

CITY OF NORTH WILDWOOD COUNTY OF CAPE MAY, NEW JERSEY

ORDINANCE NO. 2001

AN ORDINANCE AMENDING CHAPTER 276-21 “SC SHOPPING CENTER DISTRICT” TO PERMIT INCLUSIONARY AFFORDABLE HOUSING AS A DEVELOPMENT OPTION

WHEREAS, pursuant to the Amended Fair Housing Act, the City has an affordable housing obligation to meet its fair share of the regional need for low and moderate income households; and

WHEREAS, the City’s Planning Board has adopted a Housing Plan Element and Fair Share Plan intended to describe the mechanisms through which the City will satisfy its fair share housing obligation; and

WHEREAS, said Housing Plan Element and Fair Share Plan recommends amendments to the City’s zoning code to provide a realistic opportunity for the development of low and moderate income housing; and

WHEREAS, the City wishes to enact those recommendations as set forth in the Housing Plan Element and Fair Share Plan.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of North Wildwood, Cape May County, New Jersey, that:

Section One. The Land Development Regulations set forth in Chapter 276 of the Code of the City of North Wildwood are hereby amended and supplemented to amend Chapter 276-21 “Shopping Center” zoning district as follows:

§276-21. SC Shopping Center.

A. Purpose statement.

- (1) The purpose of the Shopping Center Zone is to provide for an appropriate mix of retail-oriented commercial, office and other uses designed to support the needs of the residents and businesses of the City of North Wildwood as well as those of the Wildwoods in general.
- (2) The zone boundary lines for the SC Zoning District are to be modified to reflect current parcel geometry.
- (3) To provide the opportunity for mixed use inclusionary affordable housing development consisting of residential dwellings along with regionally oriented commercial uses such as a grocery store and pharmacy.

B. Principal permitted uses on the land and in buildings:

- (1) Regionally oriented commercial activities, defined as uses designed to provide for the needs of the citizens and visitors to the Wildwoods. Examples include: supermarkets; pharmacies (with drive-through); convenience stores with or without fuel-dispensing facilities; general retail, dry-goods stores; package liquor stores (with drive-through); "big-box" retail, appliance, furniture or home improvement stores; department stores; "chain"/franchise hobby stores, sporting goods stores, including bicycle sale, rental and repair, pet stores, toy stores and bookstores; financial institutions with drive-through facilities, such as banks and loan offices; video rental and sales (with drive-through); and like and similar activities.
- (2) Regionally oriented service activities, defined as uses designed to provide for the needs of the citizens and visitors to the Wildwoods. Examples include; hair and nail salons, barber- and beauty shops; day spas and similar personal services; tailor and shoe repair shops; retail dry cleaners (no commercial cleaning on the premises); general appliance repair; upholstery/furniture repair; and like and similar activities.

- (3) Grocery and specialty food stores. Examples include: bakeries, candy stores, and meat or seafood markets.
- (4) Professional, legal, tax, real estate, administrative, contracting, construction, property management and consulting services offices, including medical and dental complexes; additionally, administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or federal governmental services.
- (5) Eating and drinking establishments, including restaurants, defined as nonalcoholic-beverage-service restaurants with sit-down table service, drive-in restaurants, fast-food restaurants and specialty food outlets, including those with drive-up window service for take-out fare.
- (6) Commercial parking facilities owned and/or operated by the City of North Wildwood.
- (7) Specialized entertainment venues, such as theaters, arenas, performing arts centers, movie theaters, amphitheaters, aquariums, museums (cultural or popular), and other like and similar attractions.
- (8) Public utilities' central substations (see § 276-7 for definition), subject to the following:
 - (a) The proposed installation in a specific location must be necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is located.
 - (b) The design of any structure in connection with such facility must not adversely affect the safe, comfortable enjoyment of property rights in the surrounding area.
 - (c) Adequate fencing and other safety devices shall be provided and shall be installed in accordance with the applicable requirements of the New Jersey Board of Public Utilities and/or other applicable codes.
 - (d) Site landscaping shall be provided in sufficient quantity and placement in order to create a visual buffer from all public rights-of-way or adjacent properties. Suggested plant species are referenced in Appendix A.[1]
 - (e) Off-street parking shall be provided as determined by the needs of the facility.
- (9) Wireless antennas, provided that new antennas utilize co-location or are installed on existing structures.

C. Accessory uses permitted:

- (1) Off-street parking.
- (2) Fences and walls.
- (3) Signs.
- (4) Garages and storage buildings.
- (5) Satellite dish antennas. All satellite dish antennas shall be no larger than four feet in diameter, located on the principal structure, or as an accessory structure meeting accessory structure yard requirements stated below and located in the rear yard. For all practical purposes, satellite dish antennas shall not be seen from the front facade of the building or the street.
- (6) Temporary construction trailers and one sign not exceeding 50 square feet, advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction; beginning with the issuance of a construction permit and concluding with the issuance of a certificate of occupancy or one year, whichever is less, provided said trailer(s) and sign are on the site where construction is taking place and set back at least 10 feet from all street and lot lines.
- (7) Public utility cabinet(s) not exceeding three feet in height, with adequate landscaping screening as necessary and not located in sight triangle easements at street corner intersections. It is recommended that public utility cabinet(s) be located underground in watertight vaults. Suggested plant species are referenced in Appendix A.[2]
- (8) Solar energy systems (see § 276-76 through § 276-83).

