intense development than is allowed in areas outside of centers. Nevertheless, most development activity within 150 feet on the landward side of the mean high water line of any tidal waters or the landward limit of a beach or dune requires a CAFRA permit. It is foreseeable that projects that would result in a residential development having 25 or more dwelling units or a commercial development having 50 or more parking spaces located within these parameters will be subject to applicable CAFRA regulations and will require a CAFRA permit.

The provisions of this Ordinance shall be held to be minimum requirements. Where this chapter 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 chapter shall control. Where other laws, rules, regulations or resolutions require greater restrictions than are imposed by this chapter, the provisions of such other laws, rules, regulations or restrictions shall control.

105 PROHIBITED USES

All uses not expressly permitted in this Ordinance are prohibited, including, but not limited to, medicinal and recreational marijuana dispensaries.

106 COMPLIANCE

Except for municipality owned lots and structures, which shall be exempt from this Ordinance, all Ordinance requirements shall be met at the first time of erection, enlargement, alteration, moving or change in use of a lot or structure and shall apply to the entire lot, structure or structures, whether or not the entire lot, structure or structures were involved in the erection, enlargement, alteration, moving or change in use. Moreover, no lot, or structure shall be erected, moved, altered, added to or enlarged unless in conformity with this Ordinance and no lot, or structure shall be used for any purpose or in any manner other than as specified in this Ordinance. Nothing in this Ordinance shall be deemed to require a change in plans, construction or intended use of any lot or structure on which actual construction had commenced, an application for building permit had been issued and/or an application for preliminary plan approval had been lawfully submitted to

any governmental agency having applicable jurisdiction, and said actions were begun and diligently pursued before the adoption of this Ordinance.

107 STATUTORY AUTHORITY

The contents of this Ordinance provided herein are applicable to all city Land Development regulations enacted pursuant to and set forth in the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and applicable State regulations, namely, the Coastal Zone Management (CZM) Rules: N.J.A.C. 7:7-1 et. seq. and 7:7E-1 et. seq. as promulgated by the New Jersey Department of Environmental Protection.

108 EFFECTIVE DATE

The Effective Date of this Ordinance shall be the earliest permissible date subsequent to adoption by the Wildwood City Commission as permitted by law.

109 SEVERABILITY

If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.