

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 08-2025

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF CAPE
MAY POINT CHAPTER 138 "TREE REMOVAL AND REPLACEMENT" AND
CHAPTER 150 "ZONING"**

BE IT ORDAINED the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, that the Code of the Borough of Cape May Point be and is hereby amended as follows (deletions in ~~strike through~~ and additions in underline):

Section 1.

138-3 REGULATED ACTIVITIES, a. Application Process for Trees on Private Property

4. ~~Any tree removal on private property related to a demolition, lot clearing, zoning or construction permit, site plan approval or zoning variance is governed by the application procedure set forth in 150-21 of the Borough's Municipal Code and may be subject to additional requirements as determined in the sole discretion of the Borough.~~

Section 2.

150-21 LANDSCAPING AND VEGETATION PLAN, f. Trees is deleted and replaced in its entirety with the following:

f. Trees.

1. In the event that an applicant wishes to remove a tree or trees from a property, the applicant shall be required to adhere to the requirements of Chapter 138 of the Code related to required tree removal and replacement on the property.
2. Regardless of whether trees are removed and replaced on a property, each lot within the Borough shall be required to contain a minimum number of native trees in compliance with the below chart:
 - Lots under 5,000 square feet: three trees, of which one must be a medium or large species;
 - Lots of 5,000 square feet: three trees, of which two must be a medium or large species;
 - Lots over 5,000 square feet and less than 7,500 square feet: four trees, of which three must be a medium or large species;
 - Lots between 7,500 and 9,999 square feet: five trees, of which four must be a medium or large species;
 - Lots of 10,000 or more shall meet the requirements of two (2) standard lots of 5,000 square feet each.

Section 3.

150-21 LANDSCAPING AND VEGETATION PLAN, h. is amended as follows:

- h. No lot clearing shall occur unless both a zoning permit is and a tree removal permit are first obtained by an applicant. After such ~~permit is~~ permits are obtained, lot clearing shall not be permitted to commence prior to the issuance of a construction permit for the related construction.

Section. 4. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. Should any portion of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this Ordinance.

Section 5. This ordinance shall take effect twenty (20) days after passage and publication, according to law.

| Final Adoption | MOTION | SECOND | YES | NO | ABSTAIN | ABSENT |
|----------------|--------|--------|-----|----|---------|--------|
| Geiger | | | | | | |
| vanHeeswyk | | | | | | |
| Yunghans | | | | | | |

ATTEST:

Elaine L. Wallace, Borough Clerk

Elise Geiger, Commissioner

Anita vanHeeswyk, Mayor

Suzanne Yunghans, Commissioner

FIRST READING: June 24, 2025
PUBLICATION: July 9, 2025
PUBLIC HEARING: July 22, 2025
THIRD READING:
& ADOPTION: August 26, 2025
PUBLICATION: September 3, 2025