(9) Christmas tree sales. The annual sale of Christmas trees is permitted between December 1 and December 25, inclusive.

(10) Public election voting places. The provisions of this chapter shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

(11) Outdoor dining areas with tables on the sidewalk in front of or on the side of the non-automobile-oriented restaurant's premises. Outdoor dining areas shall take place on site but not be located in the public sidewalk and/or public street right-of-way for food markets and specialty food outlets, excluding those with window service for take-out fare. Examples include: delicatessens; bakeries; candy stores; ice cream stores; meat and/or seafood markets or take-out restaurants; food markets; non-automobile-oriented restaurants, defined as nonalcoholic-beverage-service restaurants with sit-down table service which exclude drive-in facilities and/or fast-food restaurants. Outside tables and seats may be situated outside of the building on the parcel/lot but not in the public/street right-of-way. No operation of a business in the 'SC Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway.

(a) The hours of operation of outdoor dining areas shall be limited to the hours of operation of the associated restaurant. In no event shall hours of operation go past 12:00 midnight.

(b) Outdoor dining is separate from a sidewalk cafe, as it is defined as any part of a food establishment located outdoors.

(c) Adequate lighting shall be provided to promote safe passage of pedestrians and for patrons.

(d) Awnings and/or umbrellas may be used in conjunction with the outdoor dining areas. Awnings shall be adequately secured. Awnings, including supporting structures, must be within the property line. The bottom of the awning shall be seven feet from the ground.

D. Maximum building height. No building height shall exceed 36 feet in height from the base flood elevation (BFE) and a maximum of 2 1/2 stories, except as allowed in § 276-47.

(1) The following structures may be erected above the heights prescribed by this chapter, but in no case shall the height of any of these appurtenances exceed a height equal to 10% more than the maximum height permitted for the particular use in the zoning district:

(a) Decks; however, in no case shall a deck be permitted to be constructed higher than the floor of the existing top floor of a structure.

(b) Skylights, spires, cupolas, flagpoles, chimneys or similar structures.

(2) Cellular telephone antennas and/or associated equipment are expressly excluded from this provision.

E. Area and yard requirements.

Requirement		Shopping Center
Principal building, minimum		
	Lot area	50,000 square feet
	Lot frontage	200 feet
	Lot width	200 feet
	Lot depth	250 feet
	Side yard (each)	25 feet
	Front yard	100 feet
	Rear yard	50 feet
Accessory building, minimum		
	Distance to side line	25 feet
	Distance to rear line	50 feet
	Distance to other building	20 feet
Maximum building coverage of principal building		60%
Floor Area Ratio		0.75
Impervious lot coverage		75%

F. General requirements.

- (1) Any principal building may contain more than one permitted use and/or organization, provided that the total building coverage of the combined activities does not exceed the maximum building coverage specified for the district and, further, that each activity occupies a minimum gross floor area of 500 square feet for shopping center uses.
- (2) More than one principal building shall be permitted in shopping centers only. All buildings shall be separated by a minimum of 20 feet, provided such separation is to be used solely for pedestrian circulation. All buildings shall be separated by a minimum of 50 feet where any part of such separation is to be used for parking or vehicular circulation; however, the separation requirements should not be construed to prohibit covered pedestrian walkways when the roof or covering of such walkway extends between the buildings. Pedestrian circulation zones shall be marked with yellow cross-striping pavement markings and marked with signage such as "No Parking or Standing Zones" if adjacent to automobile traffic or parking areas.
- (3) All buildings on a single commercial site shall be compatibly designed, whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes.
- (4) Merchandise, products, equipment or similar materials or objects can be displayed or stored outside so long as the merchandise, products, equipment or similar materials or objects shall be located/installed in such a manner that they do not interfere with or are not located in the sidewalk area so as to prevent free travel of pedestrians. No operation of a business in the SC Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway.
- (5) All areas not utilized for buildings, parking, loading, access aisles, driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or similar plantings and maintained in good condition. Suggested plant species are referenced in Appendix A.[3]
- (6) Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard setback; and as to any such equipment that is located in a side yard setback, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt from this regulation.
- (7) Landscaping shall be provided in the front yard area and shall be reasonably distributed throughout the entire front yard area. Suggested plant species are referenced in Appendix A.[4]
- (8) Bicycle racks shall be located on the business site with a minimum capacity of seven bicycles. No locking mechanisms need to be provided. The racks shall be located/installed in such a manner that they do not interfere with or are not located in the public street right-of-way and/or sidewalk area.

