

**BOROUGH OF WILDWOOD CREST
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 1487

**ORDINANCE OF THE BOROUGH OF WILDWOOD CREST
AMENDING AND SUPPLEMENTING THE LAND DEVELOPMENT
ORDINANCE OF THE BOROUGH OF WILDWOOD CREST CHAPTER
85, SECTION 85-11 DEFINITIONS OF ARTICLE I GENERAL
PROVISIONS; SECTION 85-28 AREA AND BULK REGULATIONS OF
ARTICLE IV R-1 LOW DENSITY RESIDENTIAL ZONE; SECTION 85-
32 AREA AND BULK REGULATIONS OF ARTICLE V R-1A SEMI-LOW
DENSITY RESIDENTIAL ZONE; SECTION 85-40 AREA AND BULK
REGULATIONS OF ARTICLE VII R-2 TWO-FAMILY RESIDENTIAL
ZONE; SECTIONS 85-74 VEHICULAR ACCESS TO PRIVATE
PROPERTY**

WHEREAS, the Borough of Wildwood Crest Planning Board has undertaken a periodic reexamination of the Borough's Land Development Ordinance in order to evaluate whether any revisions to the Ordinance are appropriate; and

WHEREAS, the Planning Board established a subcommittee consisting of three (3) Board members, the Board Secretary, the Board Solicitor, and the Borough Zoning Officer in order to conduct a comprehensive review of the Borough's Land Development Ordinance, and to thereafter recommend revisions to same to the Board as a whole; and

WHEREAS, the Planning Board Subcommittee reviewed and discussed potential revisions to the Borough's Land Development Ordinance prepared by the Borough's Professional Planner, Michelle Taylor, P.P., A.I.C., to modify various definitions, to address setback requirements for half stories, and to modify the dimensions of curb cuts associated with residential uses; and

WHEREAS, at its April 1, 2026 regularly scheduled meeting, the Planning Board considered and discussed recommended revisions to the Borough's Land Development Ordinance that were proposed by the subcommittee and determined that the Ordinance revisions proposed by the subcommittee were reasonable, necessary, and consistent with the Borough's Master Plan, and the Board voted unanimously to formally recommend that the Board of Commissioners of the Borough of Wildwood Crest amend the Borough's Land Development Ordinance, to incorporate the revisions outlined below; and

WHEREAS, the proper notices were given to the persons and bodies as required by law and the necessary publications were undertaken and proofs with respect thereto have been filed; and

WHEREAS; the Board of Commissioners desires to amend and augment the Borough's Land Development Ordinance and the Planning Board's recommendation as set forth in its Resolution No. PB-26-04 adopted April 1, 2026 as authorized by N.J.S.A. 40:55D-62.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Wildwood Crest, in the County of Cape May, New Jersey, as follows:

Section 1. The portion of Ordinance 908, adopted 6/17/2002, the portion of Ordinance 977, adopted 8/24/2005, the portion of Ordinance 983, adopted 10/26/2005, the portion of Ordinance 1013, adopted 7/12/2006, the portion of Ordinance 1017, adopted 6/1/2006, the portion of Ordinance 1022, adopted 12/13/2006, the portion of Ordinance 1062, adopted 7/23/2008, the portion of Ordinance 1101, adopted 6/3/2010, the portion of Ordinance 1116, adopted 1/26/2011, the portion of Ordinance 1287, adopted 9/5/2018, and the portion of Ordinance 1442 adopted 1/2/2025 that had been codified in the Code of the Borough of Wildwood Crest as Section 85-11

of Chapter 85 is hereby amended and supplemented as follows (added language is underlined, deleted language is ~~stricken~~):

Section 85-11 Definitions.

FLOOR

A continuous supporting, level, base surface extending horizontally throughout a building, having a number of rooms or hallways, constituting one level of a structure, and upon which one stands or walks unimpeded.

