

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 121-05-2017

**AWARD OF CONTRACT FOR THE SUPPLY OF UNIFORMS FOR BEACH PATROL,
JR. LIFEGUARDS AND BEACH TAG PERSONNEL FOR THE 2017 SEASON**

MOTION:

SECOND:

WHEREAS, sealed bids were received on April 25, 2017, with proper advertisement, for the supply of uniforms for Beach Patrol, Junior Lifeguards and Beach Tag Personnel for the 2017 season; and

WHEREAS, one (1) bid was received in compliance with the specifications, as follows:

WAVE ONE SPORTS, INC
1992 Butler Pike
Conshohocken, PA 19428

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, that the bid of Wave One Sports, Inc., in the approximate amount of \$40,008.75, be and is hereby accepted in accordance with the specifications.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on May 02, 2017.

The undersigned, CFO of the City of Cape May, does hereby certify to Mayor and Council that sufficient funds are appropriated in _____.

Neil Young, CFO/Treasurer

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Meier				
Pessagno				
Swain				
Furlin				
Mahaney				

cc: Chief Financial Officer
Purchasing Agent
Beach Supervisor
Beach Tag Supervisor

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 122-05-2017

**RESOLUTION REGARDING CITY OF CAPE MAY
CITY-WIDE BI-ANNUAL SIDEWALK SALE**

MOTION:

SECOND:

WHEREAS, the merchants in the City of Cape May hold a bi-annual city-wide sidewalk sale; and

WHEREAS, the City Council of the City of Cape May desires to set the dates and times for the bi-annual, sidewalk sale.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, that the dates and times for the 2017 sidewalk sale shall be May 18th through May 21st between the hours of 9:00 A.M. and 7:00 P.M.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on May 2, 2017

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: All Departments
Bulletin Board
WSM Management Co., Inc.
Mall Merchants Association
Cape May Chamber of Commerce

Files/annual tickler files/May/sidewalk sale resolution

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 123-05-2017

RESOLUTION SUPPORTING PARTICIPATION IN THE MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION TO MEET THE GOALS OF THE NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM

MOTION:

SECOND:

WHEREAS, the National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements; and

WHEREAS, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community actions meeting the three goals of the CRS:

1. Reduce flood damage to insurable property.
2. Strengthen and support the insurance aspects of the NFIP.
3. Encourage a comprehensive approach to floodplain management.

WHEREAS, the Community Rating System credits local initiatives to advise people about flood hazards, flood insurance, the natural functions of floodplains and flood loss reduction measures;

WHEREAS, in order to implement a Program for Public Information (PPI) for the municipalities in our region a Multi-Jurisdictional Program for Public Information is being formed; and

WHEREAS, the PPI will coordinate all of the flood-related public information in the community, both public and private; and

WHEREAS, the City of Cape May City floodplain managers will be actively involved in the PPI planning and implementation process and attend required meetings;

WHEREAS, this actions will result in CRS credits that will result in lower flood insurance premiums for the residents and business of the City of Cape May City.

NOW, THEREFORE, BE IT RESOLVED that City Council of the City of Cape May City formally supports Participation in the Multi-Jurisdictional Program for Public Information to Meet the Goals of the National Flood Insurance Program's Community Rating System.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on May 2, 2017

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: Flood Plan Administrator
Construction Technical Assistant
Construction Official
CFO

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 124-05-2017

**RESOLUTION ESTABLISHING A COMMUNITY EMERGENCY RESPONSE TEAM
IN THE CITY OF CAPE MAY**

WHEREAS, the Federal Emergency Management Agency (FEMA) began promoting nationwide implementation of Community Emergency Response Teams (CERT) in 1994; and

WHEREAS, the City of Cape May, New Jersey supports the establishment of Community Emergency Response Teams (CERT) in keeping with recommendations and practices of the Federal Emergency Management Agency (FEMA); and

WHEREAS, in the event of a disaster, CERT offers our community the value of a collaborative effort between our Emergency Services personnel and our property trained City personnel and citizens; and

WHEREAS, CERT members can assist in a crisis situation by applying their training and experience to help mitigate emergencies and sustain lives; and

WHEREAS, the following list of persons has been identified as willing and able to participate in formal CERT training and be certified to perform CERT roles and responsibilities:

Shaine Meier
Lewis Loughlin
Laurence Morier
Todd DeSatnick
Michael Jones
Thomas Keene
Justin Mattes
Dennis DeSatnick
Genevieve McCaney

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Cape May hereby establishes the Cape May CERT and requires CERT member participation in CERT training so they may be qualified to respond appropriately in a community emergency; and

BE IT FURTHER RESOLVED, that the City Council encourages Cape May residents to participate in CERT training and activities as they are able and to always support EMS and CERT intervention in emergency situations, and natural and man-made disasters.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on May 2, 2017.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: Fire Department
Clerk's File

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 125-05-2017

**AUTHORIZING UTILITY BILL ADJUSTMENT
DUE TO CATASTROPHIC OCCURRENCE**

MOTION:

SECOND:

WHEREAS, pursuant to the provisions of Chapter 510, section 33 of the Revised General Ordinances of the City of Cape May, the Water and Sewer Utility Superintendent recommended adjustments to utility bills due to catastrophic occurrences; and

WHEREAS, said adjustments exceed the \$1,500.00 limit set forth in Chapter 510, section 32, Revised General Ordinances of the City of Cape May, for staff approval; and

WHEREAS, City Council has reviewed the recommended adjustment to correct billing due to catastrophic occurrences;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May that the following adjustments be approved:

<u>Bl/Lot</u>	<u>Address</u>	<u>Customer</u>	<u>Adjustment</u>
1067/9	821 Beach Ave	821 Beach, LLC	\$5,725.50

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to make said adjustments and adjust the records of the Water & Sewer Utility accordingly.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on May 2, 2017.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Lear				
Meier				
Hendricks				
Furlin				
Pessagno				

cc: Water/Sewer Department

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 126-05-2017

**RESOLUTION AUTHORIZING CHAMBER OF COMMERCE TO SELL BEACH TAGS
AT THE WELCOME CENTER**

MOTION:

SECOND:

WHEREAS, the Chamber of Commerce of Greater Cape May leases space at the Welcome Center on Lafayette Street in Cape May; and

WHEREAS, as part of its mission, the Chamber of Commerce of Greater Cape May provides information for people coming to Cape May to visit; and

WHEREAS, visitors have asked to purchase beach tags for their stay from the Chamber of Commerce, which has directed them to other sites where the tags can be purchased; and

WHEREAS, the Chamber of Commerce has requested that it have the ability to sell beach tags to vacationers to the City of Cape May as a convenience and courtesy; and

WHEREAS, City Council of the City of Cape May has considered this request, and believe it to be in the best interests of the City to allow the Chamber of Commerce of Greater Cape May to sell beach tags at the Welcome Center, on the following terms and conditions, to enhance the vacation experience of people coming to visit Cape May;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Cape May as follows:

1. The averments of the preamble are incorporated by reference.
2. The Chamber of Commerce of Greater Cape May is hereby authorized to sell beach tags at the Welcome Center on Lafayette Street on the following terms and conditions;
 - a. The City of Cape May will provide the Chamber of Commerce with a set number of seasonal, weekly and daily beach tags for sale at the Welcome Center.
 - b. All proceeds from the sale of the beach tags will be paid to the City of Cape May.
 - c. An accounting of the beach tags sold will be done monthly, and will be provided to the City Manager.
3. The Mayor, City Manager and other appropriate City officials are authorized to take all steps necessary to consummate this arrangement.
4. This Resolution shall take effect immediately, according to law.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on May 2, 2017.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: All Departments
City Attorney
City Engineer
City Hall Bulletin Board
Cape May City Housing Authority
Cape May Co. Library/Cape May City Branch
Cape May Star and Wave
The Press of Atlantic City
Cape May County Herald
Cape May County Gazette

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 127-05-2017

**RESOLUTION AUTHORIZING CHAMBER OF COMMERCE TO LEASE 708-710
BEACH AVENUE WITH CONDITIONS**

MOTION:

SECOND:

WHEREAS, the City of Cape May owns property located at 708-710 Beach Avenue, Cape May, and

WHEREAS, there is an office at that location that the City uses to sell concert tickets each Wednesday that a City Concert is taking place; and

WHEREAS, the Chamber of Commerce of Greater Cape May wishes to lease this office from May 1st to September 30th from 9:30 a.m. to 7:30 p.m. as a satellite office for information about the City of Cape May; and

WHEREAS, City Council of the City of Cape May has considered this request, and believe it to be in the best interests of the City to enter into this lease with the Chamber of Commerce of Greater Cape May on the following terms and conditions;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Cape May as follows:

1. The averments of the preamble are incorporated by reference.
2. The City of Cape May will lease the office on its property located at 708-710 Beach Avenue, Cape May, New Jersey, to the Chamber of Commerce of Greater Cape May as follows:
 - a. The lease will be from May 1, 2017, to September 30, 2017, between the hours of 9:30 a.m. and 7:30 p.m. except for Wednesdays on the City Concert nights, during which the City will be using the space from 4:00 p.m. to sell concert tickets.
 - b. The consideration for the lease will be \$1.00.
 - c. The Chamber of Commerce of Greater Cape May will maintain insurance in an amount acceptable to the City's insurance carrier, and shall indemnify and hold the city harmless for any claims arising out of the Chamber's use for the space.
3. The Mayor, City Manager and other appropriate City officials are authorized to take all steps necessary to consummate and effectuate that lease.
4. This Resolution shall take effect immediately, according to law.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on May 2, 2017.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: All Departments
City Attorney
City Engineer
City Hall Bulletin Board
Cape May City Housing Authority
Cape May Co. Library/Cape May City Branch
Cape May Star and Wave
The Press of Atlantic City
Cape May County Herald
Cape May County Gazette

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 305 - 2017

**AN ORDINANCE REGARDING OUTDOOR SEATING FOR
CONSUMPTION OF FOOD OR BEVERAGES**

WHEREAS, the City Council of the City of Cape May desires to promote the concept of outdoor dining, which enhances the relaxed atmosphere and show-cases the City of Cape May; and

WHEREAS, the City desires to regulate outdoor dining through the review and approval of a seating plan and fee applicable to outdoor areas serving food and beverages, and by delineating those zoning districts in the City where outdoor seating for dining is permitted; and

WHEREAS, the City desires the fee to apply to all retail food establishments with outdoor seating and all outdoor areas at hotels that are used for food and beverage service; and

WHEREAS, the City Code of the City of Cape May (the "City Code") does not currently provide for a process for approval of outdoor seating at such establishments; and

WHEREAS, the City also wishes to address the need for parking relief and alternative parking solutions caused, in part, by the growth and popularity of outdoor dining; and

WHEREAS, to achieve these objectives, the City wishes to enact Chapter 412 of the Cape May City Code entitled "Outdoor Seating for Consumption of Food or Beverages, and to amend Chapters 310 and 525 of the Cape May Code, regarding mercantile licenses and permitted zoning uses, respectively,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cape May, County of Cape May, State of New Jersey, as follows:

1. A new Chapter 412 entitled "Outdoor Seating for Consumption of Food or Beverages" is hereby added to the City Code and shall read as follows:

§ 412-1. Purpose.

The City Council has determined that the establishment of regulations for outdoor seating and dining will foster a pleasant and distinctive ambience within the City and that the proper regulation of such activity is required in the interests of the health, safety and welfare of the City's residents and visitors.

§ 412-2. Definitions.

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Chapter:

- A. "Dining table" shall mean any surface from which individuals eat, whether permanent or moveable, and with a minimum height of 30 inches and a minimum surface diameter of 36 inches.
- B. "Person" shall mean any individual, partnership, corporation, association or other entity.
- C. "Retail food establishment" shall mean an establishment on private property that serves food or beverage products for onsite consumption.
- D. "Outdoor seat" for purposes of this section shall mean an outdoor seat at a retail food establishment where food or drinks will be consumed, but shall not include pool seats that are limited primarily to hotel and motel guests; seats used as a general hotel or restaurant seating areas, such as waiting areas and lobbies; and seats (without dining tables) located on the verandas and porches of any restaurant, hotel, motel, inn or tourist guest house. Outdoor seats shall also not include any seats set up for special events with all necessary approvals. However, such special events that occur outside shall be governed by all other sections of the City Code, including the outdoor tent provisions contained in Chapter 463.
- E. "Seat" shall mean a bench, chair or any other item of furniture in which someone sits. A seat may be an individual fixture (i.e. chair or stool) or a structure on which several people may sit (i.e. bench, booth, picnic table, couch). For any structure that can accommodate more than one person, it shall be deemed to be one seat for each full 30 inches of seating space (i.e. a bench that is 90 inches long shall equal three seats).

§ 412-3. Licensing.

This subsection applies to all food service establishments in zoning district where outdoor dining is permitted. This subsection does not apply to any food service establishment that has previously received site plan approval for outdoor dining. Those establishments may continue to operate without the necessity of additional permitting under this subsection. Furthermore, this subsection shall not apply to food service establishments within the Washington Street Mall business improvement district.

No person to whom this subsection applies shall provide outdoor seating within the City without having a mercantile license and without having first obtained a outdoor seating license in accordance with the requirements of this chapter. The Zoning Officer shall be responsible for reviewing and determining whether an applicant qualifies for the issuance of a outdoor seating license pursuant to this Chapter and shall make such determination in consultation with the Planning Board Engineer and City Attorney and shall seek input from the subcode officials, Fire Department, Police Department and such other departments as

necessary to ensure full compliance with the terms and conditions of this Chapter. The license shall then be issued by the City Clerk following the Zoning Officer's final determination. The Zoning Officer shall make a determination within 30 days from the submission of a complete application containing all of the items required under this Chapter. If not approved within such 30-day period, the application will be deemed denied unless the applicant agrees to an extension of the time required for the Zoning Officer to make a final determination.

Once approval has been received, no further approval is needed unless there is a change in the outdoor seating plan or a development plan is proposed that requires a full site plan review of the property where the outdoor seating is located. Any new site plan application shall be required to include the existing or proposed outdoor seating plan. A retail food establishment that has obtained site plan approval for its outdoor seating shall not have to submit an application for an outdoor seating license.

§ 412-4. Fees.

All retail food establishments that provide outdoor seating shall pay the following fees:

- A. The applicant shall pay a one-time application fee of \$250.00 and an escrow payment of \$500.00 for the review and processing of the initial application for outdoor seating. Furthermore, the applicant shall pay an annual fee of \$10.00 for the processing of each annual outdoor seating license. Such fees shall be paid with the mercantile license fee.
- B. If changes are proposed to an already existing outdoor seating plan a new application must be submitted with the application and escrow fees as stated in Section A above.

§ 412-5. Application.

All applications for an outdoor seating license shall be submitted currently with an application for a mercantile license and shall include the following:

- A. Each applicant for a outdoor seating license shall submit and file an application with the Zoning Officer, together with two copies of a outdoor seating plan (as outlined below), and the appropriate fee. The application shall set forth:
 - 1. The name, address, phone number, and email address of the applicant;

2. The name, address, phone number, and email address of the owner of the primary building (if other than the applicant);
 3. The name address, phone number, and email address of the person who has prepared the outdoor seating plan; and
 4. The written authorization and approval of the owner of the primary building (if other than the applicant).
 5. A survey of the property showing all existing conditions.
- B. The “outdoor seating plan” shall be drawn to scale but does not require professional seals. The scaled drawing of the proposed design and location of the outdoor seating shall include setbacks, all outdoor structures, equipment and apparatus to be used in connection with its operation, including tables, chairs, planters, trash/recycling receptacles, bus trays, equipment and apparatus, and the location of any fire hydrant or Fire Department Connection (“FDC”), utility pole, parking meter, or other permanent fixture between the primary building and the curb, including a clear indication of the presence of the required pedestrian passageway. If the outdoor seating is located on private property adjacent to the sidewalk, the plan shall demonstrate that the pedestrian traffic will in no way be impeded by showing the dimensions between all seats should they be occupied and the outermost edge of the sidewalk.
- C. A statement of the seating capacity of the proposed outdoor seating and of the existing retail food establishment actually operated by the applicant in or outside of the primary building.
- D. The hours of operation of retail food establishment.

§ 412-6. Term of License; Renewals

All outdoor seating licenses shall run concurrently with the mercantile license issued for that year. Licenses may be renewed annually by the filing of an application in accordance with the provisions of this Chapter.

§ 412-7. Regulations.

Outdoor seating authorized and operating pursuant to this Chapter shall be subject to the following regulations:

- A. The outdoor seating shall be operated and maintained in accordance with the outdoor seating plan as finally approved, and by the same person who operated and maintains the abutting retail food establishment

- B. The outdoor seating plan shall be so arranged that if all seats are occupied, there is no less than five feet of unobstructed walkway for pedestrian passage. The outdoor seating plan shall allow for adequate ingress and egress for all outdoor seating areas as determined by the Fire Department and Construction Official.
- C. The outdoor seating areas shall comply with all side yard and rear yard setback requirements set forth in Chapter 525-Zoning for structures that already lawfully existing in the setback area as an approved conforming or pre-existing nonconforming condition, such as a porch, patio, or other permanent structure.
- D. The seating layout and number of seats shall comply with the requirements of the International Building Code 2015, New Jersey Edition, or any subsequent building code adopted in New Jersey, based on the review and approval of the City Construction Official.
- E. The placement of furniture, apparatus, decoration or appurtenance used in connection with the operation of the outdoor seating in relation to any fire hydrant or FDC shall be prohibited.
- F. No furniture, apparatus, decoration or appurtenance used in connection with the operation of the outdoor seating shall be located in such a way as to impede the safety and speedy ingress and egress to or from any building or structure.
- G. No permanent lighting, signage, umbrellas with signage except the name of the licensed business, or canopies not already existing may be placed in the outdoor seating area.
- H. No furniture, apparatus, decoration, structure, or appurtenance, including but not limited to an HVAC system, used in connection with the operation of the outdoor seating shall be located in or project or protrude into the required pedestrian passageway or any parking lot or on-site parking areas.
- I. The outdoor area utilized by the outdoor seating shall be kept clean and free of litter and shall be washed as frequently as needed to maintain a clean and sanitary area for the consumption of food and beverages.
- J. Noise shall be kept at such a level as to comply in all respects with the provisions of applicable ordinances of the City, including hours of outdoor music pursuant to City Code Section 134-5E.

- K. Outdoor seating as permitted under this Chapter shall not increase the required parking spaces for any retail food establishment.
- L. The licensee shall comply with all other ordinances of the City.
- M. The licensee shall comply with all State and local alcoholic beverage laws, specifically noting areas where alcoholic beverages may be consumed on the premises and in enforcing that no alcoholic beverages may be removed from the approved licensed areas.

§ 412-8. Enforcement Fines.

Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be subject to the fines and penalties set forth in Chapter 1, Article III for each violation. In addition, any person who violates this ordinance may be subject to all penalties applicable to licensees under Chapter 310, Section 9, including, but not limited to, revocation of said license. Nothing herein contained shall prevent the City of Cape May, from taking such other lawful action as is necessary to prevent or remedy any violation.

§412-9 No Grant of Property Right.

The City of Cape May reserves its right to amend, terminate or repeal this chapter, and accordingly no property rights are granted to any person or entity by virtue of this chapter.

- 2. Article II of Chapter 310 of the Code of the City of Cape May, at Section 16, is hereby amended to add the following subsection:

B. *Parking Trust Fund Surcharge.* In addition to the fee specified in Section 310-16(A), each applicant for a mercantile license shall pay an annual parking surcharge of \$25. These surcharges shall be deposited into the City's Parking Trust Account for the purpose of pursuing parking alternatives within the City.

- 3. Article V of Chapter 525 of the Code of the City of Cape May is hereby amended as follows (deleted language is ~~stricken~~ and new language is underscored):

§ 525-22. C-1 Primary Business District.

- A. Use regulations.
 - (2) Accessory uses. Only the following accessory uses may be permitted in any C-1 District:
 - (a) Off-street parking facilities.

- (b) Private and semiprivate recreation facilities subject to § 525-61.
- (c) Storage of goods, subject to § 525-59G.
- (d) Outdoor seating for the consumption of food or beverages subject to compliance with the rules established under Chapter 412 of the Code of the City of Cape May.

§ 525-23. C-2 Beach Business District.

A. Use regulations.

- (2) Accessory uses. Only the following accessory uses may be permitted in any C-2 District:
 - (a) Off-street parking facilities.
 - (b) Private and semiprivate recreation facilities subject to § 525-61.
 - (c) Storage of goods, subject to § 525-59G.
 - (d) Uses which are clearly incidental and accessory to the uses by right and conditional uses, including dining or other service facilities, conference and meeting facilities and exhibit space in conjunction with hotels and motels, provided such uses may not occupy the equivalent of more than 25% of the total floor area of the principal use.
 - (e) Outdoor seating for the consumption of food or beverages subject to compliance with the rules established under Chapter 412 of the Code of the City of Cape May.

§ 525-24. C-3 Hotel-Motel District.

A. Use regulations.

- (2) Accessory uses. Only the following accessory uses may be permitted in any C-3 District:
 - (a) Accessory residential apartment.
 - (b) Drinking establishments licensed for on-premises consumption.

- (c) Off-street parking facilities.
- (d) Private and semiprivate recreation facilities subject to § 525-61.
- (e) Residential accessory uses subject to § 525-54.
- (f) Storage of goods, subject to § 525-59G.
- (g) Uses which are clearly incidental and accessory to the uses by right and conditional uses, including dining or other service facilities, conference and meeting facilities and exhibit space in conjunction with hotels and motels, provided such uses may not occupy the equivalent of more than 25% of the total floor area of the principal use.
- (h) Outdoor seating for the consumption of food or beverages subject to compliance with the rules established under Chapter 412 of the Code of the City of Cape May.

§ 525-25. NC Neighborhood Commercial District.

A. Use regulations.

- (2) Accessory uses. Only the following accessory uses may be permitted in any NC District:
 - (a) Off-street parking facilities.
 - (b) Private and semiprivate recreation facilities subject to § 525-61.
 - (c) Residential accessory uses subject to § 525-54.
 - (d) Storage of goods, subject to § 525-59G.
 - (e) Outdoor seating for the consumption of food or beverages subject to compliance with the rules established under Chapter 412 of the Code of the City of Cape May.

§ 525-27. C-6 Marina District.

A. Use regulations.

(2) Accessory uses. Only the following accessory uses may be permitted in any C-6 District:

- (a) Accessory residential apartment.
- (b) Off-street parking facilities.
- (c) Private and semiprivate recreation facilities subject to § 525-61.
- (d) Storage of goods, subject to § 525-59G.
- (e) Uses which are clearly incidental and accessory to the uses by right.
- (f) Outdoor seating for the consumption of food or beverages subject to compliance with the rules established under Chapter 412 of the Code of the City of Cape May.

4. This Ordinance shall supersede all other ordinances in conflict or inconsistent with it.

5. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

6. This Ordinance shall take effect within twenty (20) days of final passage and publication as provided by law, except that Section 2, imposing a Parking Trust Fund surcharge, shall not become effective until the 2018 mercantile license cycle.

ATTEST:

CITY OF CAPE MAY, a municipal corporation
of the State of New Jersey

Patricia Harbora, City Clerk

BY: _____
Clarence F. Lear III, Mayor

NOTICE

Ordinance 305-2017 was introduced at a regular meeting of the City Council of the City of Cape May, held on April 19, 2016, was amended at a regular meeting of the City Council on April 18, 2017, and will be further considered for final passage during a meeting of the City Council, to be held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on May 2, 2017, at 6 P.M., at which time a Public Hearing will be held.

Patricia Harbora,
City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

Introduced: April 18, 2017
First Publication: April 19, 2017
2nd Reading & Adoption: May 2, 2017
Final Publication: May 22, 2017