

## Chapter 200

### Definitions

## 201 DEFINITIONS

For the purpose of this Ordinance, certain phrases and words are herein described as follows: Words used in the present tense include the future; words used in the singular number include the plural number and vice versa; words used to include the male gender include the female gender and vice versa; the word "used" shall also include arranged, designed, constructed, altered, converted, rented, leased or intended to be used; the word "lot" includes the word "plot" and "premises"; the word "building" includes the word "structure," "dwelling" or "residence"; 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 the chapter 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 Ordinance.

**ABANDONMENT:** shall mean the cessation of a use of a property (land and/or structures) by the owner, with the intention of neither resuming the use nor transferring rights to property to another who will so use the property.

**ABUTTING COUNTY ROAD:** Any existing or proposed county road shown on the adopted County Master Plan or Official Map which adjoins or lies within a lot or parcel of land submitted for subdivision or site plan approval

**ABUTTING OWNER:** shall mean the record owner of a parcel of land which is contiguous at any point to the parcel in question or which is contiguous to a section of road or street (public or private) on which the subject parcel.

**ACCESS:** A physical entrance to a property off a City street.

**ACCESSORY BUILDING, STRUCTURE or USE:** A building, structure or use which is customarily associated with and is subordinate in area, extent and purpose to and is incidental to the principal building, structure or use, is nonhabitable unless specifically permitted under this Ordinance and is located on the same lot as the principal building, structure or use which it supports, Examples include garages, carports, decks, kennels, sheds, non-portable swimming pools and all roofed structures. Any accessory building attached to the principal building shall be considered part of the principal building.

**ADAPTIVE REUSE:** Shall mean the development of a new use for an older building or for a building originally designed for a special purpose.

**ADA:** See Americans with Disabilities Act.

**ADT (AVERAGE DAILY TRAFFIC):** shall mean the average number of cars per day that pass over a given point of data collection.

**ADDITION:** shall mean the construction of a new improvement as a part of an existing improvement when such new improvement changes the exterior appearance of any landmark.

**ADMINISTRATIVE OFFICE:** A building or portion of a building or structure in which management or general administrative functions are performed for the facility or operation either on the premises or on other premises owned by the same company.

**ADMINISTRATIVE OFFICER:** The municipal employee whose duties include the administration and enforcement of this Ordinance and Building Permit applications (see also Zoning Officer).

**ADULT DAY CARE:** A non-residential facility wherein senior citizens or other adults requiring such care are provided health care, food service and/or recreational, social and cultural activities and other support services on a daily basis. Adult Day Care as a use may be included with a qualified residential facility.

**ADVERSE EFFECT:** Conditions or situations created by a proposed development that impose, aggravate or lead to impractical, unsafe or unsatisfactory conditions on properties such as, but not limited to, inadequate drainage facilities, unsuitable street grades, street locations that fail to compose a convenient system, and failure to provide or make future allowances for access to the interior portion of adjoining lots or for other facilities required by this Ordinance.

**AFFECTING LANDMARK OR HISTORIC DISTRICT:** shall mean any act which alters or changes an historic landmark or an improvement within an historic district.

**AFFORDABLE HOUSING:** shall mean low income housing and moderate income housing as defined by and in accordance with the state Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

**AGE-RESTRICTED HOUSING:** A residential community designed for senior citizens which shall contain residential dwelling units, open space and social, cultural and recreational facilities. Age-Restricted Housing may include provisions for food service, housekeeping and maintenance services, health

care and social services which may be normal and customary for such facilities. Examples of Age-Restricted Housing are Independent or Assisted Living Facilities, Congregate Senior Residences, Adult Retirement Communities and Adult Intermediate Care Facilities. Age-Restricted Housing may include provision of Adult Day Care to qualified nonresidents

**AGGRESSIVE SOILS:** shall mean soils which may be corrosive to cast iron and ductile iron pipe. These soils are typically found in dump areas, swamps, marshes, alkaline soils, cinder beds, polluted river bottoms, etc. which are considered to be potentially corrosive.

**AISLE:** The traveled way by which cars enter and depart parking spaces.

**ALLEY:** A minor way serving vehicular traffic circulation to more than one (1) lot at the rear or side of a lot otherwise abutting on a street.

**ALTERATION:** As applied to a building or a structure, a change or rearrangement in the structural parts in the existing facilities, or means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

**AMENDMENT:** shall mean making change to an approved Master Plan or ordinance.

**AMERICANS WITH DISABILITIES ACT:** The federal Americans with Disabilities Act<sup>1</sup>

**AMUSEMENT ARCADE:** A building used to house small, coin operated rides, pinball, video or other electronic or manual games or entertainment devices.

**AMUSEMENT PIER:** A Pier (as defined herein) upon which may be located those commercial uses, but not including residential use(s), associated with amusement and recreation within the limits of this Ordinance. For the purposes of this Ordinance, Piers shall be defined as elevated structures consisting of pilings and decking, with or without other improvements thereon, and projecting east & west from the Boardwalk, whether nor not extending over the water. This definition notwithstanding, the following regulations apply to Piers and to at-grade areas below Piers. Amusement Piers (“Piers”) are unique structures which play a major role in the attractiveness of the City of Wildwood as an amusement center. They are thus inextricably tied to the economic life of the City. Pier structures constructed along the bay for exclusive use as docks, marinas, fishing, scenic overlooks or other passive recreation shall be governed

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<sup>1</sup> 42 U.S.C.A. ~ 12101 et. seq. (“ADA”)

by the permitted uses for the zoning district from which said pier extends, and shall not be construed as being in part of the Pier Zoning Districts.

**ANCILLARY FACILITIES:** shall mean the buildings, cabinets, vaults, closures and equipment required for operation of cell phone or traditional phone telecommunications systems, including but not limited to repeaters, equipment housing & ventilation and other mechanical equipment.

**ANTENNA:** Any transmitting or receiving device mounted on a tower, building or structure, and used for communications that radiate or capture electromagnetic waves, digital signals, analogue signals, radio frequencies (excluding radar signals), wireless communications signals or other communications signals. Excepted from this definition are antenna used exclusively by ham radio operators or other residential users.

**APPEAL:** shall mean a request for a review of the Construction Official's interpretation of any provision of this Ordinance or a request for a variance from the Board of Adjustment.

**APPLICANT:** The landowner or the agent, optionee, contract purchaser or other person authorized in writing to submit an application under this Ordinance.

**APPLICATION FOR DEVELOPMENT:** 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, planned development, 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. 40:55D-36. For purposes of this Ordinance, applications for development shall include applications to the Board of Adjustment for interpretation of the zoning map or ordinance or for decisions upon other special questions pursuant to N.J.S.A. 40:550-70 (a) through (d).

**APPROVING AUTHORITY:** See Board

**APPROVED PLAN:** A plan which has been granted final approval by the Planning Board or Board of Adjustment of the City of Wildwood.

**APPURTENANCES:** The visible, functional, or ornamental objects accessory to and part of buildings.

**AQUACULTURE:** shall mean the farming of aquatic organisms, including fish, mollusks, crustaceans and aquatic plants. Farming implies some form of intervention in the rearing process to enhance production, such as regular

stocking, feeding, protection from predators, etc. Farming also implies corporate ownership of the stock being cultured.

**AREA OF SPECIAL FLOOD HAZARD:** According to the Flood Insurance Rate Map (FIRM) for the City of Wildwood, land areas subject to inundation by a flood that has a 1-percent probability of being equaled or exceeded in any given year (one hundred year flood plains) cover the entire area of the City of Wildwood. Specifically, VE zones are present in the areas closest to the shoreline and are subject to wave action, high-velocity flow, and erosion during the 100-year flood. AE zones are present on the remainder of Wildwood Crest. These areas are subject to flooding during the 100-year flood (but are less severe than those in VE zones).

- AE - Definition: An area inundated by 1% annual chance flooding, for which Base flood Elevation (BFE)s has been determined.
- VE - Definition: An area inundated by 1% annual chance flooding with velocity hazard (wave action); (Base Flood Elevations (BFE)'s have been determined.
- X - Definition: An area that is determined to be outside the 1% and 0.2% annual chance flooding.
- X500 - Definition: An area inundated by 0.2% annual chance flooding; an area inundated by 1% annual chance flooding with average depths of less than 1 foot or with drainage areas less than 1 square mile; or an area protected by levees from 1% annual chance flooding.

**ARTISAN'S DISPLAY:** shall mean a limited area for showing a representation or sampling of an artist, artisan or craftsman's products, artifacts, artwork, crafts or work; made by the resident artist, craftsman or artisan; and available for purchase on the site where the contents of said representation or showing are created, made or produced.

**ASSISTED LIVING FACILITY:** A multi-unit residence for otherwise self-sufficient senior citizens providing light-to-moderate personal care and supervision for self-administered medication and may also provide communal dining, housekeeping services, recreational activities, financial and other social services and transportation.

**ASSOCIATION:** The entity responsible for the administration of a condominium, which entity may be incorporated or unincorporated.

**ATTIC:** The open nonhabitable space between the ceiling beams of the top habitable story and the roof rafters in any building.

**AUTOMOBILE SALES LOT:** An open area, other than a street, which is used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

**AUTOMOBILE SERVICE STATION:** Any building, land area or other premises or portion thereof used or intended to be used for the retail dispensing or sales of automobile fuels. Automobile Service Stations may include the following as Accessory Uses: sales of lubricants, tires, automotive accessories or supplies and the maintenance and minor repair of automobiles.

In no case shall automobile wrecking, automobile or auto parts recycling, major repairs, auto body repairs, automobile painting or car washing operations be deemed permissible Accessory Uses.

Similarly, the parking or storing of inoperable, wrecked or unregistered vehicles, the parking or storing of automobiles for hire, automobile parking for fee and the operation of more than one towing vehicle shall not be deemed permissible Accessory Uses.

Automobile repair facilities which do not include the retail dispensing or sales of automobile fuels shall not be considered Automobile Service Stations.

**AVERAGE FRONT ALIGNMENT:** shall mean a distance which is the total front setback distance of all buildings located on the subject lot and as indicated below, as determined from a certified survey provided by the applicant/owner, divided by the total number of buildings. Only lots occupied by buildings are to be counted:

- (1) For Corner Lots — the three(3) immediately adjoining occupied lots.
- (2) For First Lot in from Corner Lot — the corner lot and the two (2) immediately adjoining occupied lots.
- (3) For all other Interior Lots — the two (2) immediately adjoining occupied lots on each side

**AWNING:** shall mean a roof-like cover that is temporary in nature and that project from the wall of a building for the purpose of shielding a doorway or window from the elements.

**BACKHAUL NETWORK:** shall mean the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

**BALCONY:** shall mean a platform or similar structure projecting from the wall of a building enclosed by a railing or parapet.

**BASE FLOOD ELEVATION:** shall mean a determination of the water surface elevations of the flood level, above sea level, that has a one percent (1%) or greater chance of occurrence in any given year, as designated on the most recent FIRM by the FEMA. As defined by FEMA, Base Flood Elevation is height of the 'base flood,' a flood of having one percent (1%) chance of being equaled or exceeded in any given year.

**BASEMENT:** That portion of a building partly below and partly above the average grade of the adjoining ground, and having not less than one-half ( $\frac{1}{2}$ ) of its height above such average grade.

**BEACH:** shall mean a gently sloping area of sand or other unconsolidated material found on tidal shorelines, including ocean, inlet, bay and river shorelines, that extends landward from the mean high water line to either: the vegetation line; a man-made feature generally parallel to the ocean, inlet, bay or river waters such as a retaining structure, seawall, bulkhead, road or boardwalk, except that sandy areas that extend fully under and landward of an elevated boardwalk are considered to be beach areas; or the seaward or bayward foot of dunes, whichever is closest to the ocean, inlet, bay or river water.

**BEACH BERM:** shall mean the nearly horizontal part of the beach lying between the crest of the berm and the toe of the primary dune or first paved public right-of-way, whichever is more waterward. The berm is the sloping portion of the beach profile from the upper limit of wave up-rush to the lower limit of wave run-down at low tide.

**BEACH DUNE AREA:** shall mean the dunes, beach or strand, as herein defined.

**BEDROOM:** A room planned or used primarily for sleeping.

**BED & BREAKFAST:** A portion of a residential building containing not less than three (3) and no more than nine (9) sleeping accommodations without individual cooking facilities wherein the resident owners permit individual rooms therein to be used, let or hired out for compensation for the use of temporary guests for

no more than 14 days and wherein home-cooked breakfast meals are served to the guests thereof, typically in a family-style dining setting. A Bed & Breakfast is considered a commercial establishment under this Ordinance further subject to City's Mercantile Licensing requirements.

**BERM:** shall mean a mound of soil, seeded and landscaped, either natural or man-made, used to shield an obstruction.

**BICYCLE FACILITIES:** A general term denoting improvements and provisions made by public agencies to accommodate or encourage bicycling, including parking facilities, mapping all bikeways and shared roadways not specifically designated for bicycle use.

**BICYCLE LANE:** A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

**BICYCLE PATH:** A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right of way or within an independent right of way.

**BICYCLE ROUTE:** A segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without a specific bicycle route number.

**BILLBOARD:** 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.

**BLOCK:** shall mean a unit of land bounded by streets on both sides of an intervening alley, or by a combination of streets, alleys and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

**BOARD:** the Planning Board, the Zoning Board of Adjustment and/or the Board of Health of the City of Wildwood, as the case may be.

**BOARD OF ADJUSTMENT:** shall mean the board established pursuant to N.J.S.A. 40:55D-69.

**BOARD OF COMMISSIONERS:** see City Commission.

**BOARD OF HEALTH:** shall mean the board established pursuant to Cape May County health regulations.

**BOARDWALK:** an elevated public right-of-way located along the beach or ocean front constructed of wooden boards and/or concrete and supported by wooden or concrete piles; used for the purpose of pedestrian traffic to promenade along the beach front and as access to Amusement Piers, stores and commercial establishments and such other public and semi-public buildings. The definition of Boardwalk also shall include all appurtenant access ramps and stairs.

**BREAKWAY 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.

**BRIDGE:** a structure designed to convey vehicles and/or pedestrians over a watercourse, railroad, street or any depression.

**BUFFER:** shall mean an area within a property or site, generally adjacent to or parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to continuous limit view, glare, of lights, and/or sound from the site to adjacent sites or properties.

**BUILDING:** means a structure enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing shelter, enclosure and support of individuals, animals or property of any kind. When used herein, building and structure shall be interchangeable except where the context clearly indicates otherwise.

**BUILDING COVERAGE:** shall mean the ratio of the horizontal area of all principal buildings measured from the exterior surface of the exterior walls of the ground floor on a lot to the total lot area.

**BUILDING ENVELOPE:** shall mean the two-dimensional space within which a principal structure is permitted to be built on a lot and that is defined by minimum yard setbacks

**BUILDING HEIGHT:** the vertical distance measured to the highest point of the ridge line for sloped roofs and to the parapet of all flat roofs, from the mean

elevation of the curb level (i.e., top of curb ["TOC"])<sup>2</sup> (or required curb level in the instance where no curb exists) along the side(s) of the building facing the street. Where TOC varies, building height shall be measured from the average of the TOC elevations at points on either end of the length of the subject property or lot and the TOC measurement at the mid-point of the subject property.

For buildings or structures whose height is to be measured from the Boardwalk-level, such height shall be measured from the average of the Boardwalk-level elevations at points on either end of the length of the subject property and the Boardwalk-level elevation measurement at the mid-point of the subject property.

The following structures may be erected above the heights prescribed for the various Zoning Districts by this Ordinance, parapets; chimneys; ornamental architectural features such as skylights, spires, domes, cupolas and like and similar features; fully screened open-air equipment such as tanks, ventilation fans, air-conditioning equipment satellite dishes or similar items required to operate and maintain the Development; stair towers, elevator penthouse and mechanical enclosures and safety enclosures of rooftop areas of used for sundecks and other recreational purposes may exceed the stated Maximum Building Heights for the particular Zoning District to a maximum of 15% more than the maximum height permitted for use in the District. Antennae, lightning rods, flagpoles and other similar projections shall be exempt from such 15% allowance.

The aforementioned provisions are subject to the Height Limits of Section 602 B.

**BUILDING LINE:** the line established by this Ordinance beyond which a Building or Structure shall not extend or encroach, except where specifically provided for herein. All yard and setback requirements shall be measured to/from the Building Line.

**BULKHEAD;** shall mean a structure separating land and water areas, primarily designed to prevent erosion and other damage due to wave, storm, overflow or tidal action.

**BULK REGULATIONS:** shall mean standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which the building can be located, including coverage, setbacks, height, and yard requirements.

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<sup>2</sup> The measurement convention preferred by NJDEP

**CAFRA:** see Coastal Area Facilities Review Act.

**CAFRA CENTERS, CAFRA CORES, AND CAFRA NODES:** shall mean those areas within boundaries accepted by the NJDEP pursuant to NJAC 7:7E-5B.3 et. seq.

**CAFRA PLANNING MAP:** shall mean the geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores, and CAFRA Nodes pursuant to NJAC 7:7E-5B.3 et. seq.

**CABLE TELEVISION COMPANY:** shall mean a cable television company as defined pursuant to section 3 of P.L.1972, c.186 (C.48:5A-3).

**CALIPER:** shall mean the diameter of a tree trunk measured in inches a distance of six inches off of the ground.

**CANOPY:** a self-supporting roof-like shelter or marquee without sides, permanently affixed to the wall of a building and providing overhead protection from the weather at an entrance to said building, which shall be construed to be a part of the building to which it is affixed.

**CAPITAL IMPROVEMENT:** shall mean a governmental acquisition of real property or major construction project.

**CAPITOL IMPROVEMENT PROGRAM:** shall mean a proposed schedule of all future capital improvement projects listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

**CARPORT:** shall mean a roofed structure enclosed on not more than two (2) sides providing space for the parking of motor vehicles. Where buildings are regulated by toga/stories, a carport constructed as an integral component of the principal structure, shall be considered a story.

**CARRIER:** shall mean company that provides cellphone wireless services.

**CARTWAY:** the hard or paved surface portion of a street customarily used for vehicles in the regular course of travel and for on-street parking. 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, located within the right-of-way of the street.

**CELLAR:** that portion of a building partly below and partly above the average grade of the adjoining ground, and having not less than one-half ( $\frac{1}{2}$ ) of its height below such average grade.

**CELLPHONE BUFFER AREA:** shall mean the area surrounding a cellphone telecommunications tower and ancillary facilities which lies between the tower and adjacent lot line and/or land uses.

**CELLPHONE TOWER HEIGHT:** shall mean when referring to a tower, the vertical distance measured from the lowest finished grade or elevation at the base of the tower to the highest point is an antenna.

**CELL PHONE TOWER MOUNTS:** shall mean the structure or surface upon which antennas are mounted, including the following four (4) types of mounts:

1. ROOF-MOUNTED: shall mean a mount on the roof of a building.
2. SIDE-MOUNTED: shall mean mounted on the side of a building.
3. GROUND-MOUNTED: shall mean antenna support (tower) mounted on the ground.
4. STRUCTURE-MOUNTED: shall mean mounted on a structure other than a building.

**CENTERLINE OFFSET OF ADJACENT INTERSECTIONS:** shall mean the gap between the centerline of roads adjoining a common road from opposite or same sides.

**CERTIFICATE OF USE AND OCCUPANCY:** the Certificate issued by the Municipal Building Official which certifies that the building was constructed and completed in accordance with the approved plans and specifications and which certifies compliance with the provisions of the law for the use of the building and thereby permits the occupancy of the building in its several parts, together with any special stipulations or conditions of the building permit.

**CERTIFICATION:** shall mean a signed, written statement by the City Engineer and/or Construction Official that specific constructions, inspections or tests, where required, have been performed and that such comply with the applicable requirements of this chapter or regulations adopted hereunder

**CHANGE IN USE:** shall mean any use of a building or land which is in any manner different from the previous use by way of function, operation, extent, products sold or manufactured and the like, but not including a change in ownership or occupancy unless the nature of the use, as described above, is changed.

**CHANNEL:** shall mean any natural or man-made waterway or course through which a constant intermittent flow of water is conveyed.

**CHILD CARE CENTER:** any facility which is maintained for the care, development and supervision of six (6) or more children who attend the facility for less than 12 hours a day and which offers such programs as child-care centers, day-care centers, drop-in centers, 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 in the day-care center 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 or centers. Child care centers for which, upon completion, a license is required from the Department of Human Services pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.), shall be a permitted use in all nonresidential districts of a municipality. The floor area occupied in any building or structure as a child care center shall be excluded in calculating, in accordance NJSA 40:55D-66.6:

- (1) any parking requirement otherwise applicable to that number of units or amount of floor space, as appropriate, under State or local laws or regulations adopted hereunder;
- (2) the permitted density allowable for that building or structure under any applicable municipal zoning ordinance.

Any child care program approved by a local board of education and operated by the board or by an approved sponsor in a public school, before or after regular school hours, pursuant to N.J.S.18A:20-34, shall be deemed a permitted use in all residential and nonresidential districts of a municipality and shall be exempt from local zoning restrictions in accordance with NJSA 40:55D-66.7(a).

**CIRCULATION:** shall mean the 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 transshipment points.

**CITY:** the City of Wildwood, Cape May County, New Jersey.

**CITY CLERK:** shall mean the City Clerk of the City of Wildwood, whose office is assigned to maintain the official files of the municipality.

**CITY COMMISSION:** the City Commission of the City of Wildwood, which is the chief legislative body of the City, and including the Mayor and two (2) Commissioners.<sup>3</sup>

**CITY ENGINEER:** shall mean that person appointed to the position by the City Commissioners.

**CITY WEBSITE:** shall mean [www.wildwoodnj.org](http://www.wildwoodnj.org).

**CLUB & CLUB FACILITIES:** the facilities of an organization formed for the primary purpose of fraternal, social, educational, charitable or group activities as opposed to individual or corporate business formed for profit.

**COAH:** see Council on Affordable Housing

**COASTAL AREA FACILITIES REVIEW ACT:** the New Jersey *Coastal Area Facilities Review Act*, construed herein to include the Coastal Zone Management Rules and other pertinent environmental regulations promulgated by the New Jersey Department of Environmental Protection.

**COASTAL DUNE(S):** a wind- or wave-deposited formation of vegetated or drifting windblown sand, generally parallel to and landward between the inland limit to the beach and the foot of the most inland dune slope, includes primary, secondary and tertiary "dunes" where they exist. Formations of sand immediately adjacent to beaches that are stabilized by retaining structures, such as snow fences, planted vegetation and other measures, are considered to be natural "dunes," regardless of the degree of modification of the "dune." "Dune" shall not include loose windblown sand found in a street or on a part of a structure as a result of wind or storm activity.

**COASTAL HIGH HAZARD AREA (V-ZONE):** areas subject to high velocity tidal waters, including but not limited to wave heights in excess of three feet (3') or wave run-up or wave-induced erosion, from hurricanes, northeasters, and coastal storms, as designated on the most recent FIRM by the FEMA as Zone V1 thru V30, VE, or V.

**COASTAL PERMIT:** shall mean an authorization or permit issued by the Department under this chapter pursuant to any of the following statutes: the

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<sup>3</sup> Within the context of the various sections of this document, the terms "City of Wildwood", "City" and "Governing Body" shall mean the Board of Commissioners of the City of Wildwood.

Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19-1 et seq., the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq., or the Waterfront Development Law, N.J.S.A. 12:5-3.

**COASTAL ZONE:** see New Jersey Coastal Zone.

**COASTAL ZONE MANAGEMENT (“CZM”) RULES:** N.J.A.C. 7:7E-1 et. seq. as promulgated by the New Jersey Department of Environmental Protection.

**CO-LOCATION:** shall mean the use of a common wireless telecommunications tower or a common structure by two or more wireless license holders or unlicensed holders nevertheless regulated by the Federal Communications Commission or by one wireless license holder for more than one type of communications technology and/or the placement of a wireless telecommunication tower on a structure owned or operated by a utility or other public entity.

**COMBINED RETAIL, DINING & ENTERTAINMENT (“R.D.E.”) RESORT FACILITY:** a comprehensively planned, full-service Retail, Dining and Entertainment complex consisting of such combination and diversity of uses, attractions and amenities as may be necessary or desirable to create a building whereby the complex is a self-contained destination. A minimum of 25% of the units in the complex must be dedicated as hotel rooms. The diversity of units, attractions and amenities may include hotel rooms and residential units, as well as retail, dining, entertainment, and conventional retail space. If residential units are provided, there shall be a centralized management system in place, as well as amenities typically seen in hotel use, such as front desk and concierge, so that the residential owner may elect to place the residential rental units into a rental program to encourage transient residential use such as that typically seen with respect to hotel use. Retail, Dining and Entertainment (RDE) Resort with specific residential use(s) shall not be located; 1) on piers east of the Boardwalk right-of-way. 2) within the “VE” Flood zone as delineated on the most current FEMA FIRM mapping product. Retail, Dining and Entertainment (RDE) Resort facility can be also universally referred as a Condotel and/or High-rise, Multi-family Residential Building.

**COMMERCIAL FLOOR AREA:** shall mean the floor area available for commercial (retail) activities including a restroom, excluding stairwells, elevator shafts, equipment rooms, storage rooms, utility rooms, interior vehicular parking and loading areas.

**COMMERCIAL VEHICLES:** a truck, bus, van, sedan, delivery vehicle, station wagon with advertising matter on the side, or any other commercially used vehicles except a passenger car with no advertising matter exposed to view.

**COMMON FACILITIES:** shall mean and includes but shall not be limited to facilities for the common use of two or more dwellings' units, such as roads, sidewalks, swimming pools, playgrounds, trees, greens, fairways and parking areas.

**COMMON LATERAL:** shall mean lateral serving more than one (1) dwelling unit.

**COMMON OPEN SPACE:** an open space area within or related to a site designated as a development, 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.

**COMMON OWNERSHIP:** shall mean ownership of two or more contiguous parcels of real property by one person or by two or more persons or entity owning such property jointly.

**COMMUNITY RESIDENCE or COMMUNITY SHELTER:** any community residence or shelter licensed pursuant to P.L.1977, c.448 (C.30:11B-1 et seq.) or certified to provide food, shelter, lodging and personal guidance or assistance for persons with head injuries, the developmentally disabled, the terminally ill or victims of domestic violence, to not more than 15 persons, under the standards and procedures established under N.J.S.A. 40:55D-66.2, as amended.

**COMPACTION:** shall mean an increase in soil bulk density.

**COMPLETE APPLICATION:** an application for development shall be complete for purposes of commencing the applicable time period for action by the Planning Board or Zoning Board of Adjustment, as the case may be, when so certified by the Board or its authorized designee as indicated in Section 800 of this Ordinance. 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-day period for purposes of commencing the applicable time period for action by the Board unless: the application lacks information indicated on a checklist adopted by Section 800 herein and provided to the applicant and the Board or its authorized designee has notified the applicant, in writing, of the deficiencies in the application within forty-five (45) days of submission of the application. The applicant may request that one or more of the submission requirements be waived, in which event the

Board or its designee shall grant or deny the request within forty-five (45) days. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he is entitled to approval of the application. The Board may subsequently require correction of any information found to be in error and submission of additional information not specified in the checklist 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 for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Board.

**COMPREHENSIVE MASTER PLAN UPDATE:** see 2007 Comprehensive Master Plan Update.

**CONCEPT PLAN:** shall mean an informal review of a plan for development that carries no vesting rights or obligations on any party.

**CONDITIONAL USE:** 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 the issuance of an authorization therefore by the Board.

**CONDOMINIUM:** shall mean the form of ownership of real property under a master deed providing for ownership by one or more owners of units of improvements together with an undivided interest in common elements appurtenant to each such unit.

**CONDOTEL:** shall serve to mean a comprehensively planned, full service Retail, Dining, and Entertainment complex consisting of such combination and diversity of uses, attractions, and amenities as may be necessary or desirable to create a building whereby the complex is a self-contained destination. Within a Condotel, a minimum of 25% of the units within the complex must be dedicated as hotel rooms. The diversity of units, attractions and amenities may include hotel rooms and residential units, as well as retail, dining, entertainment and conventional space. If residential units are provided, there shall be a centralized management system in place, as well as amenities typically seen in hotel use, such as front desk and concierge, so that the residential owner may elect to place the residential rental units into a rental program to encourage transient residential use such as that typically seen with respect to hotel use. Condotel can be also universally referred as a Retail, Dining and Entertainment (RDE) Resort facility and/or High-rise, Multifamily Residential Building.

**CONGREGATE SENIOR RESIDENCE:** a multi-unit residence for self-sufficient senior citizens providing communal dining, housekeeping services, recreational activities, financial and other social services and transportation.

**CONSOLIDATION:** shall mean the removal of lot lines between contiguous parcels.

**CONSTRUCTION OFFICIAL:** shall mean the City official specified in the Building Code who is charged with administering the Construction Code.

**CONSTRUCTION PERMIT:** shall mean the legal authorization for the erection, alteration or extension of a structure.

**CONTIGUOUS LAND & PARCELS:** shall mean tracts of land which share one or more common boundaries.

**CONVERSION, DWELLING:** shall mean the remodeling or alteration of an existing structure so as to accommodate the provisions of more dwelling units than were originally intended. "Dwelling conversion" includes the alteration of a non-residential structure into a dwelling unit for at least one (1) household; the modification of a single-family structure so as to accommodate two (2) or more dwelling units; and the alteration of multi-family structure so as to accommodate more units than originally intended.

**CORE:** shall mean pedestrian-oriented area of commercial & civic uses serving the surrounding municipality, generally including housing & access to public transportation.

**COVERAGE, BUILDING:** 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 feet (2') beyond the foundation.

**COVERAGE, LOT:** 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). All parking spaces and lots, paved or unpaved, swimming pools and other bodies of collected water, buildings, roads, driveways and walkways, tennis courts, patios, and any other structure, or on-site material or ground condition that does not permit the natural absorption and permeation by soils of water shall be included in the computation of lot coverage.

**COUNTY:** the County of Cape May, State of New Jersey.

**COUNTY MASTER PLAN:** shall mean 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 NJSA.40:27-6.1), of the County in which the land or development is located. The County Planning Board is also designated as the county review agency to review municipal stormwater management plans and implementing ordinances.

**COUNCIL ON AFFORDABLE HOUSING:** the New Jersey Council on Affordable Housing within the New Jersey Department of Community Affairs “COAH”).

**CRAWL SPACE:** shall mean a space between the first finished floor and the average level of the adjoining ground, which usually contains pipes, ducts, and wiring, permits access, and where the distance between the average level of the adjoining ground and the first finished floor is not greater than five (5) feet. A crawl space shall not be considered a story.

**CURB:** means a stone, concrete, or other improved boundary marking the edge of the roadway or paved area

**CUL-DE-SAC:** shall mean the turnaround at the end of a dead-end street.

**CULVERT:** shall mean a structure designed to convey a water course not incorporated in a closed drainage structure system under a road or pedestrian walkway.

**DAYS:** see Calendar days.

**DAY CARE CENTER:** shall mean an establishment providing for the care, supervision, and the protection of children or adults on a daily basis for a specific period of time.

**DEAD-END STREET:** shall mean a street or portion of a street which is accessible by a single means of ingress or egress.

**DECK:** shall mean an unroofed outdoor extension of a house or other building projecting from a wall of a building that is not enclosed by windows, walls, doors, or screens and is not covered by a roof, for the purpose of outdoor activity by

the occupants. A deck may be constructed at or above a first-floor portion of a building at the level of the second but not above that level with the exception of the bayfront, canal front lots and ocean blocks. Decks above the elevation of the finished second floor in bayfront lots or ocean block lots shall not exceed the elevation of the uppermost habitable floor. Any roofed decks shall be subject to the one-half-story area limitation.

**DEDICATION:** shall mean an appropriation of land to some public use made by the owner and accepted for such use by or on behalf of the public.

**DEMOLITION:** shall mean the partial or total razing or destruction of any building structure, or of ally improvement.

**DENSITY:** the permitted number of Dwelling Units per gross acre of land area, including streets, easements and open space portions of a development. Typically expressed in terms of Dwelling Units per acre or square feet.

**DESIGNATED CENTER:** shall mean the State Development & Redevelopment Plan “centers” as designated by the State Planning commission such as urban, regional, town, village and/or hamlet.

**DESIGN ENGINEER:** shall mean person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessary be limited to, development of project requirements, creation and development of project design and preparation of drawings & specifications.

**DESIGN FLOOD:** shall mean the relative size or magnitude of a major flood of reasonable expectancy, which reflects both flood experience and flood potential and is the basis of the delineation of the floodway, the flood hazard area and the water surface elevations.

**DESIGN GUIDELINES:** shall mean the guidelines that provide a general framework for sound planning.

**DESIGN STANDARDS:** shall mean standards that set forth specific improvement requirements.

**DETENTION BASIN:** shall mean a man-made or natural water collector facility designed to collect surface & sub-surface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property into natural or man-made outlets.

**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:** the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation or landfill, and any use or change in 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. For purposes of the NJDEP Coastal Permit rules, any activity for which a Wetlands Act of 1970 or Waterfront Development Permit is required, including site preparation and clearing. Development, for an application under CAFRA, means the construction, relocation, or enlargement of the footprint of development of any building or structure and all site preparation therefore, the grading, excavation or filling on beaches and dunes, and shall include residential development, commercial development, industrial development, and public development. Development

**DEVELOPMENT, MAJOR:** shall mean any development that provides for ultimately disturbing one or more acres of land.

**DEVELOPMENT POTENTIAL:** shall mean the maximum number of dwelling units or square feet of nonresidential floor area that may be constructed on specified lot or in a specified zone under a Master Plan and/or Land Use regulations in effect on the date of the adoption.

**DEVELOPMENT REGULATION:** shall mean zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal regulation of the use and development of land, or amendment thereto adopted and filed pursuant to this act.

**DEVELOPMENT REVIEW COMMITTEE** — An advisory committee comprised of a combination of Planning Board members, professionals working for the Planning Board, and City officials 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.

**DISTRICT, ZONING:** A specifically delineated area of the territory of the City of Wildwood within which uniform regulations and requirements or various combinations thereof govern the use, placement, spacing and size of the land and buildings a set forth in this Ordinance.

**DISTURBANCE:** shall mean placement of impervious surface or exposure and/or movement of soil and/or bedrock, clearing, cutting, or removing vegetation.

**DIVIDED STREET:** means a street having an island or other barrier separating opposing moving lanes.

**DRAINAGE:** the removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen non-point pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

**DRAINAGE AREAS:** shall mean a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

**DRAINAGE FACILITY:** shall mean any component of the drainage system.

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

**DRIVEWAY:** A means of ingress and egress for vehicles to and from a property.

**DRIVEWAY, CIRCULAR or CIRCULAR DRIVES:** shall mean a paired, 1-way means of ingress and egress to a surface parking lot, usually located at the rear of a building. Circular Drives shall be, at a minimum, 12' wide.

**DROP MANHOLE:** shall mean an inspection chamber used at changes in horizontal and/or vertical directions for underground utility conduits where the incoming conduit is two feet or more above the elevation of the discharge conduit.

**DROP PIPE:** shall mean a vertical pipe used to convey sewage from a higher to a lower elevation.

**DUMP:** shall mean a lot of land or a portion thereof used for the primary purpose of disposing garbage or waste material of any kind.

**DUNE:** see Coastal Dune.

**DWELLING or DWELLING UNIT:** a room or series of connected rooms containing living, cooking, sleeping and sanitary facilities for one housekeeping unit. The dwelling shall be self-contained and shall not require passing through another dwelling unit or indirect route(s) to get to any portion of the dwelling unit, nor shall there be shared facilities with another housekeeping unit.

For the purposes of this Ordinance, the following define Structural Types of Dwelling and, unless otherwise indicated, do not address ownership form. Pursuant to N.J.S.A. 40:55D-58, all development regulations pursuant hereto shall be construed and applied with reference to the nature and use of a condominium or cooperative structures or uses without regard to the form of ownership. Accordingly, any of the following Structural Types of Dwelling Units may be held in fee-simple, condominium or cooperative ownership (i.e., Apartments may be owneroccupied as condominiums or rented as traditional apartments; Townhouses may be owned under a condominium, fee-simple or other arrangement). Nothing herein shall preclude a single Dwelling Unit within such structure from occupying more than one (1) floor. However, no Dwelling Unit shall occupy less than an entire floor (defined as the area of the total footprint of the building).

**SINGLE-FAMILY DETACHED:** a freestanding structure designed for residential occupancy by a single family or housekeeping unit situated on an individual lot with no common party walls with other structures (or other uses within the same structure) and having sleeping, cooking, sanitary and general living facilities.

**SINGLE-FAMILY SEMI-DETACHED (DUPLEX):** a structure designed for residential occupancy by two (2) independent families or housekeeping units situated on a single lot with a (vertical) common party wall between the dwelling units. Each such dwelling unit shall have its own sleeping, cooking, sanitary and general living facilities. Such structures shall have no more than 1 dwelling unit per 'Duplex side' for a total of two (2) dwelling units per Principal Building. Each 'Duplex Side' shall be of equal size.

**3-4 FAMILY SEMI-DETACHED ('TRI' OR 'QUAD'):** a structure designed for occupancy by three (3) or four (4) independent families or housekeeping units situated on a single lot with a (vertical) common party wall AND with one or both sides of the structure constructed in a horizontal configuration (i.e., one dwelling

unit above the other) so as to contain not more than two (2) dwelling units per 'building side' for a total of 4 units per Principal Building.

Side-by-Side Triplex or '4-plex' Units (with common vertical party wall, built in linear fashion) are prohibited in this Structural Type.

Each dwelling unit shall have its own sleeping, cooking, sanitary and general living facilities.

Nothing herein shall preclude a single dwelling unit within such structure from occupying more than one (1) floor. However, no dwelling unit shall occupy less than an entire floor (defined as the area of the total footprint of the building).

**ACCESSORY APARTMENT UNITS (IN-LAW SUITE) :** a single additional dwelling unit within a single-family detached dwelling which shall contain at least two (2) rooms and have sanitary and cooking facilities for the exclusive use of its occupant. Said unit shall be no more than twenty-five percent (25%) of the net habitable floor area of the principal dwelling unit and shall be a minimum of five hundred (500) square feet in area.

**MULTI-FAMILY:** a building containing multiple Dwelling Units which are occupied or intended to be occupied exclusively for residential purposes by three (3) or more housekeeping units living independently of each other and each with its own cooking and sanitary facilities.

**TOWNHOUSE (ATTACHED):** a structures designed for occupancy by not less than three (3) and not more than eight (8) independent families or housekeeping units on individual lots with common (vertical) party wall between dwelling units. Townhouse dwelling units shall be side-by-side (not stacked), with each unit sitting on an individual lot.

Each such unit shall be a minimum of 24' wide.

Individual Townhouse buildings shall contain not less than 3 and not more than 8 dwelling units. Each such dwelling unit shall have its own sleeping, cooking, sanitary and general living facilities.

Exterior (end) Townhouse units shall have a minimum 12' side yard setback, which shall be used as a driveway. In the alternative, exterior Townhouse units may be 24' wide, provided that an additional 12' Side Yard Setback (under some form of common ownership) is maintained.

Garages and off-street parking for Townhouses shall be accessed from the rear of the building, which shall be accessible from a loop road employing end-unit driveways.

**GARDEN APARTMENTS:** multi-family structures designed to resemble Townhouses, except that multiple Garden Apartment buildings may be constructed on a single lot and further except that dwelling units in Garden Apartments may be placed in a horizontal configuration (i.e. one dwelling unit above the other ~ for a maximum of one first floor unit and one second floor unit).

Individual Garden Apartment buildings shall contain not less than three (3) and not more than eight (8) pairs of stacked dwelling units. Each dwelling unit shall have its own sleeping, cooking, sanitary and general living facilities.

Subject to applicable Building Controls, multiple Garden Apartment buildings may be constructed on a single lot.

Each Garden Apartment dwelling unit shall be a minimum of 800 s.f. Off-street parking for Garden Apartments shall be to the rear of the buildings and shall be accessible from common driveways.

**GROUP HOME:** means and includes any single family dwelling used in the placement of children pursuant to law recognized as a group home by the Department of Institutions and Agencies in accordance with rules and regulations adopted by the Commissioner of Institutions and Agencies provided, however, that no group home shall contain more than 12 children.

**HIGH-RISE, MULTI-FAMILY RESIDENTIAL BUILDINGS:** shall mean a multi-story, multi-family structures designed for residential occupancy by more than four (4) independent families or housekeeping units, situated on a single lot (in the case of apartments) or on a common lot with multiple internal lots (in the case of condominiums), and having vertical and/or horizontal common party walls (i.e., Dwellings next to and above one another). Each Dwelling Unit within such a structure shall have independent sleeping, cooking, sanitary and general living facilities. Highrise, Multi-family Residential Building can be also universally referred as a Condotel.

Such structures may contain Dwelling Units for rent (apartments), ownership (condominiums) or both, shall have a common entrance (typically with lobby area) and shall conform with the applicable Building Regulations of Section 403(E)(5).

Reference Section 401(H)(20) for minimum Dwelling Unit regulations.

**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.

**EASEMENT, CONSERVATION:** shall mean the grant of a property right stipulating that the described land will remain in its natural state and precluding future or additional development.

**EDUCATIONAL INSTITUTION —** Any public or private educational institution normally subject to regulations prescribed the State of New Jersey.

**EFFECTIVE DATE:** shall mean date of this Ordinance being adopted by the Governing Body of the City.

**ELEVATION:** shall mean a vertical distance above or below a fixed reference level; a fully dimensioned drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of grade to floor level.

**EMERGENCY SPILLWAY:** shall mean a supplemental spillway whose function is to pass the design storm flows in the event the principal spillway fails to operate as designed or is blocked.

**ENLARGEMENT:** shall mean an increase in the size of an existing structure or use, including physical size of the property, building, parking and other improvements.

**ENVIRONMENTAL COMMISSION —** A City advisory body created pursuant to N.J.S.A. 40:56A-1 et seq.

**ENVIRONMENTALLY CRITICAL AREAS:** shall mean an area or feature which is of significant value, including but not limited to: stream corridors, natural heritage priority sites, habitat of endanger or threaten species, large areas of contiguous open space or upland forest, steep slopes, and well-head protection and groundwater recharge areas. Habitats of endanger or threaten species are identified using the NJDEP's Landscape project mapping.

**ENVIRONMENTAL IMPACT AND ASSESSMENT (EIA):**

A statement of environmental impact and assessment which for the purpose of this Ordinance shall consist of studies, reports, documents, maps and findings of fact prepared by an applicant as part of a development application. Said EIA

shall be consistent with and shall contain all that information, data and documentation contained in this Ordinance.

**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:** shall mean the detachment and movement of soil or rock fragments by water, wind, ice and gravity.

**EROSION AND SEDIMENT CONTROL PLAN:** a plan which fully indicates necessary land treatment measures, including a schedule of the timing for their installation, which will effectively minimize soil erosion and sedimentation. Such measures shall be equivalent to or exceed standards adopted by the Cape/Atlantic Soil Conservation District pursuant to N.J.S.A. 4:24-2 et seq., the New Jersey Soil Erosion and Sedimentation Control Law.

**ESSENTIAL SERVICES:** shall mean the erection, construction, alteration or maintenance of underground, surface or overhead gas, electrical, steam or water transmission systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, light stanchions, telephone lines, hydrants and other similar equipment and accessories, reasonably necessary for the furnishing of adequate service to the zone or neighborhood where located by public utilities, municipal or other governmental agencies. Essential services shall include first aid and emergency aid squad buildings.

**ESTABLISHMENT** — One (1) place of business, or one (1) permanent usage.

**EXISTING GRADE:** shall mean the vertical location of the ground surface prior to excavating or filling.

**EXCEPTION:** shall mean permission to depart from the design standards in the ordinance.

**EXCAVATION:** shall mean the extraction of sand, gravel, earth or any other material.

**EXTERNALLY LIGHTED** — Any sign whose sole source of artificial illumination is outside the display portion of the sign.

**ESROW:** shall mean a deed, bond, money, or a piece of property delivered to a third person to be delivered by him/her to the grantee only upon fulfillment of a condition.

**FACADE SIGN** — Any sign attached to or painted on the building.

**FALL ZONE:** shall mean the area on the ground within a prescribed radius from the base of a wireless cellphone telecommunications tower. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

**FAMILY DAY CARE HOME:** any private residence of a family day care provider which is registered as a family day care home pursuant to the "Family Day Care Provider Registration Act," P.L.1987, c.27 (C.30:5B-16 et seq.) and approved by the Division of Youth and Family Services or an organization with which the Division contracts for family day 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. A 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 (1) or more of the parents where no payment for the care is being provided.

Family day care homes shall be a permitted use in all residential districts of a municipality. The requirements for family day care homes shall be the same as for single family dwelling units located within such residential districts. Any deed restriction that would prohibit the use of a single family dwelling unit as a family day care home shall not be enforceable unless that restriction is necessary for the preservation of the health, safety, and welfare of the other residents in the neighborhood, in accordance with NJSA 40:55D-66.5.

**FAST FOOD ESTABLISHMENTS** — 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.

**FCC:** shall mean the Federal Communications Commission.

**FEMA:** shall mean the Federal Emergency Management Agency.

**FENCE:** A structure erected as a barrier to access to or from a part or whole of a property, including walls, screens or hedges intended to be a “fence”.

**FILLING:** shall mean the depositing of sand, gravel, earth or any other material.

**FINAL APPROVAL:** The official action of the 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 PLAN:** shall mean the final map of all or a portion of a development which is presented to the Board for final approval in accordance with these regulations and which, if an approved subdivision, shall be filed with the proper county recording officer.

**FINANCIAL INSTITUTIONS —** Any structure wherein business of primarily a financial nature is transacted, such as: banks, savings and loans, mortgage companies and similar institutions.

**FINISH FLOOR ELEVATION:** shall mean the elevation above Base Flood Elevation as determined by FEMA Flood Insurance Rate Mapping.

**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 runoff of surface waters from any source.

**FLOOD INSURANCE RATE MAP (FIRM):** The official map on which the FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of Wildwood.

**FLOOD PLAIN:** The relatively flat area adjoining the channel of a natural stream or body of water which has been or may be covered by floodwater.

**FLOOR AREA RATIO (FAR):** shall mean the actual sum of the area of all floors of buildings or structures on the lot or tract occupied area fully enclosed by the inside surfaces of walls, windows, doors and partitions compared to (divided by) the total area of the lot or tract, including working, living, bathrooms, eating, cooking and sleeping areas, but excluding any type of

parking garages/structure built as part of or separately from the principal building, carports, parking spaces, halls, storage areas, closets, cellars, half-stories and unfinished attics and unfinished & inhabitable basements. Basements which satisfy applicable construction code definitions of habitable space are included NHFA. Habitable floor area shall also include all roofed areas including "roofed" porches, decks and patios, regardless of the number of walled sides.

**FOOTPRINT OF DEVELOPMENT:** shall mean the vertical projection to the horizontal plane of the exterior of all exterior walls of a structure.

**FUNCTIONALLY EQUIVALENT SERVICES:** shall mean Cellular radio, personal communication service (PCS), enhanced specialized mobile radio, specialized mobile radio and paging, commercial land mobile radio and additional emerging technologies.

**GARAGE, PRIVATE:** An Accessory Building or Structure or portion of a Principal Building or Structure used for the storage of four (4) or less passenger motor vehicles owned by the occupants of the Principal Building or Structure without the provision for repairing or servicing such vehicles for profit and in which no occupation, business or service for profit is carried on. Parking shall only be allowed in front of a garage if the motor vehicle does not encroach upon public property.

**GARAGE, PUBLIC PARKING:** Any building, structure or enclosure, or any portion thereof, where privately-owned motor vehicles may be parked, stored, housed or kept, for which any charge is made, and which is operated and advertised (signed) as having parking spaces available to the general public.

**GARAGE, REPAIR:** 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.

**GAZEBO:** shall mean a small building usually roofed but without walls, placed on the grounds of residential property as a decorative architectural feature, having no utility services.

**GOVERNING BODY:** See City Commission

**GOVERNMENTAL AGENCY:** shall mean the Government of the United States, the State of New Jersey, or any other state, or a political subdivision, authority, agency or instrumentality thereof, and shall include any interstate agency or authority.

**GRACE PERIOD:** shall mean the period of time afforded under the Grace Period Law, N.J.S.A. 13:1D-125 et seq., for a person to correct a minor violation in order to avoid imposition of a penalty that would otherwise be applicable for such violation.

**GRADING:** shall mean leveling off to a smooth horizontal or sloping surface.

**GRADE:** A reference plane representing the average of finished ground elevation adjoining building at all exterior building corners.

**GRADED AREA:** shall mean as it pertains to streets, land adjacent and parallel to the cartway within the right-of-way, which must be flattened or leveled to the same width and cross-slope as a sidewalk, if a sidewalk had been required at that location.

**GROUND COVER:** shall mean grasses or other plants and landscaping grown or placed to keep soil from being blown or washed away.

**GROUND FLOOR:** shall mean the first floor of a building other than a cellar or basement.

**GUTTER:** shall mean a shallow channel, usually set along a curb or the pavement edge of a road, for purposes of catching and carrying off runoff water.

**GUYED TOWER:** shall mean the tower, which is supported or braced through the use of cables (guy wires) which are permanently anchored.

**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.

**HABITABLE STRUCTURE:** shall mean a structure that is able to receive a certificate of occupancy from the municipal construction code official, or is demonstrated to have been legally occupied as a dwelling unit for the most recent five year period.

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

1. Bituminous concrete, laid hot or cold, a minimum depth of two (2) inches on a compacted base.

2. Concrete, a minimum depth of four (4) inches.

**HISTORIC DISTRICT:** The one or more historic sites and intervening or surrounding property designated as a Historic District graphically depicted on Exhibit 401 herein.

**HISTORIC LANDMARKS (OR "SITE"):** shall mean any buildings, structures. Sites, object or districts which possess integrity of location. Design, setting, materials, workmanship of association, and which have been determined, pursuant to the terms of this section, to be:

- (1) of particular historic significant to the City of Wildwood by reflecting or exemplifying the broad cultural, -political, economic or social history of the nation, state or community; or
- (2) Associated with historic personages important in national, state or local history; or
- (3) An embodiment of the distinctive characteristics of a type, period or method of architecture or engineering; or
- (4) Representative of the work of an important builder, designer, artist or architect; or
- (5) Significant for containing elements of design, detail, materials or craftsmanship which represent a significant innovation; or
- (6) Able or likely to yield information important in prehistory or history.

**HOME OCCUPATION:** An occupation including, but not limited to, any licensed profession, conducted in a Dwelling Unit, subordinate to its residential use, provided that:

- a. Such occupation may be pursued in the principal Dwelling Unit structure or in a secondary building which is accessory to such principal building or structure.
- b. The use of the property for the Home Occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) 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) non-resident employee shall be engaged in the occupation at such site.
- 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.
- e. No display of products shall be visible from the street, nor shall any materials be stored outside the Dwelling Unit.
- f. The Home Occupation shall not generate the business or care of more than two (2) clients at any one time, which shall be by appointment only.
- g. The Home Occupation shall not include the breeding, raising, care, boarding or maintenance of animals.
- h. The home occupation shall not necessitate parking of more than one (1) vehicle at any time in addition to those ordinarily used by the residents of the home and the single non-resident employee. Said vehicle shall be limited to passenger automobile or other vehicles not exceeding a  $\frac{3}{4}$ -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 vehicle(s) owned or operated in conjunction with the home occupation shall be parked overnight, stored or repaired, and no such vehicle(s) shall be parked overnight or stored on a street.

There shall be no exterior evidence of the Home Occupation other than one (1) unlighted name plate sign identifying the Home Occupation, which sign shall not exceed two (2) square feet in sign area. Such sign may be building-mounted or free-standing. If free-standing, such sign shall not be higher than three feet (3') in total height, including all elements of the supporting structure, shall be located not less than five feet (5') from all property lines and, if a corner property, shall not be located within a site triangle.

- i. The Applicant shall have applied for and received Minor Site Plan approval from the Board in accordance with the applicable requirements of this Ordinance.

**HOMEOWNERS' ASSOCIATION:** shall mean a community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

**HOUSE OF WORSHIP:** shall mean a building or structure, or groups of buildings or structures that by design and construction are primarily intended for conducting organized religious services and associated accessory uses. Such accessory uses shall include, but not be limited to, food pantries, food banks, soup kitchens, counseling, support group meetings, and like and similar activities.

**HOUSEHOLD:** shall mean a family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

**HOSPITAL:** Unless otherwise specified, an institution providing medical, surgical, psychiatric or obstetrical care on an around-the-clock, in-patient and/or out-patient basis for the diagnosis, treatment or care of the general public suffering from disease, injury or other abnormal physical conditions for human beings. A hospital may include integral support facilities. The term 'Hospital' shall not include the offices of a doctor.

**HOTEL:** A building which contains six (6) or more Hotel Units which are designated and intended to be used, let or hired out for compensation for transient occupancy to the general public by reservation or walk-up without reservation, but in any case without lease, for occupancy in periods of not less than one (1) night and not more than 20 continuous nights; except that resident management shall not be subject to the occupancy limitation; and

- (a) contains one or more public lobby or public registration (check in) and information stations (front desk) serving the guest rooms;
- (b) provides access to all Hotel Units solely through one or more common public lobby areas via elevator or other conveyance system;
- (c) has full-time on-site staff and management;
- (d) provides amenities such as restaurants, banquet or dining rooms, conference rooms, swimming pools and other aquatic facilities as well room service, linen service and other elements normal and customary to a Hotel;

- (e) maintains a published business phone number and, to the extent that such advertising is part of the Hotel's business model, advertise daily rentals and hotel-like services to the general public;

**HOTEL UNITS:** Lodging units located within a Hotel which are designed, designated and intended to be used, let or hired out for compensation for transient occupancy to the general public by reservation or walk-up without reservation, but in any case without lease, for occupancy in periods of not less than one (1) night and not more than 20 continuous nights; except that resident management shall not be subject to the occupancy limitation.

Each Hotel Unit shall contain, at a minimum, one (1) bedroom and one (1) separate bathroom, which shall be internal to the Hotel Unit; and

- (a) shall consist of not less than 350 s.f. of net habitable floor area;
- (b) shall contain no laundry facilities (other than an iron/ironing board);
- (c) other than a coffee maker, small (typical bar size) refrigerator, microwave or honor bar, not more than 25% of the total number of Hotel Units shall contain facilities for the preparation, cooking or heating of food. Nothing herein shall prohibit the Developer locating Hotel Units without cooking facilities adjacent to and contiguous with Hotel Units with cooking facilities with a common door between units such that, when opened, a multi-bedroom suite is created. In such case, such door shall be independently lockable from both sides to provide for security when the units are not used as a suite.

This definition shall specifically be construed to prohibit Hotel Units from being occupied or otherwise used as multiple dwellings as defined by the New Jersey Department of Community Affairs under the *Hotel and Multiple-Dwelling Health and Safety Law*. (N.J.S.A. 55:12A-1 et seq.)

**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:** One or more persons living together in a single Dwelling Unit on a non-seasonal basis and sharing living, sleeping, cooking and sanitary facilities on a non-profit basis.

**IMPERVIOUS COVERAGE:** shall mean any material which generally reduces or prevents absorption of stormwater into the ground, including but not limited to buildings, parking areas, driveways, sidewalks, paving and patios.

**IMPROVEMENT:** shall mean any structure or any part thereof constructed or 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 120 continuous days.

**IMPROVED LOT:** shall mean a lot upon which exists a principal structure or building.

**IMPROVED PUBLIC STREET:** shall mean, for subdivision purposes or site plan, any street which complies in width and construction with municipal standards.

**INFILTRATION** is the process by which water seeps into the soil from precipitation or channeled through a detention basin to recharge.

**INN:** A portion of a residential Dwelling Unit containing not more than 12 sleeping accommodations without individual cooking facilities wherein nonresident owners permit individual rooms therein to be used, let or hired out for compensation for the use of temporary guests for no more than 14 days and wherein home-cooked meals are served to the guests thereof, typically in a family-style dining setting.

**INDEPENDENT LIVING FACILITY:** An age-restricted planned residential development that emphasizes social and recreational activities but may also provide communal dining, personal services, limited health facilities and transportation. Also known as an "Adult Retirement Community".

**INSTITUTION:** An organization founded for the promotion of a cause; typically formed as a medical, educational, correctional, religious, or social service organizations serving the public at large and chartered as a public, governmental or charitable institution.

**INTERESTED PARTY:** (a) In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey or, (b) 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 Ordinance, 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 Ordinance, 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.

**INTERMEDIATE CARE FACILITY:** A licensed or otherwise State approved residential facility providing personal care (dressing, eating, and health related care or services) on a regular basis to individuals who require such assistance but who do not require the level of care of a Nursing Home (as defined).

**ISLAND:** shall have the same meaning as the Wildwoods in general context.

**JUNK or SALVAGE YARD:** Any area and/or structure, whether open or enclosed, which is used or is intended to be used for conducting and operating the business of buying, selling, storing or trading in used or discarded metal, glass, paper, cordage or any used or disabled fixtures, vehicles or equipment of any kind.

**JUNKED MOTOR-VEHICLE:** Any motor vehicle or part thereof left unattended or parked, either on private property or on a public right-of-way, where two (2) or more of the following conditions apply: expired inspection sticker of 30 days or more; removed inspection sticker; no license plates; no registration or expired registration, incapable of operation, broken glass or one (1) or more flat tires.

**LANE, ACCELERATION AND DECELERATION:** shall mean lanes adjacent to the primary cartway and attached thereto for the use only by vehicles entering, leaving or preparing to cross a lane of forward travel without interrupting the flow of traffic.

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

**LAND DEVELOPMENT ORDINANCE:** shall mean the Ordinance regulating land use and development in and for the City of Wildwood, as amended from time to time.

**LANDSCAPING:** shall mean for the purpose of determining compliance with the minimum landscape requirements in the City's zones, landscaping shall be limited to vegetative cover, including grass, shrubs and trees. Areas devoted to parking and walkways, driveways and patios shall not count toward this requirement whether impervious or not. Areas under projections and cantilevers except roof overhangs shall not count.

**LANDSCAPE BUFFER or LANDSCAPE SCREEN:** A visual barrier at least five feet (5') in width between adjoining lots or site uses composed of evergreen growth, earthen berms and/or other planted material arranged to form a low-

level separation between such lots or uses. The density and height of such material shall be determined by the Board at time of approval, within the context of the subject project and the buffer / screen required.

**LANDSCAPE PLAN:** shall mean a plan prepared by a authorized professional which shows the location and sizes of existing shade and ornamental trees and shrubs which are proposed to be retained, removed, thinned, or pruned; the location and quantity of all proposed planting material; a planting list or schedule indicating the botanical and common names of all proposed plant material, their minimum size at the time of installation, root condition and spacing; planting details indicating the method of plant installation, including backfill mixture, staking, trunk protection, etc.; areas to be sodded or seeded with turf, or other seed mix to include the rate of seeding, methods of soil preparation and stabilization, type and amount of fertilizer, topsoil or soil treatment to be applied; and areas proposed for wildlife protection and wetlands restoration through the use of native plantings of trees, shrubs, grasses, wildflowers, ferns and other plant materials, staking, trunk protection, etc.; areas to be sodded or seeded with turf, wildflower or other seed mix to include the rate of seeding, seeding specifications, methods of soil preparation and stabilization, type and amount of fertilizer, topsoil or soil treatment to be applied and areas proposed for wildlife protection and restoration through the use of native or indigenous plantings of trees, shrubs, grasses, wildflowers, ferns and other plant materials. Said plantings on all Landscape Plans shall have a minimum life span of three (3) years.

**LATERALS:** shall mean (in regards to plumbing/sewer) pipes conducting sewage from individual buildings to larger pipes called trunk, or interceptor, sewers that usually are located in street rights-of-way.

**LATTICE TOWER:** shall mean a freestanding tower designed with multiple legs and cross-bracing of structural steel used as part of a wireless/local communication facility.

**LEED:** shall mean Leadership in Energy & Environmental Design

**LINEAR DEVELOPMENT:** means a development with the basic function of connecting two points, such as a road, drive, public walkway, railroad, sewerage pipe, stormwater management pipe, gas pipeline, water pipeline, or electric, telephone or other transmission lines.

**LOCAL COMMUNICATIONS FACILITY:** shall mean an antenna and any support structure, together with any accessory facilities, which is intended to serve a limited, localized audience through point to point communications, including cellular telephone calls, paging systems and dispatch

communications. It does not include radio, television, and cable television broadcasting facilities or microwave transmitters.

**LOCAL UTILITY:** means any sewerage authority created pursuant to the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.); any utilities authority created pursuant to the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.); or any utility, authority, commission, special district or other corporate entity not regulated by the Board of Regulatory Commissioners under Title 48 of the Revised Statutes that provides gas, electricity, heat, power, water or sewer service to a municipality or the residents thereof.

**LOADING SPACE:** An off-street parking space or berth, either within a structure or in the open and on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading, with at least 12 feet of vertical clearance but, in any case, sufficient clearance for the use intended. The minimum size loading space shall be twelve feet by thirty feet (12' x 30').

**LOCK-OUT UNIT:** A hotel unit arrangement whereby two (2) adjacent units are separated by a common, intra-unit lockable door which, when unlocked and opened, creates a multi-bedroom suite from the two separate units. Each individual unit retains separate bathroom facilities and an independent door to the corridor to allow them to be occupied separately.

The concept of a lock-out unit has been developed to service the need for hotel high-rise structures, and typically consists of a 600 – 800 s.f., one bedroom unit with full kitchen adjacent to a 300 – 400 s.f., one bedroom unit configured as a typical hotel room, often with an efficiency kitchen. The owner of the lockout unit could choose to occupy the entire twobedroom unit as a suite or to occupy the one-bedroom portion and place the hotel unit in a rental pool.

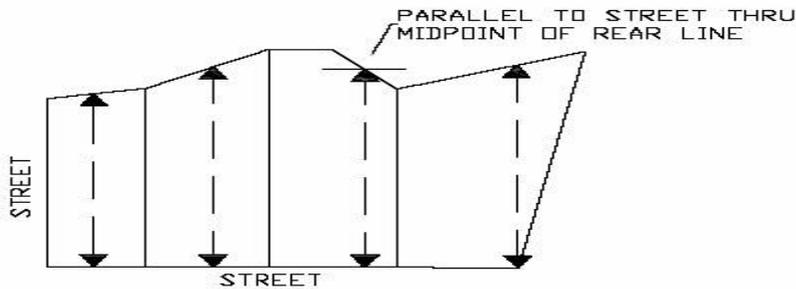
**LOT:** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit; provided that no portion of an existing public right-of-way shall be included in calculating a Lot Boundary or Lot Area. The word "lot" includes the words "plot" and "premises".

**LOT AREA:** The area contained within the lot lines of a Lot not including any portion of a right-of-way. No greater than ten percent (10%) of a Lot's Lot Area may be under water.

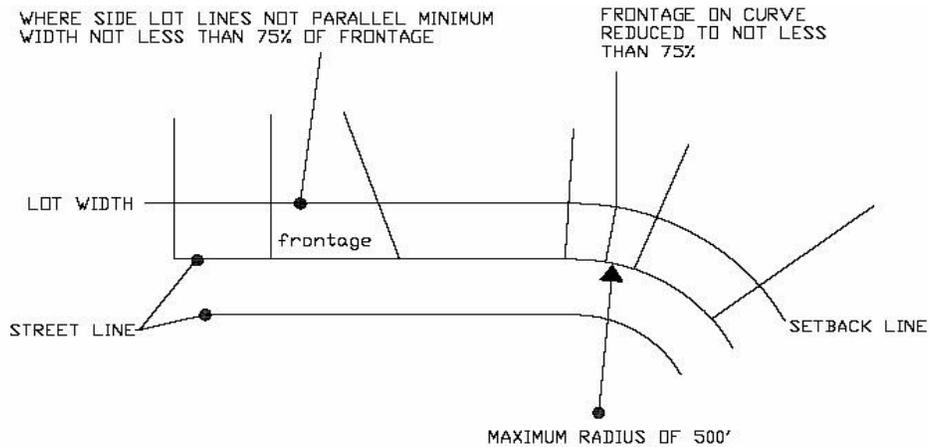
**LOT, CORNER:** A Lot abutting the intersection of two (2) or more rights-of-way, where the interior angle of the intersection does not exceed 135°. Each Corner Lot shall have two (2) front yards, one (1) side yard and one (1) rear yard, the side and rear yard to be designated at the time of Application for Development or for a Construction Permit, whichever shall occur first.

**LOT COVERAGE:** The percentage of the Lot Area which is covered by buildings and impervious surfaces.

**LOT DEPTH:** The perpendicular distance between the street line or front lot line and a line drawn parallel thereto through the midpoint of the rear lot line.



**LOT FRONTAGE:** The distance between the side Lot Lines measured along the street line. The minimum Lot Frontage shall be the same as the minimum Lot Width, except where the Lot Frontage is a curve with an outside radius of less than five hundred feet (500'), the minimum Lot Frontage shall not be less than seventy-five percent (75%) of the minimum Lot Width. In the case of a Corner Lot, the side of the Lot with the smallest distance adjacent a street shall be considered the Lot Frontage.



**LOT, INTERIOR:** A lot other than a corner lot.

**LOT LINE:** Any line forming a portion of the exterior boundary of a Lot and the same line as the Street Line for that portion of a lot abutting a street. See Property Line.

**LOT, WIDTH:** See Lot Frontage.

**LOWEST FLOOR:** shall mean 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. Finished Floor is not considered a building's lowest floor, provided that such enclosure complies with the applicable construction standards of the Coastal Flood Hazard Section.

**MAIN:** shall mean, (in regards to plumbing/sewer) in any system of continuous piping, the principal artery of the system to which branches may be connected.

**MAINTENANCE GUARANTEE/SURETY:** Any security which may be accepted by the City for the maintenance of any improvements required by this Ordinance, including but not limited to surety bonds, letters of credit under the circumstances specified in N.J.S.A. 40:55D-53.5, and cash. Maintenance guarantee/surety is in addition to the posting of a performance guarantee/surety and as condition of release of same. The sum of the guarantee/surety shall be 10% of the approved Engineer's estimate. Public Utilities are exempt from posting a Maintenance guarantee/surety. Maintenance guarantee/surety shall be imposed for one (1) year following the completion of construction.

**MAJOR SITE PLAN:** See Site Plan, Major.

**MAJOR SUBDIVISION:** See Subdivision, Major.

**MANHOLE:** means (in regards to plumbing/sewer) an inspection chamber located at changes in horizontal and vertical directions for underground utility conduits whose dimensions allow entry, exit, and working room.

**MAN-MADE LAGOON:** means an artificially created linear waterway sometimes branched, ending in a dead end with no significant upland drainage. Lagoons have been created through dredging and filling of wetlands, bay bottom and other estuarine water areas for the purpose of creating waterfront lots for residential development adjacent to the lagoon. A natural waterway which is altered by activities including, but not limited to, filling, channelizing, or bulkheading shall not be considered a man-made lagoon, nor shall a bulkheaded boat slip be considered a lagoon.

**MALL:** A public promenade or pedestrian-way which may be enclosed or open.

**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.

**MARINA:** A harbor, inlet or boat basin devoted to the purpose of providing docks, berths, slips or tie-ups for boats and watercraft and for providing sales & services for said boats and craft. A marina can be land or water based and may provide a land area for storage of said watercraft on a seasonal or annual basis.

**MASTER PLAN:** means a composite of one or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to NJSA 40:55D-28.

**MAYOR:** means the chief executive of the municipality, whatever his official designation may be, except that in the case of municipalities governed by municipal council and municipal manager the term "mayor" shall not mean the "municipal manager" but shall mean the mayor of such municipality.

**MEDIAN:** shall mean that portion of a divided highway separating the traveled ways of traffic proceeding in opposite directions.

**METHADONE CLINIC:** A facility offering outpatient methadone maintenance services. Consistent with N.J.S.A 40:55D-66.10, a methadone clinic is deemed to be a business or commercial operation or the functional equivalent thereof and shall not be construed as ancillary or adjunct to a doctor's professional office.

**MINOR SITE PLAN:** See Site Plan, Minor.

**MINOR SUBDIVISION:** See Subdivision, Minor.

**MIXED USE:** shall mean two or more different uses on one parcel of land.

**MONOPOLE:** shall mean a type of freestanding tower with a single shaft of wood, steel, or concrete and a platform (or racks) for antenna arrayed at the top or  $\frac{3}{4}$  to the top of the pole. Pole is usually used to personal communications (cellular telephone service).

**MOTORBOAT:** Any vehicle which is primarily operated on water or which does operate on water, such as boats, barges, amphibious craft or Hovercraft, and which is propelled by mechanical power.

**MOTEL:** A building which contains six (6) or more lodging Units which are designed designated and intended to be used, let or hired out for compensation for transient occupancy to the general public by reservation or walk-up without reservation, but in any case without lease, for occupancy in periods of not less than one (1) night and not more than 20 continuous nights; except that resident management shall not be subject to the occupancy limitation. Motels shall maintain the characteristics of a Hotel as defined herein except that Motels need not:

- (a) provide access to all Motel Units through common public lobby areas via elevator or other conveyance system;
- (b) have full-time on-site staff and management;
- (c) provide amenities such as restaurants, banquet or dining rooms, conference rooms, swimming pools and other aquatic facilities. However, Motels shall provide room service, linen service and other elements normal and customary to a such facility;

**MOTEL UNITS:** Lodging units located within a Motel which are designed, designated and intended to be used, let or hired out for compensation for transient occupancy to the general public by reservation or walk-up without reservation, but in any case without lease, for occupancy in periods of not less than one (1) night and not more than 20 continuous nights; except that resident management shall not be subject to the occupancy limitation. Motels Units shall maintain the characteristics of a Hotel Unit as defined herein except that Motel Units shall not consist of less than 350 s.f. of net habitable floor area;

**MULCH:** means 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, prevent weeds from growing, hold the soil in place, and aid plant growth.

**MUNICIPALITY** means The City of Wildwood.

**MUNICIPAL AGENCY:** The Planning Board, Board of Adjustment, Board of Health or City Commission of the City of Wildwood, or any other agency created by or responsible to the City of Wildwood, when acting pursuant to N.J.S.A. 40:55D-1 et seq. and applicable Ordinances of the City of Wildwood.

**MUNICIPAL LAND USE LAW:** shall mean the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. (“MLUL”)

**MUNICIPAL RESIDENT:** means a person who is domiciled in the municipality.

**NAVIGABLE WATERS:** Waters capable of being traverse by water pleasure craft.

**NEIGHBORHOOD-ORIENTED RETAIL ACTIVITIES** shall include, without limitation: grocery stores, specialty food stores, pharmacies, convenience stores, (non-“big box”) retail, appliance or hardware stores, package liquor stores, fabric stores, florists, gift shops, paint stores and like and similar activities.

**NEIGHBORHOOD-ORIENTED SERVICE ACTIVITIES** shall include, without limitation, barber and beauty shops, tailor shops, retail dry cleaning (no commercial cleaning on premises), appliance repair, shoe repair shops, self-service laundry (Laundromats), video rentals and sales and like and similar activities.

**NEW CONSTRUCTION:** Structures for which the start of construction commenced on or before December 21, 1982, the effective date of a predecessor Floodplain Management Ordinance or Coastal Flood Hazard Protection section of the Ordinance adopted by the City of Wildwood.

**NEW JERSEY COASTAL ZONE:** shall mean the New Jersey coastal zone, which is defined as: (1) The coastal area defined in the Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19-1 et seq.; (2) Coastal waters, which are any tidal waters of the State and all lands lying thereunder. Coastal waters of the State of New Jersey extend from the mean high water line out to the three geographical mile limit of the New Jersey territorial sea, and elsewhere to the interstate boundaries of the States of New York, and Delaware and the Commonwealth of Pennsylvania ; (3) All lands outside of the coastal area as defined by CAFRA extending from the mean high water line of a tidal water body to the first paved public road, railroad or surveyable property line existing on September 26, 1980 generally parallel to the waterway, provided that the landward boundary of the upland area shall be no less than 100 feet and no more than 500 feet from the mean high water line; (4) All areas containing tidal wetlands; and (5) The Hackensack Meadowlands District as defined by N.J.S.A. 13:17-4

**NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS (NJDCA):** The New Jersey Department of Community Affairs and, by extension, the individual divisions and/or offices therein, including the Office of Smart Growth.

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**(NJDEP):** The New Jersey Department of Environmental Protection and, by extension, the individual divisions therein, including the Land Use Regulation Program, responsible for implementing the Coastal Zone Management Rules other environmental regulations.

**NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT):** The New Jersey Department of Transportation and, by extension, the individual divisions and/or offices therein.

**NEW JERSEY OFFICE OF SMART GROWTH (NJOSG):** shall mean the Office of Smart Growth (formerly known as the Office of State Planning) within the New Jersey Department of Community Affairs.

**NJDCA:** See New Jersey Department of Community Affairs.

**NJDEP:** See New Jersey Department of Environmental Protection.

**NJDEP, TWA:** shall mean a NJDEP Treatment Works Approval. A permit necessary for certain sanitary sewer installations.

**NJDEP, SAFE DRINKING WATER PERMIT:** shall mean a permit necessary for certain potable water supply installations.

**NJDOT:** See New Jersey Department of Transportation.

**NJOSG:** See New Jersey Office of Smart Growth

**NON-CONFORMING BUILDING or STRUCTURE:** A building or structure the size, dimension, or location of which was lawful prior to the adoption, revision or amendment of this Ordinance, but which 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 LOT:** A Lot the area, dimension, or location of which was lawful prior to the adoption, revision or amendment of this 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.

**NONCONFORMING SIGN:** shall mean any sign lawfully existing on the effective date of an ordinance, or any amendment thereto, that renders such

sign nonconforming because it does not conform to all the standards and regulations of this Land Development Ordinance.

**NON-CONFORMING USE:** A use or activity which was lawful prior to the adoption, revision or amendment of this 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:** An offensive, annoying, unpleasant or obnoxious thing or practice; a cause or source of an annoyance, especially a continuing or repeating invasion or disturbance of another's rights, including the actual or potential emanation of any physical characteristic of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things such as and including but not limited to: noise; dust; smoke; fumes; odor; glare; flashes; vibration; shock waves; heat; electronic or atomic radiation; objectionable effluent; noise of congregation of people, especially at night; traffic; transportation of things by truck, rail or other means; and invasion of non-abutting street frontage by parking.

**NURSING HOME or NURSING FACILITY:** A licensed or otherwise State approved facility providing health care under medical supervision for residents. Also known as a Rest Home, Convalescent Home, Long-Term Care Facility or an Extended Care Facility.

**OBJECT:** shall mean a thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

**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.

**OFFICES:** 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** means 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 R.S.40:27-5.

**OFFICIAL MAP** means a map adopted by ordinance pursuant to NJSA 40:55D-32 et. seq.

**OFF-LOADING PARKING SPACE:** See loading space.

**OFF-SITE:** Located outside the Lot Lines of the property in question but within the property (of which the Lot is a part) which is the subject of a Development Application, or on the closest half of the street or right-of-way abutting the property of which the Lot is a part.

**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:** not located on the property which is the subject of a Development Application or on the closest half of the abutting street or right-of-way abutting the property of which the Lot is a part.

**ON-SITE:** Located on the lot in question and excluding any abutting street or right-of-way.

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

**ON-TRACT:** Located on the property which is the subject of a Development Application or on the closest half of an abutting street or right-of-way.

**OPEN-SPACE:** 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:** An incorporated, non-profit organization operating Development under a recorded land agreement for the purposes of owning and maintaining the Development's Common Open Space, providing that: (a) each owner of the Development is automatically a member; (b) 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 City; and, (c) each

owner and tenant of the Development has the right to use the Common Open Space.

**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.

**OUTDOOR STORAGE:** shall mean the keeping in an unenclosed area of any goods, material, merchandise, or vehicles in the same place for more than 24 hours.

**OVERLAY ZONE:** An area designated by the Land Use and Development Regulations which covers a portion of, or all of, one (1) or more underlying zone districts. Within an overlay zone, development is subject to the control of certain additional uniform regulations and requirements which supplement the underlying zone requirements and standards.

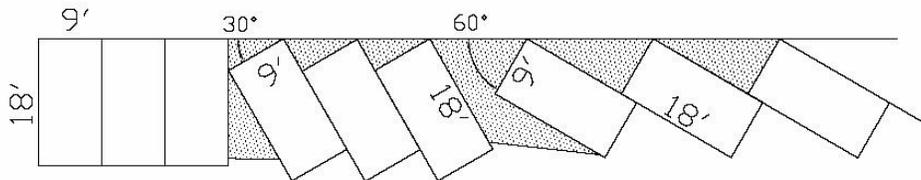
**OWNER:** shall mean an individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek or authorize development of land under this chapter.

**PARAPET:** shall mean the extension of the main walls of a building above the roof level

**PARKING FACILITY:** shall mean any public or private parking area or garage.

**PARKING LOT:** a ground-level, usually surfaced open area that provides storage for motor vehicles.

**PARKING SPACE:** An area not less than nine feet wide by eighteen feet in length (9' x 18'), 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. A Parking Space is intended to be sufficient to accommodate the exterior extremities of the vehicle, whether in addition thereto wheel blocks are installed within this area to prevent the bumper from overhanging one end of the 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.



**PARTY, IMMEDIATELY CONCERNED** means for purposes of notice any applicant for development, the owners of the subject property and all owners of property and government agencies entitled to notice under NJSA 40:55D-12.

**PARTIAL DESTRUCTION:** shall mean a building or structure that because of fire, flood, explosion or other calamity requires rebuilding, the value of which is less than half of the building's assessed valuation.

**PATIO:** shall mean a level, surfaced area directly adjacent to a principal building at or within ten (10) inches of existing grade, not covered by a permanent roof and used primarily for passive recreation.

**PEDESTRIAN GENERATOR:** shall mean a development which will realize high facility usage by persons arriving on foot.

**PERVIOUS SURFACE:** shall mean any surface that permits a significant portion of surface water to be absorbed.

**PERFORMANCE GUARANTEE/SURETY:** Any security, in accordance with the requirements of this Ordinance, which may be accepted by the City, subject to review and approval by the City Attorney & Engineer, in lieu of a requirement that certain improvements be completed prior to final approval of a Development Application, including, but not limited to, surety bonds, performance bonds,

letters of credit, escrow agreements and other similar collateral or surety agreements, under the circumstances specified in N.J.S.A. 40:55D-53.5, and cash.

**PERMANENT DEVELOPMENT:** The construction, reconstruction, conversion, structural alteration, or relocation of any building or other structure which requires a foundation to be installed below the surface of the ground and that requires a Construction Permit or Certificate of Use or Occupancy issued by the appropriate City office(s).

**PERSONAL WIRELESS SERVICE FACILITY:** shall mean a facility for the provision of personal wireless services (i.e. cellphone), as defined by the Telecommunications Act of 1996.

**PERMITTED USE:** Any use of land or buildings as permitted by this Ordinance.

**PIER:** An elevated structure, extending over land or water, for use as a docking place or promenade. No type of residential use maybe located on any pier, regardless of location within the City of Wildwood. Amusement Piers (“Piers”) are unique structures which play a major role in the attractiveness of the City of Wildwood as an amusement center. They are thus inextricably tied to the economic life of the City. Pier structures constructed along the bay for exclusive use as docks, marinas, fishing, scenic overlooks or other passive recreation shall be governed by the permitted uses for the zoning district from which said pier extends, and shall not be construed as being in part of the Pier Zoning Districts. See also separate definition for Amusement Piers.

**PLANNING BOARD:** the municipal planning board of the City of Wildwood, established pursuant to N.J.S.A. 40:55D-23 and Article 300 herein.

**PLAT:** A map or maps of a subdivision or site plan.

**POLLUTANT:** shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. Pollutant includes both hazardous and nonhazardous pollutants.

**PORCH:** A roofed platform which is elevated from grade and supported by piers, pillars or posts rooted in a permanent concrete foundation, and which projects from the exterior wall of a principal building, has direct access from that principal building, and has at least three (3) of its perimeter sides unobstructed in any manner between floor and ceiling except for roof-support elements. Porches shall be fitted with appropriate railings pursuant to applicable building codes.

**PORTE-COCHERE** or **PORTICO:** An open-sided, at-grade, roofed structure which is supported by piers, pillars or posts rooted in a permanent concrete foundation, which projects from the exterior wall of a principal building, has direct access from that principal building, shelters an entrance to that building and has at least three (3) of its perimeter sides unobstructed in any manner between floor and ceiling except for roof-support elements. A Porte-Cochere may also be considered as a roofed area forming a Porch.

In no case shall a Porte-Cochere be construed as a carport (i.e., open-sided garage) for the extended parking of motor vehicles, or for other outdoor storage.

**PRELIMINARY APPROVAL:** The conferral of certain rights pursuant to N.J.S.A. 40:55D-46, 48 and prior to Final Approval after specific elements of a Development Plan have been agreed upon by the 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.

**PRINCIPAL BUILDING, STRUCTURE** or **USE:** A building, structure or use in which is conducted the main or primary use of the lot on which said building is situated. Unless otherwise specified herein, no Lot shall host more than one (1) Principal building or principal use.

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

**PROHIBITED USE:** shall mean a use which is not permitted in a zone.

**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:** 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 AS A WHOLE:** means all property assembled as one investment or to further one development plan. The property as a whole may include more than one municipal tax block or lot. The property as a whole may also include blocks or lots that were previously sold or developed, if those blocks or lots and the remaining unsold or undeveloped blocks or lots were part of one investment or development plan. In determining the property as a whole in a particular case, the City of Wildwood and/or NJDEP shall consider existing legal precedent regarding what constitutes "property as a whole" at the time of the determination.

**PROPERTY LINE:** 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.

**PUBLIC DEVELOPMENT PROPOSAL:** means a master plan, capital improvement program or other proposal for land development adopted by the appropriate public body, or any amendment thereto and shall not mean a seasonal or temporary structure related to the tourism industry. Public development" does not have to be publicly funded or operated. .

**PUBLIC DRAINAGE WAY** means 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 biological as well as drainage function of the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion and to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, and to lessen nonpoint pollution.

**PUBLIC HIGHWAY:** means a "public highway" as defined in N.J.S.A. 27:1B-3 et. seq., namely public roads, streets, expressways, freeways, parkways, motorways and boulevards, including bridges, tunnels, overpasses, underpasses, interchanges, rest areas, express bus roadways, bus pullouts and turnarounds, park-ride facilities, traffic circles, grade separations, traffic control devices, the elimination or improvement of crossings of railroads and highways, whether at grade or not at grade, and any facilities, equipment, property, rights-of-way, easements and interests therein needed for the construction, improvement and maintenance of highways.

**PUBLIC IMPROVEMENTS:** shall mean improvements which the Board may deem necessary or appropriate, including but not limited to streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyors' monuments, water mains, culverts, storm sewers, sanitary sewers, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans, other on-site improvements and landscaping.

**PUBLIC LANDS:** Any and all real property which is owned or controlled by a governmental entity.

**PUBLIC OPEN SPACE:** An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, State or county agency, or other public body for recreational or conservational uses.

**PUBLIC PURPOSE USE:** The use of land or buildings by the Governing Body of the City, or by any officially created authority or agency thereof, or by an officially created authority or agency of which the City is one of the dual or multiple municipalities comprising the same.

**PUBLIC UTILITY** means any public utility regulated by the Board of Regulatory Commissioners and defined pursuant to R.S.48:2-13.

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

**RADIO FREQUENCY (RF) ENGINEER:** shall mean an engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

**REAL PROPERTY BOUNDARY:** Any imaginary line along the ground surface and its vertical extension, which separates the real property owned by one

person from that owned by another person, but not including intrabuilding real property divisions.

**RECHARGE:** shall mean the amount of water from precipitation that infiltrates into the ground and is not evaporated.

**REDEVELOPMENT PLAN:** shall mean any Redevelopment Plan developed in accordance with and under the provisions of NJSA 40A:12A-1 et. seq. Any Redevelopment Plans is an explicit amendment to the Zoning District Map and the Zoning & Land Development Regulations of the City of Wildwood. The City's Zoning Map shall be immediately modified to reflect such adoption of Redevelopment Plans.

**REDEVELOPMENT STATUE:** shall mean the New Jersey Local Redevelopment and Housing law (NJSA 40A:12A-1 et. seq.)

**REGIONALLY-ORIENTED RETAIL ACTIVITIES** shall include, without limitation, grocery stores, specialty food stores, pharmacies, convenience stores, furniture stores, "big-box" retail, appliance or hardware stores, sporting goods shops, hobby shops, book stores, clothing stores, hardware stores, package liquor stores, pet shops, stationary stores, fabric stores, florists, gift shops, jewelry stores, paint stores and like and similar activities.

**REGIONALLY-ORIENTED SERVICE ACTIVITIES** shall include, without limitation, barber and beauty shops, tailor shops, retail dry cleaning (no commercial cleaning on the premises), appliance repair, shoe repair shops, upholsterers, self-service laundry (Laundromats), bicycle rentals and video rentals and sales.

**REGULATED ACTIVITY:** shall means any activity for which a NJDEP Coastal permit is required under CAFRA, the Wetlands Act of 1970 or Waterfront Development Law, and shall also include the terms "project" and "development".

**REGULATED WETLAND:** means any wetland which has been mapped and the map promulgated pursuant to the Wetlands Act of 1970.

**REPAIR:** shall mean any work done on any improvement which:

- (1) Is not an addition to the improvement; and
- (2) Does not change the appearance of the exterior surface.

**REPLACEMENT:** shall mean repairs when a Building Permit is required for same.

**RESIDENTIAL DENSITY:** See Density

**RESTAURANT:** Any establishment, however designated, at which food is sold primarily for consumption on the premises and within a building. However, a snack bar or refreshment stand at a public or community swimming pool, playground, playfield or park, operated solely by the agency or group operating the recreational facility and for the convenience of patrons of the facility, shall not be deemed a Restaurant.

**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, in automobiles parked on the premises (whether food is brought to said automobiles by the customer or by employees of the restaurant), or at locations off the premises; 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, other than on the Boardwalk, unless specifically permitted.

**RESTRICTION, CONSERVATION:** shall mean a restriction, easement, covenant, or condition, in any deed, will or other instrument, other than a lease, executed by or on behalf of the owner of the land, appropriate to retaining land or water areas predominantly in their natural, scenic or open or wooded condition, or for conservation of soil or wildlife, or for outdoor recreation or park use, or as suitable habitat for fish or wildlife, to forbid or limit any or all:

1. Construction or placing of buildings, roads, signs, billboards or other advertising, or other structures on or above the ground;
2. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste or unsightly or offensive materials;
- 3 Removal or destruction of trees, shrubs or other vegetation;
4. Excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance;
5. Surface use except for the purposes permitting the land or water area to remain predominantly in its natural condition;
6. Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation, or fish and wildlife habitat preservation;
7. Other acts or uses detrimental to the retention of land or water areas according to the purposes of this chapter.

**RESUBDIVISION:** (a) 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, (b) 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.

**RETAIL, DINING & ENTERTAINMENT (“R.D.E.”) RESORT FACILITY:** See Combined Retail, Dining & Entertainment (“R.D.E.”) Resort Facility.

**R.D.E. RESORT FACILITY:** See Combined Retail, Dining & Entertainment (“R.D.E.”) Resort Facility.

**RIGHT OF WAY** - A general term denoting land, property, or interest therein, usually in a strip or corridor, owned by a public body, acquired for or devoted to transportation purposes. The right-of-way of all City streets shall be at least fifty feet (50’).

**ROADWAY** - The portion of the paved street, including shoulders for vehicle use, within a right-of-way.

**ROOF, FLAT:** shall mean a roof, the surface of which is generally parallel to the ground, with less than ninety percent (90%) of its protected horizontal area at a slope less than four (4) in twelve (12).

**ROOF, GAMBREL:** shall mean a gabled barn-style roof with a change in slope partway up the roof which fits inside a circumscribed semi-circle, where the length of each side or face is always equal.

**ROOF, MANSARD:** shall mean a roof with two slopes on each of four sides, the lower steeper than the upper.

**ROOF, PITCHED:** shall mean roof with ninety percent (90%) or more of its projected horizontal planes (areas) constructed at slopes equal to or greater than four (4) in twelve (12). All other roofs shall be flat roofs.

**ROOF DECK:** shall mean a flat, open platform above the highest habitable floor.

**ROOMING HOUSE:** Any building or portion thereof containing less than six (6) separate sleeping accommodations, without individual cooking facilities, which are used, let or hired out for compensation, without the provision of food by the management. The term ‘rooming house’ shall be deemed to include any accommodation such as: lodging houses and boarding houses, but not motels or hotels or Bed and Breakfasts.

**SATELLITE DISH ANTENNAE:** Any apparatus which is designated for the purpose of receiving television, radio, microwave, satellite, or other similar signals, with the exception of conventional television antennae. Said antennae can be concave, circular, parabolic or dished-shape in nature and construction. Said definition shall not include any antennae used for the purpose of the transmission of signals.

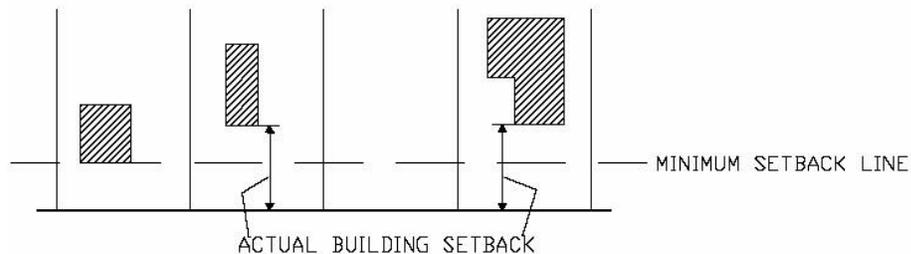
**SCHOOL:** Any public or private institution offering instruction for students up to and through the secondary level.

**SEASONAL OR TEMPORARY STRUCTURES RELATED TO THE TOURISM INDUSTRY:** means lifeguard stands and associated temporary equipment storage containers, picnic tables, benches and canopies, wooden walkways, stage platforms, and portable restrooms, which remain in place only during the period from May 1 through October 31, and provided that the placement of such structures does not involve the excavation, grading or filling of a beach or dune.

**SENIOR CITIZEN HOUSING:** see also;

1. Adult Day Care
2. Age-Restricted Housing
3. Assisted Living Facility
4. Congregate Senior Residence
5. Independent Living Facility
6. Nursing Home or Nursing Facility

**SETBACK or SETBACK LINE:** A line drawn parallel with a Street Line or Lot Line beyond which a building or part of a building is not permitted to extend (toward the Street Line or Lot Line). Setbacks shall be clear, unoccupied and unobstructed space and shall extend from grade to sky, except that eaves, cornices or overhangs more than ten feet (10') above lot grade may project into a setback a maximum of twelve inches (12"). Eaves, cornices, overhangs or balconies more than 50 feet above lot grade may project into yard setback areas a maximum of six (6) feet provided that said projection does not encroach upon other private property or upon the public right-of-way, except as provided for Section 403(E).



**SEWER:** shall mean any pipe conduit used to collect and carry away sewage or stormwater runoff from the generating source to pumping station, treatment plants or outfalls.

**SIGHT TRIANGLE EASEMENTS AT INTERSECTION:** A triangular area outside of the curb line and the straight line connecting sight points, one located on each curbline or driveway center line at a distance of 25 feet or one (1) foot for each mile of allowed street speed limit, whichever is greater, or 15 feet along the center line of a driveway, established in accordance with the requirements of this Ordinance in which no grading, planting or structure shall be erected or maintained more than 30" (inches) above the elevation of the centerline of the abutting street, except for street signs, utility poles, fire hydrants and light standards.

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

**SHARED ROADWAY:** Any roadway upon which a bicycle lane is not designated and which may legally be used by bicycles regardless of whether such facility is specifically designated as a bikeway.

**SHEETING:** shall be No 2 grade Southern Yellow Pine and shall be pressure treated in accordance with C-3, C-18 or AWPB MP-1, MP-2, or MP-4. Any substitution to the above specification must be Building Department prior

approval prior to being shown on any architectural, subdivision, siteplan and or construction plan submitted to City of Wildwood for approval.

**SHOULDER:** shall mean the portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

**SIDEWALK:** The portion of a highway designed for preferential or exclusive use by pedestrians.

**SIGN:** Any object, device, display, structure or part thereof, or other visual communication situated either outdoors or, if indoors, is visible by the general public from the outdoors, which is used to advertise, announce, display, declare, demonstrate, direct, identify, promote or otherwise attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including, but not limited to, text, graphics, colors, illumination or projected images.

**SIGN, AREA OF:** The area included within the frame or edge of the sign. Where the sign has no such frame or edge, Sign Area shall be determined by the smallest regular (four-sided) geometric shape (i.e., square or rectangle) encompassing all text, graphics and other sign components. In the case of multi-sided signs, total Sign Area shall be the sum of all sign faces.

**SITE:** means the lot or lots upon which a proposed development is to be constructed.

**SITE IMPROVEMENTS:** shall mean any construction work on, or improvement in connection with, residential development limited to streets, roads, parking facilities, sidewalks, drainage structures, and utilities.

**SITE PLAN:** A development plan of one (1) or more lots on which is shown: (1) the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways; (2) 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 (3) any other information that may be reasonably required in order to make an informed determination concerning the adequacy of the plans in accordance with the requirements of this Ordinance.

**SITE PLAN, MAJOR:** Any development plan not classified as a Minor Site Plan and not otherwise exempt from Site Plan approval.

**SITE PLAN, MINOR:** A Site Plan of one (1) or more lots which (a) proposes construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, or any clearing, grading or disturbance of any area less than 5,000 square feet; (b) does not involve the creation of more than five (5) new parking spaces, greater than ten percent (10%) additional building coverage, or 2,000 square feet of gross building or structural improvements, (c) does not involve a planned development, any new street, extension of any off-tract improvement or the expansion of public facilities, (d) does not adversely affect the development of an adjoining property or properties; and (e) contains information reasonably required in order to make an informed determination as to whether the requirements established by this Ordinance for approval of Minor Site Plans have been met.

**SITE PREPARATION:** means physical activity which is an integral part of a continuous process of land development or redevelopment for a particular development which must occur before actual construction of that development may commence. It does not include the taking of soil borings, performing percolation tests, or driving of less than three test pilings.

**SIZE:** shall mean the place where a significant event or pattern of events occurred.

**SMALL CELL TELECOMMUNICATIONS FACILITY:** A facility, excluding a satellite television dish antenna, established for the purpose of providing wireless voice, data and/or image transmission within a designated service area. A small cell telecommunications facility must not be staffed, and consists of one or more antennas attached to a Support Structure. An antenna or wireless antenna base station which provides wireless voice, data and image transmission within a designated service area as part of a small cell telecommunications facility may consist of a low-powered access node with no more than five watts of transmitter output power per antenna channel, and may

not be larger than a maximum height of three (3) feet and a maximum width of two (2) feet. A small cell telecommunications antenna may be installed on existing rooftops, structures or support structures where permitted. A small cell telecommunications facility also consists of related equipment which may be located within a building, an equipment cabinet outside a building, an equipment cabinet on a rooftop that is at least fifteen (15) feet high when in a commercial zone or attached to a commercial structure, or twenty (20) feet high when in a residential zone or attached to a residential structure, or an equipment room within a building. Such related equipment shall have a maximum square footage of ten (10) square feet and a maximum height of two (2) feet.

**STANDARDS OF PERFORMANCE:** means standards (1) adopted by ordinance pursuant to NJSA 40:55D-65(d). regulating noise levels, glare, earthborne or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters, explosive and inflammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the municipality or (2) required by applicable Federal or State laws or municipal ordinances.

**STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA-5B):** shall mean an area delineated on the State Plan Policy Map, as amended, and as currently adopted by the State Planning Commission that is intended to be the focus for much of the state's future redevelopment and revitalization efforts. The State Plan designates "Wildwoods" as a 'Center' within the PA-5B (Environmentally Sensitive Planning Area/Barrier Island) Planning Area.

**STATE PLAN POLICY MAP** is defined as the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

**STATE PLAN:** shall mean the New Jersey State Development and Redevelopment Plan, adopted March, 2001.

**STORMWATER** shall means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

**STORMWATER DETENTION:** shall mean a provision for temporary storage of stormwater runoff, and the controlled release of such runoff during and after a flood or storm.

**STORMWATER MANAGEMENT BASIN** shall mean an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

**STORMWATER MANAGEMENT MEASURE** shall mean any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

**STORMWATER RETENTION:** shall mean a provision for the permanent storage of a fixed volume of water.

**STORMWATER RUNOFF** shall mean water flow on the surface of the ground or in storm sewers, resulting from precipitation.

**STORY:** That portion of a building between the upper surface of any floor and the upper surface of the finished floor immediately above, or, if there is no finished floor immediately above, then the upper surface of a floor and the finished ceiling immediately above. For the purpose of this Ordinance, the unfinished underside of a roof shall not be considered a ceiling. Cellars and basements shall be considered full stories when considering the height of a building;

If any floor under a sloping roof at the top of a building is more than four feet (4') and less than six feet (6') below the top plate, it shall be counted as a half-story.

A split-level story shall be considered a full second "story" if its floor level is six feet (6') or more above the level of the line of the finished floor next below it, except a cellar.

If the top of the floor is below Base Flood Elevation (BFE), the room may not be used as habitable space unless the building was built prior to the adoption of FEMA's FIRM map. If the top of the floor is above BFE, the room must be considered as part of a story.

Any level or deck used for parking or other purposes, whether enclosed or open to the elements, which exists at or extends above grade, shall be counted as a Story in relation to the full number of Stories for said building.

**STREET:** Any street, avenue, boulevard, road, parkway, viaduct, drive or other way: (1) which is an existing State, county or municipal roadway or (2) which is shown on a plat heretofore approved pursuant to law, or (3) which is approved as provided by this Ordinance, or (4) which is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of the Planning Board and the grant to such Board of the power to review plats; and includes 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 line.

For the purpose of classifying Streets, the following general definitions<sup>4</sup> shall apply:

- A. **Arterial:** A higher-order, interregional road in the street hierarchy; conveys traffic between centers; should be excluded from residential areas.
- B. **Major Collector:** The highest order of residential street. Conducts and distributes traffic between lower-order residential streets and higher order (arterials and expressways).
- C. **Minor Collector:** The Middle order of residential street. Provides frontage for access to lots and carries traffic to and from adjoining residential access streets.
- D. **Cul-de-sacs:** A street with a single means of ingress and egress and facing a turnaround, the design of which may vary.
- E. **Residential Neighborhood Street:** A type of residential access street conforming to traditional subdivision street design, which provides access to building lots fronting on a street and provides parking on both sides of street.
- F. **Marginal Access Streets:** A service street that runs parallel to a higher-order street which provides access to abutting properties and separation from through traffic. It may be designed as a residential access street or Minor Collector as anticipate daily traffic dictates.

**STREET LINE:** See Property Line.

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<sup>4</sup> New Jersey Residential Site Improvement Standards (N.J.A.C. 5-21 et seq.) (Revised Feb. 6, 2006)

**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, including but not limited to, buildings, fences, standards, signs, dams, pilings, footings, breakwaters, culverts, pipes, pipelines, piers, roads, railroads, bridges, floating structures, towers, tanks, swimming pools, tennis courts and piers.

**SUBDIVISION:** The division of a lot, tract or parcel of land into two (2) 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 the Ordinance if no new streets are created: (1) divisions of land found by the Planning Board to be for agricultural purposes when all resulting parcels are five acres or more in size; (2) divisions of property by testamentary or intestate provisions, provided the division is in conformity with applicable Ordinance requirements; (3) divisions of property upon court order, including, but not limited to, judgments of foreclosure; (4) consolidation of existing lots by deed or other recorded instrument; (5) 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 Administrative Officer to conform to all requirements of this Ordinance and which are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the City of Wildwood. The term “subdivision” shall also include the term “Resubdivision”.