G. Minimum off-street parking.

- (1) Shopping centers shall provide parking at the ratio of one space per 200 square feet of gross floor area.
- (2) See §276-35 for additional standards.

H. Permitted signs.

- (1) Each shopping center may have one freestanding sign along each road which the tract in question abuts, provided there exists at least 200 feet of unbroken frontage. Such sign shall not exceed a height of 25 feet, shall be set back from the street rights-of-way and driveways at least 50 feet, shall be set back from any property line a minimum of 100 feet, shall not exceed

an area of 150 square feet, and shall be used only to display the shopping center's name and/or individual store/use name(s).

(2) Signage for shopping center and/or individual store/use name(s) shall be consolidated to one location wherever possible. Where uses share a common walkway, each use served by the walkway may have one additional sign, which shall be either attached flat against the building or be suspended in perpendicular fashion from the roof over the common walkway. Suspended signs shall be no closer than eight feet at their lowest point to the finished grade level below them. No such sign shall exceed 10 square feet in area.

(3) All signs in a shopping center shall conform in character with all other signs in the complex and shall blend with the overall architectural scheme of the shopping center.

(4) See § 276-40 for additional standards.

I. Minimum off-street loading; trash and garbage locations.

(1) The need for, location and design of off-street loading and unloading areas shall be considered and determined at the time of site plan review. Off-street loading and unloading areas shall take place on site but not in the public street right-of-way.

(2) The need for, location and design of trash and garbage locations shall be considered and determined at the time of site plan review. Recycling, trash and garbage loading and unloading areas shall take place on site but not in the public street right-of-way.

(3) Each use must include provisions for the collection, disposition and recycling of recyclable materials, including newspapers, leaves, white high-grade paper, glass bottles and jars, aluminum, corrugated cardboard, and tin and bimetal cans. The amount of recyclable material generated weekly by each use shall be quantified and reviewed during site plan review to determine whether the storage area to contain a week's accumulation of recyclable material is adequate in size and location. The storage area shall be designed for truck access for pickup of materials and be suitably screened from view if located outside a building. Recycling, trash and garbage loading and unloading areas shall be marked with yellow cross-striping pavement markings and marked with signage such as "No Parking or Standing Zones" if adjacent to automobile traffic or parking areas.

J. Mixed-use inclusionary affordable housing option. As an optional development alternative, a mixed use residential and commercial development shall be permitted in the SC Shopping Center district provided that any residential development is to provide affordable housing in accordance with the requirements of §276-90 of the City Code as a part of the mixed use development.

(1) Permitted principal uses on the land and in buildings:

- (a) Inclusionary multi-family residential uses as a component of a mixed use development that also includes permitted commercial uses as listed below:
- (b) Regionally oriented commercial activities as defined in §276-21.B(1).
- (c) Grocery and specialty food stores
- (d) Eating and drinking establishments, including restaurants

(2) For a mixed use inclusionary affordable housing development, the following area and yard requirements shall supersede those found in §276-21.E:

Requirement		Inclusionary Mixed Use
Principal building, minimum		
	Lot area	50,000 square feet
	Lot frontage	200 feet
	Lot width	200 feet
	Lot depth	250 feet
	Side yard (each)	20 feet
	Front yard	feet
	Rear yard	50 feet
Accessory building, minimum		
	Distance to side line	10 feet
	Distance to rear line	10 feet
	Distance to other building	10 feet

Maximum building coverage of principal building	60%
Floor Area Ratio	3.0
Impervious lot coverage	75%
Maximum building height	6 stories / 70 feet

(3) For any inclusionary mixed-use affordable housing development, there shall be a minimum of 50,000 square feet of commercial floor area provided within the development.

(4) Affordable Housing Required.

(a) Any inclusionary development shall include a set aside of 15% of any rental units and 20% of any for sale units as being reserved for low and moderate income households.

(b) Affordable housing units shall be consistent with the minimum and maximum requirements in accordance with the Uniform Housing Affordability Controls, and the Fair Housing Act as applicable.

(c) At least 50% of the affordable units shall be affordable to very-low- and low-income households. If only one affordable unit is created in a project, the unit shall be a very-low- or low-income unit.

(d) The units designated as very-low-, low-, or moderate-income units may be rented or sold only to very-low-, low-, or moderate-income households.

(e) The affordable units shall be affirmatively marketed to the housing region in accordance with the Township's Affirmative Marketing Plan.

(f) Affordability controls shall be maintained for a minimum of 40 years and thereafter until the Township of Aberdeen takes action to release the affordability controls.

(g) Affordable units shall be administered subject to the provisions of the City's affordable housing ordinance at §276-90.

Section Two. If any portion of this Ordinance is determined to be invalid by a court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.

Section Three. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same hereby are repealed.

Section Four. This Ordinance shall take effect immediately upon final passage and publication as provided by law.

Salvatore Zampirri, Mayor

W. Scott Jett, City Clerk

Introduction: February 17, 2026
PB Recommendation: February 19, 2026
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