

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

ORDINANCE NO. 09-2025

**AN ORDINANCE AMENDING CHAPTER 150 "ZONING" OF
THE CODE OF THE BOROUGH OF CAPE MAY POINT**

BE IT ORDAINED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, that Chapter 150 "Zoning" of 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.

150-3 TERMS DEFINED.

ARBOR/TRELLIS/PERGOLA — Pergola shall mean an attached or a freestanding construction, including overhead members, and which is less than 50% enclosed in each plane and is used for decorative purposes or growing certain plants. Arbor/trellis is a similar construction by less than 20 sq. ft. in area. A construction with a closeable roof is not considered a pergola/arbor/trellis and is considered an accessory structure.

GROSS FLOOR AREA — Shall mean the total of (1) all floor area within the horizontal and vertical perimeter of the outside walls of the main building, without deduction for hallways, stairs on all levels, closets, thickness of walls, columns or other features; (2) the area of the floor below that portion of habitable attic ceiling, with ceiling height at or above four feet; and (3) all occupiable or habitable areas with a ceiling at least seven feet above the floor surface (including an earthen floor) and enclosed on at least three sides and located beneath other gross floor area. Decks and porches shall be included. Pergolas over non-vegetative/organic groundcover will contribute 50% of their area toward gross floor area. Attached garages not located beneath other gross floor area, grade level crawl spaces, stoops, and steps, and pergolas over vegetative/organic groundcover, shall not be included.

The inclusion of the areas specified in (3) above in Gross Floor Area shall become effective on July 1, 2004. Structures existing prior to July 1, 2004 and proposed structures for which a valid Zoning Permit has been issued prior to July 1, 2004 otherwise in compliance with maximum gross floor area except for the provisions of (3) above shall be deemed to be in compliance with maximum floor area.

Section 2.

150-12 AREA, YARD AND HEIGHT REGULATIONS.

- b. No more than 30% of the lot area shall be occupied by the sum total of all buildings or structures, or attached pergolas over non-vegetative/organic

groundcover on the lot, not including overhangs up to two and one-half (2 1/2) feet in horizontal width. Pergolas over non-vegetative/organic groundcover will contribute 50% of their area toward the 30% overall lot area maximum. The portion of overhangs, if any, more than two and one-half (2 1/2) feet in horizontal width shall be included in the calculations of the sum total of the area of all buildings and structures on the lot. At least 60% of the lot shall be either left in its natural state or covered in vegetation pursuant to Section 150-21 hereof.

- c. No building, including an open or enclosed porch or accessory building or structure or pergola shall be erected or extended nearer than 20 feet from the front property line of any lot except that overhangs and decorative projections shall be permitted to extend two and one-half (2 1/2) feet into the required 20 foot setback. In a block where at least 60% of the lots have been built upon, any new building shall be located so as to provide a front yard at least equal in depth to the average front yard of the existing buildings in the block except that overhangs and decorative projections shall be permitted to extend two and one-half (2 1/2) feet into the required setback. Computations of the percentage of lots that have been built upon shall be determined by considering the lots on the same side of the street and in the same block as the subject property, from corner lot to corner lot of that block. The side yard paralleling the street side of the property on a corner lot shall not be reduced to a width of less than 15 feet from the side street property line except that overhangs and decorative projections shall be permitted to extend two and one-half (2 1/2) feet into the required 15 foot setback. No main building shall be constructed nearer than 20 feet from the rear lot line of the parcel, except that overhangs and decorative projections shall be permitted to extend two and one-half (2 1/2) feet into the required 20 foot setback. (For garages and accessory buildings see Section 150-29).
- h. For the purposes of paragraphs c and d herein, all building setbacks shall be measured from the nearest projection of the structure, excluding overhangs and decorative projections, to the property line regardless of where said projections are located on the structure.
- i. ~~In order to protect each property from the necessary noise from operating, servicing or otherwise using mechanical equipment associated with any structure, all aboveground storage tanks and all exterior mechanical equipment, including heating units, ventilating units, air conditioning units and heat pumps (other than individual air conditioning units) hereafter installed to serve any existing building or structure, or a building or structure to be erected in any zoning district, shall not be located in the front yard, shall be located at least 15 feet from any public right-of-way and at least five feet from any public right-of-way and at least five feet from any side or rear lot line and shall be located as far as reasonably possible from any contiguous lot.~~

To minimize noise impacts on all properties from mechanical equipment, any such equipment – including heating, ventilation, air conditioning units, heat pumps (excluding individual wall/window A/C units), and whole-house generators – installed for existing or new structures in any zoning district must meet the following requirements:

1. Equipment may not be located in the front yard.
2. If outside the footprint of the structure, equipment shall be placed at the rear of the house, at least 15 feet from any public right-of-way and outside of the required setbacks as defined in this code.

If, at the zoning officer's discretion, placement in a side yard is permitted to best minimize noise impacts:

3. It also must be located no closer than 60 feet from the street in front of the house.
4. It also must be screened from view using vegetation, fencing, or decorative screening to a minimum height of 4 feet above ground level, to minimize visibility from all streets and side yard properties.

All equipment must have a manufacturer noise rating at or below 68 dB.

Section 3.

150-13 FLOOR AREA RATIO.

The floor area ratio is the sum total of the gross floor area of all ~~main~~ buildings, as defined in 150-3, and shall not exceed 0.42 of the total area of the lot.

Section 4.

150-21 LANDSCAPING AND VEGETATIVE PLAN

The Landscaping and Vegetation Plan must constitute a minimum of 60% of the overall lot, either left in its natural state or covered in vegetation, incorporating the parameters of paragraph f1 hereafter. Half of the area under pergolas, as defined in section 150-3, shall contribute to the 60% vegetative lot area if the groundcover under them consists of vegetative or organic material. The utilization of natural indigenous vegetation is encouraged.

Section 5.

150-28 DEMOLITION AND/OR RAISING OF STRUCTURES

- A. No structure may be demolished or raised without first obtaining a zoning permit from the Borough Zoning Officer.
- B. The zoning application must include the application fee of \$50 along with an inspection letter per subsection 146-19.
- C. Should replacement of water and/or sewer lines be required, construction permit applications must be submitted as well to be reviewed by the Construction Department. Additional permit fees will apply.

Section 6.

150-29 GARAGES AND ACCESSORY BUILDINGS.

- a. No garage or accessory building or pergola shall be placed closer to a side or rear property line than five feet, which shall be measured from the nearest projection of the structure to the property line. A detached garage or accessory building on a corner lot shall not be nearer the street than a main building is permitted under this chapter.

Section 7. 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 8. This ordinance shall take effect twenty (20) days after passage and publication, according to law.

Final Adoption	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger			X			
vanHeeswyk	X		X			
Yunghans		X	X			

ATTEST:

Elaine L. Wallace, Borough Clerk

Elise Geiger, Commissioner

Anita vanHeeswyk, Mayor

Suzanne Yunghans, Commissioner

FIRST READING: Sept. 23, 2025
PUBLICATION: Oct. 1, 2025
PUBLIC HEARING: Oct. 28, 2025
THIRD READING: Nov. 25, 2025
PUBLICATION: Dec. 10, 2025