**SUBDIVISION, MAJOR:** Any division of land not classified as a Minor Subdivision.

**SUBDIVISION, MINOR:** A division of land for the creation of not more than three (3) lots (two [2] new lots and the remaining parcel), each fronting on an existing street or streets, and (a) not involving a planned development, any new street, an extension of any off-tract improvement or the expansion of public facilities not involving any streets requiring additional right-of-way width as specified in the Master Plan or Official Map and/or the street requirements of this Ordinance, unless such additional right-of-way width, either along one (1) or both sides of said street(s), as applicable, shall be deeded to the City or to the appropriate governmental authority prior to classification as a Minor Subdivision; (b) does not adversely affect the development of the remainder of the parcel or an adjoining property and (c) not being a further division of an original tract of land for which previous subdivision(s) have been approved by the City within the current calendar year and where the combination of the proposed and previously approved Minor Subdivision(s) constitute a Major Subdivision; and (d) contains information reasonably required in order to make an informed determination as to whether the requirements established by this Ordinance for approval of Minor Subdivisions have been met.

For the purposes of this Ordinance, the term “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 City tax maps.

As specified in Section 803 of this Ordinance, any realignment of lot lines which does not result in the creation of any new lots shall be classified as a Minor Subdivision

**SUBSTANTIAL IMPROVEMENT:** shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure during a 10-year period the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. Substantial improvement also means “cumulative substantial improvement.” This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed or “repetitive loss”. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**SWALE:** shall mean a low-lying or depressed land area commonly wet or moist, which can function as an intermittent drainage way.

**SWIMMING POOL, PRIVATE RESIDENTIAL:** A swimming pool, other than a Wading Pool, whether portable or fixed, that is located on a lot principally used for a Dwelling Unit by one (1) or two (2) housekeeping unit, and including all buildings, structures, and equipment appurtenant thereto.

**SWIMMING POOL, PUBLIC:** Any pool other than a Private Residential Swimming Pool or Wading 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 Multi-Family or townhouse development.

**SWIMMING POOL, WADING or WADING POOL:** A Pool that is not permanently installed and meets all of the following criteria: (a) does not require water filtration, circulation and purification; (b) does not exceed eighteen inches (18”) in depth; (c) does not exceed a water surface of 100 square feet; and (d) does not require braces or supports.

Portable swimming pools shall not be considered Wading Pools.

**TATTOO or TATTOOING:** any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin by means of application of any chemical, dye or any other substance that results in the temporary or permanent coloring of the skin without regard to the type of instrument that is used to apply to or under the skin the chemical, dye or other substance or the method by which said chemical, dye or other substance is applied to or under the skin.

**TATTOO PARLOR:** any place or establishment where tattooing is performed.

**TELECOMMUNICATIONS FACILITY:** shall mean a facility designed and used for the purpose of transmitting, receiving and relaying voice & data signals from various wireless communications devices (i.e. cellphone), including transmission towers, antennas and ancillary facilities. For purposes of this section, amateur radio transmission facilities used exclusively for the transmission of television and radio broadcast are not "telecommunications facilities."

**TELECOMMUNICATIONS OR TRANSMISSION TOWER:** shall mean the monopole or lattice framework designed to support transmitting & receiving antennas. For purposes of this section, amateur radio transmission facilities & facilities used exclusively for the transmission of television and radio signals are not "transmission towers." Transmission towers expressly constructed to carry electrical voltage lines shall not be considered transmission towers for locational reasons, however, antennas for cellphone communications can be co-located on electrical transmission towers.

**TEMPORARY CONSTRUCTION TRAILER:** shall mean a staging area for the construction area use of a moveable office trailer, including material storage, sales trailer and associated parking for same normally associated with a development site.

**TIDAL FLOOD HAZARD AREA:** shall mean a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean and estuarine bay waters.

**TIDELANDS INSTRUMENT:** shall mean a written document conveying, leasing or licensing lands owned or claimed to be owned as present or formerly flowed tidelands by the State of New Jersey to public entities or private interests pursuant to N.J.S.A. 12:3-1 et seq. and N.J.S.A. 13:1B-13 et seq. Tidelands instruments include licenses, long-term leases, conveyances (often called grants), and management agreements. These documents are recorded in the

office of the clerk of the county or registrar of deeds and mortgages of the county in which the property is located.

**TIMBER PILES:** shall mean round timber piling of Southern Yellow Pine or Douglas Fir, with a minimum butt diameter of nine (9) to 12 inches, per ASTM D-25 and shall be pressure treated in accordance with C-3, C-18 or AWPB MP1, 2, or 4. Any substitution to the above specification must be Building Department prior approval prior to being shown on any architectural, subdivision, siteplan and or construction plan submitted to City of Wildwood for approval.

**TOP OF CURB (TOC):** shall mean “top of curb” as it relates to overall building height measurement (see BUILDING HEIGHT). TOC is the mean elevation of the curb level (i.e., top of curb [“TOC”])<sup>5</sup> or required curb level in the instance where no curb exists. Where TOC varies, building height shall be measured from the average of the TOC elevations at points on either end of the length of the subject property or lot and the TOC measurement at the mid-point of the subject property.

**TRACT:** An area of land composed of one (1) or more lots adjacent to one another, having sufficient dimensions and area to make one parcel of land meeting the requirements of this Ordinance for the use(s) intended. The original land area may be divided by one (1) existing public street and still be considered one (1) tract, provided that the street is not an Arterial and that a linear distance equal to more than 75% of the frontage of the side of the street having the larger street frontage lies opposite an equivalent linear distance of street frontage on the other side of the street.

**TRAFFIC ISLAND:** shall mean, in street design, a raised area, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signing, or lighting.

**TRAILER or TRAVEL TRAILER:** A vehicular portable structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation and other short-term uses which may contain cooking, sleeping and sanitary facilities, such as a camper, house trailer, or motor home.

**URBAN ENTERPRISE ZONES:** shall mean a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

**USE:** shall mean the purpose or activity for which land or buildings are arranged, designed or intended, or for which land or buildings are occupied or maintained.

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<sup>5</sup> The measurement convention preferred by NJDEP

**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. No accessory use or activity shall be permitted in the absence of a principal use.

**USE, PRINCIPAL:** shall mean the main or primary activity of any lot or parcel.

**UTILITY AREA:** shall mean flexible space within the right-of-way designated for the installation of utility lines and facilities.

**VACATION:** shall mean the process to vacate the public's interest in public streets and/or public right-of-way, in physical form and/or shown on the tax maps, that are no longer needed now or in the future by the City.

**VARIANCE:** Permission granted to an Applicant for development by the Planning Board or the Zoning Board of Adjustment, as the case may be, to depart from the literal requirements of the land use and bulk standards of this Ordinance as provided for under N.J.S.A. 40:55D-70(c) and (d).

**VENDING MACHINE:** A machine or device which releases a product or merchandise when money is inserted into the machine or device; newspaper racks or machines shall not be considered vending machines for the purpose of this Ordinance.

**WADING POOL:** See Swimming Pool, Wading

**WAIVER:** shall mean permission to depart from the requirements of this chapter with respect to the submission of required maps or documents.

**WALES:** Shall be either Southern Yellow Pine or Douglas Fir, construction grade, and shall be pressure treated in accordance with C-2, C-18 or AWPB MP-1, 2, or 4. Any substitution to the above specification must be Building Department prior approval prior to being shown on any architectural, subdivision, siteplan and or construction plan submitted to City of Wildwood for approval.

**WALL:** shall mean an upright structure of masonry, wood, plaster, or other building material serving to enclose, divide, or protect an area, that is part of the structural support of the building especially a vertical construction forming an inner partition or exterior siding of a building.

**WATER DEPENDENT:** Development that cannot physically function without direct access to the body of water along which it is proposed. Uses, or portions of uses, that can function on sites not adjacent to the water are not considered water dependent regardless of the economic advantages that may be gained from a waterfront location. The test for water dependency shall assess both the need of the proposed use for access to the water and the capacity of the proposed water body to satisfy the requirements and absorb the impacts of the proposed use. A proposed use will not be considered water dependent if either the use can function away from the water or if the water body proposed is unsuitable for the use.

Examples of Water Dependent uses include marina activities requiring access to the water, such as commissioning and decommissioning of new and used boats, boat repairs and short-term parking for boaters, storage of boats which are too large to be feasibly transported by trailer [generally greater than twenty-four feet (24')], rack systems for boat storage, industries such as fish processing plants and other industries which receive and quickly process raw materials by ship, commercial fishing operations, port activities requiring the loading and unloading of ships, and water-oriented recreation.

**WATER ORIENTED:** Development that serves the general public and derives economic benefit from direct access to the water body along which it is proposed, such as a hotel or restaurant, if it takes full advantage of a waterfront location. An assembly plant could be water oriented if overland transportation is possible but water-borne receipt of raw materials and shipment of finished products is economically advantageous.

**WATERWARD SIDE OF DEVELOPMENT:** means the area of the site located between a tidal water body and a line(s) drawn through point(s) of the footprint of the building closest to the water, and parallel to the water body, which line extends to the property boundaries.

**WATERS OF THE STATE:** shall mean the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**WETLAND:** shall mean an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**WILDWOOD:** The City of Wildwood, a body corporate and politic, and unless otherwise indicated, shall include its Governing Body, elected officials, officers and staff.

**WILDWOODS OR THE WILDWOODS:** shall mean, collectively, the separate municipalities of Wildwood, Wildwood Crest, North Wildwood and West Wildwood.

**WILDWOOD HISTORIC PRESERVATION COMMITTEE (WHPC):** shall mean a Commission comprises of five (5) members which shall include but not limited to; advise the Planning Board and Zoning Board of Adjustment on all matters of historic significance for the City of Wildwood; advise the Planning Board and Zoning Board of Adjustment on applications for development within the historic districts of the City of Wildwood; carry out advisory, educational, and informational functions as it will promote historic preservation in the City.

**WILDWOOD URBAN ENTERPRISE ZONE:** the Wildwoods Urban Enterprise Zone, promulgated under C.52:27H-60 et. seq., enacted as a joint UEZ district by and between the neighboring communities of North Wildwood, Wildwood Crest, Wildwood City and West Wildwood in January 2002, with formal boundaries adopted in July 2002 (“WWUEZ”).

**WIRELESS COMMUNICATIONS:** shall mean any personal wireless services (i.e. cellphone) as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless telecommunications services, including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or that may in the future be developed. It does not include any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas, nor does it include noncellular telephone service.

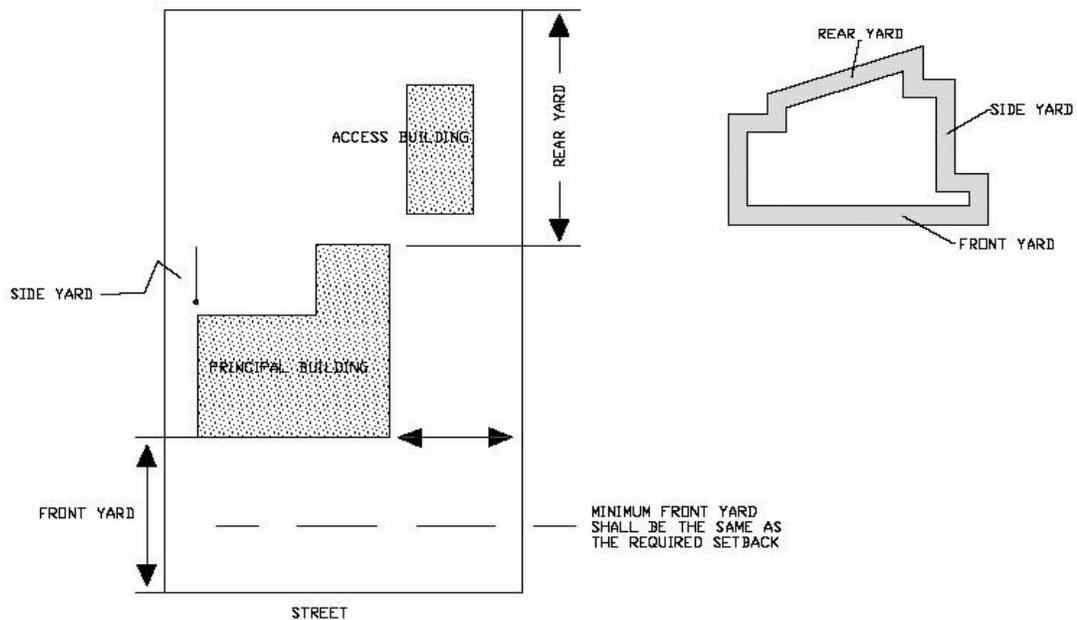
**WORKFORCE HOUSING:** shall mean housing affordable to, according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied by, or reserved for occupancy by, households with a gross household income equal to more than 80 percent but less than 120 percent of the median gross household income for households of the same size within the housing region in which the housing is located.

**YARD, FRONT:** An open, unoccupied space on the same lot as the Principal Building, extending across the full width of the Lot and lying between the Street Line and the closest point of such Principal Building. The depth of the Front

Yard shall be measured horizontally and at right angles to either a straight Street Line or the tangent lines of curved Street Lines. The minimum required Front Yard shall be the same as the required Front Yard Setback.

**YARD, REAR:** An open, unoccupied space on the same lot as the Principal Building, extending across the full width of the Lot and lying between the Rear Lot Line and the closest point of such Principal Building. The depth of the Rear Yard shall be measured horizontally and at right angles to either a straight rear Lot Line or the tangent of curved rear Lot Lines. The minimum required Rear Yard shall be the same as the required Rear Yard Setback.

**YARD, SIDE:** An open, unoccupied space on the same lot as the Principal Building, extending from the front lot line to the rear lot line and lying between each Side Lot Line and the closest point of such Principal Building. The width of the required Side Yard shall be measured horizontally and at right angles to either a Street Line or the tangent lines of curved Lot Lines.



**ZONING BOARD OF ADJUSTMENT:** The municipal board established pursuant to N.J.S.A. 40:55D-69.

**ZONING OFFICER:** shall mean "Administrative Officer" or "Construction Official" pursuant to Land Development Ordinance. See also Administrative Officer.

**ZONING PERMIT:** A document signed by the Administrative Officer (1) which 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 and (2) which acknowledges that such use, structure or building complies with the provisions of this Ordinance or variance there from duly authorized by a Board pursuant to the *Municipal Land Use Law*.

**202 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.