STORY

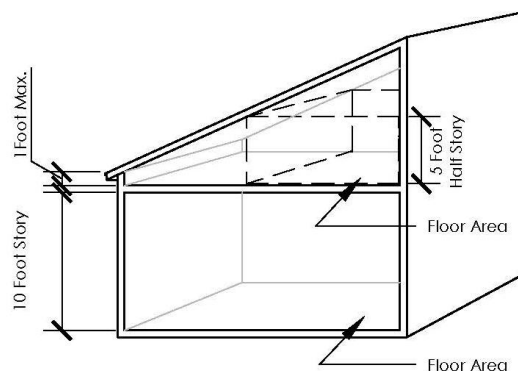
That portion of a building included between the upper surface of any floor and the upper surface of the next floor above it or, if there is no floor above, then the space between the floor and the ceiling next above it. The interior of any unfinished roof shall not be considered a ceiling. Notwithstanding the foregoing, and ground floor area or building space located below the applicable local design flood elevation, as defined in Section 36-2.3, shall not constitute a story and shall be excluded from the calculation of the total number of stories, so long as the ground floor area or building space is contained entirely below the applicable local design flood elevation. Where, however, the ground floor area or building space is designed or constructed to extend above the applicable local design flood elevation it shall be considered a story.

~~That portion of a building included between the upper surface of any floor and the upper surface of the next floor above it or, if there is no floor above it, then the surface between the floor and the ceiling next above it. For the purposes of this Ordinance, the interior of any unfinished roof shall not be considered a ceiling. Moreover, cellars and basements shall be considered stories when considering the height of a building. In addition, ground floor areas, whether open or enclosed, shall be counted as a story regardless of whether or not the ground floor area contains habitable space~~

STORY, HALF

A space under a sloping roof that has a line of intersection of the roof and wall face not more than one foot above the floor level and in which space the possible floor area with headroom of five feet or more is less than 33% of the total floor area, including any unfinished attic space, of the story directly beneath.

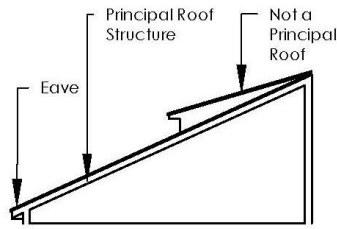
See graphic illustration below:



PRINCIPAL ROOF

A structural framing system featuring large, primary rafters (principals). Rafters in conjunction with trusses and tie beams, form the main load bearing skeleton of the roof, distributing weight to the external walls.

See graphic illustration below:



Section 2. The portion of Ordinance Ord. No. 1287-2018 § 2 adopted 9/15/2018; the portion of Ord. No. 1442, adopted 1/2/2025 that had been codified in the Code of the Borough of Wildwood Crest as Section 85-28 of Chapter 85 is hereby amended and supplemented as follows (added language is underlined, deleted language is ~~stricken~~):

Article IV R-1 Low Density Residential Zone

§ 85-28 Area and Bulk Regulations.

F. Minimum lot yards for principal building.

1. Front first and second full story: 10 feet. (See Exceptions at §85-79) and half-story above a second story: 18 feet.
2. Side: (one-story): Six feet*. (two-story): Eight feet.
3. Rear: 20%* of lot depth.

* Except that the existing single-family dwelling may construct a second story addition in line with the existing building footprint provided the minimum side yard setback shall be no less than four feet and the minimum rear yard setback shall be no less than 10 feet; and half-story above a second story an additional 8 feet.

J. Building and eave height.

2. The maximum height of the principal roof eave of a building shall not exceed 23 feet measured from the base flood elevation or 25 feet above from the top of curb, whichever is higher. (See Principal Roof, as defined)

Section 3. The portion of Ordinance No. 1287-2018 § 4 adopted 9/15/2018; the portion of Ord. No. 1442, adopted 1/2/2025; the portion of Ord. No. 1466 adopted 8/13/2025 that had been codified in the Code of the Borough of Wildwood Crest as Section 85-32 of Chapter 85 is hereby amended and supplemented as follows (added language is underlined, deleted language is ~~stricken~~):

Article V R-1A Semi-Low Density Residential Zone

§ 85-32 Area and Bulk Regulations.

