

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

ORDINANCE NO. 04-2025

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF CAPE MAY POINT
CHAPTER 150, SECTION 150-12 “AREA, YARD AND HEIGHT REGULATIONS”
AND SECTION 150-21 “LANDSCAPING AND VEGETATIVE PLAN”**

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 ~~strikethrough~~ and additions in underline):

Section 1.

150-12 AREA, YARD AND HEIGHT REGULATIONS.

- c. No building, including an open or enclosed porch or accessory building or structure 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. Regardless of the average setback calculated, no new structure can be 10-feet closer to the street than an adjacent neighbor’s structure. 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 ~~exclude~~ 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) and whole house generators hereafter installed to serve any existing building or structure, or a building or structure to be erected in any zoning district, shall be located in the rear yard as far as possible from any contiguous lot, 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. If, at the Zoning Officer's discretion, the equipment is allowed to be placed in the side yard, it must be no closer than 60 feet from the street in the front of the house and bushes or other plants shall be used for screening. All equipment referenced here shall have a manufacturer rating no more than 65 dB.

Section 2.

150-21 LANDSCAPING AND VEGETATIVE PLAN

- e. All driveways and parking areas shall be a pervious surface.
 - i. Concrete, Asphalt, and masonry Pavers are not acceptable pervious surfaces.
 - ii. Grass and organic material are acceptable pervious surfaces and will have a 100% vegetative area credit toward parking area.
 - iii. Stones and shells are acceptable pervious surface systems and will not receive any vegetative area credit.
 - iv. Properly-installed Eco-paver driveways are acceptable pervious surface systems and shall be considered partially vegetative (for purposes of the calculation of 60% lot area in point 150-21.c.) Specifically, fifty percent of the surface area of an Eco-paver driveway may be credited toward vegetative coverage up to a maximum of 200 sq. ft. credit.
- "Properly-installed Eco-pavers," for the purposes of Cape May Point Code and the vegetative credit, are defined as: allowing vegetation to grow through a minimum of 40% of their surface and being installed consistent with manufacturer instructions.

Section 3. 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 4. 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: March 25, 2025

PUBLICATION: April 2, 2025

PUBLIC HEARING: April 8, 2025

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