

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

ORDINANCE NO. 05-2026

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

WHEREAS, the Cape May Point Planning Board has made recommendations to the Board of Commissioners to update Zoning regulations with regard to Access Ramps and Asymmetric Houses.

NOW, THEREFORE, 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 ~~striketrough~~ and additions in underline):

Section 1.

150-3 TERMS DEFINED.

ACCESS RAMPS/ACCESSIBILITY LIFTS

Shall mean a ramp, landing, walkway, exterior mechanical lifting device, or other constructed feature to be located on the exterior of a residential dwelling unit.

SPECIAL BARRIER-FREE ACCESS

Shall mean a ramp, landing walkway or other constructed feature to be located on the exterior of a residential dwelling which is deemed necessary to provide access not otherwise obtainable to the interior of the building. Shall mean a temporary access ramp/lift intended to accommodate individuals with documented mobility limitations deemed necessary to provide access not otherwise obtainable to the interior of the building.

Section 2.

150-12 AREA, YARD AND HEIGHT REGULATIONS

- e. No building or dwelling shall be erected that would have less than ~~600 square feet~~ 40% of its living area on the first floor, which shall be exclusive of any porch, breezeway or garage area when such garage is attached to the building.
- j. Access Ramps/Accessibility Lifts. ~~A special barrier-free access shall be permitted to a residential dwelling to exceed the requirements and/or maximum and/or minimum limitations of paragraphs b and d hereinabove, provided that:~~

- ~~1. The Zoning Official of the Borough be presented with substantiation by way of a doctor's permit and/or certification that at least a single identified individual residing in that dwelling requires special barrier-free access and approval of the Zoning Officer for same.~~
 - ~~2. The special barrier-free access is located and constructed in the least obtrusive manner possible and built in accordance with the Uniform Construction Code.~~
 - ~~3. The proof of continued necessity is renewed each calendar year through the Cape May Point Zoning Official.~~
 - ~~4. The special barrier-free access is removed in its entirety upon the departure from the subject property by the affected individual or individuals identified in the permit or any other cessation of continuous need.~~
1. **General Requirements.** All ramps and lifts, including temporary and permanent structures, shall conform to the standards of the Uniform Construction Code and manufacturer specifications.
 2. **Permanent Ramps/Accessibility Lifts.** Except as otherwise specified for Special Barrier-Free-Access Rams and Accessibility Lifts:
 - (a) Shall be included in lot coverage calculations.
 - (b) Shall not be permitted within the required setback areas.
 3. **Special Barrier -Free-Access Ramps/Accessibility lifts.** Shall be subject to the following provisions:
 - (a) These ramps/lifts shall be constructed in the least obtrusive manner, as reasonably practicable.
 - (b) These ramps/lifts shall be exempt from lot coverage calculations.
 - (c) The ramps/lifts shall be permitted within the required setback areas.
 - (d) Prior to construction, substantiation of need shall be provided in the form of a doctor's permit and/or certification verifying that a least one (1) individual residing at the subject property requires barrier-free access. Such documentation shall be submitted to the Zoning Officer for initial approval and renewed annually thereafter.
 - (e) The ramp/lift shall be removed in its entirety upon the departure of the affected individual(s) or cessation of continuous need as identified in the original permit documentation or annual renewal reviews.

Section 3.

150-21 LANDSCAPING AND VEGETATIVE PLAN

- c. 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. Consistent with the Master Plan, tThe utilization of natural indigenous vegetation is encouraged. However, for purposes of

the calculation of amount of landscaping and vegetation, the area under an elevated portion of any structure shall not be considered landscaping and vegetation.

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

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