J The maximum height of the principal roof eave of a building shall not exceed 23 feet measured from the base flood elevation or 25 feet from the top of curb above grade, whichever is higher. (See Principal Roof, as defined).

Section 4. The portion of Ord. No. 1287-2018 § 5 adopted 9/15/2018; the portion of Ord. No. 1442 adopted 1/2/2025, that had been codified in the Code of the Borough of Wildwood Crest as Section 85-40 of Chapter 85 is hereby amended and supplemented as follows (added language is underlined, deleted language is ~~stricken~~):

Article VII R-2 Two-Family Residential Zone

§ 85-40 Area and Bulk Regulations.

C. Principal Building Minium.

	Single-Family	Duplexes and Two-Family Dwellings
Minimum lot frontage	40 feet	60 feet
Minimum lot frontage (east/west)	NA	60 feet
Minimum lot frontage (north/south)	NA	80 feet
Minimum lot width	40 feet	60 feet
Minimum lot width (east/west)	NA	60 feet
Minimum lot width (north/south)	NA	80 feet
Minimum front yard	10 feet ⁽¹⁾	10 feet
Minimum side yard	5 feet minimum total ⁽²⁾	6 feet minimum total
	25% of lot width	25% of lot width
Minimum rear yard	20% of lot depth ⁽³⁾	20% of lot depth

* ~~Except that an existing single-family dwelling may construct a second-story addition in line with the building footprint, provided that the minimum side yard setback shall be no less than four feet and the minimum rear yard setback shall be no less than 10 feet.~~

- (1) Front first and second full story: 10 feet. (See Exceptions at §§5-79); and half-story above a second story: 18 feet.
- (2) Except that an existing single-family dwelling may construct a second story addition in line with the building footprint, provided that the minimum side yard setback shall be no less than four feet
- (3) The minimum rear yard setback shall be no less than 10 feet; and half-story above a second story an additional 8 feet.

G. Building and Eave Height.

- 2. The maximum height of the principal roof eave of a building shall not exceed 23 feet measured from the base flood elevation or 25 feet above highest adjacent grade, as defined, whichever is higher. (See Principal Roof, as defined).

Section 5. The portion of Ord. No. 1017 § 1; Ord. No. 1287-2018 § 9, that had been codified in the Code of the Borough of Wildwood Crest as Section 85-73 of Chapter 85 is hereby amended and supplemented as follows (added language is underlined, deleted language is ~~stricken~~):

Article XIV Exceptions and Supplemental Regulations

§ 85-74 Vehicular Access to Private Property.

D. New and Reconstructed Curbs.

All new and reconstructed curb cuts shall comply with the following:

- 6. The maximum curb cut dimension for a single-family dwellings shall not exceed 10 12 feet ~~when 2 or less parking spaces are required, or 20 feet when 3 or more parking spaces are required.~~ For duplexes and two-family

residential the curb cut(s) shall not exceed 10 feet for one unit or a total of 20 feet for two units. In all cases, there shall be a minimum of 50% of the lot frontage to have raised curb with a minimum of 35% being continuous raised curb. Wherever possible, the locations of driveways should consider the driveway locations of adjacent development and efforts made to preserve or provide on-street parallel parking of at least 18 linear feet. The area behind the curb to the building shall be landscaped.

Section 6. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

Section 7. All other ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 8. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

Section 9. This ordinance shall become effective twenty (20) days after final passage and advertisement thereof as required by law.

Section 10. The Cape May County Planning Board and adjoining municipalities shall be provided notice of this proposed ordinance in accordance with N.J.S.A. 40:27-6.10 and N.J.S.A. 40:55D-15. A copy of the effective ordinance shall be filed with the Cape May County Planning Board pursuant to N.J.S.A. 40:55D-16.

Dated: April 15, 2026

Don Cabrera, Mayor

Patricia A. Feketics, Borough Clerk

Joseph Franco, Jr. Commissioner

Toni D. Fuscellaro, Commissioner

Introduced: April 15, 2026

Adopted: