

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

ORDINANCE NO. 569-2025

**AN ORDINANCE AMENDING CHAPTER 417 OF THE CITY CODE
TO CLARIFY EXEMPTIONS FROM SITE PLAN REVIEW**

WHEREAS, Chapter 417-3 of the Cape May City Code sets forth regulations for applicability, exemptions and waiver of Site Plan approval; and

WHEREAS, having considered the matter, the Cape May City Council has determined that it is appropriate to amend the code to clarify and confirm that Quads located in the R4 Zone should be exempt from Site Plan review with the understanding that bulk and use regulations in the Zoning Code will remain generally applicable to these developments; and

WHEREAS, pursuant to N.J.S.A. 40:55D-26, prior to the final adoption of this development regulation, the City Council has reviewed the report and any recommendation of the Planning Board.

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

Section 1. Section 417-3 of the Cape May City Code is hereby amended as follows (with ~~strikethrough~~ portions indicating deleted language and **bold/underlined** portions indicating new language):

§ 417-3 Applicability of requirements; exemptions; waiver of requirements.

A. Application of requirements. No development shall take place within the City nor shall any land be cleared or altered, nor shall any watercourse be diverted or its channel or floodplain dredged or filled, nor shall any parking areas, accessory or otherwise or accessways thereto, be constructed, installed or enlarged, nor shall any building permit, certificate of occupancy or other required permit be issued with respect to any such structure, land or parking area, except in accordance with an approval of such development granted pursuant to this chapter, unless exempted in accordance with Subsection B. Any exemption granted from this chapter shall not exempt an applicant from any applicable provisions of the Historic Preservation District or review by the Historic District Commission. [Amended 6-21-2005 by Ord. No. 37-2005]

B. Exemptions. Site plan approval shall not be required for any of the following:

(1) Detached single-family dwellings, structures designed for occupancy by two families, **quads**, or accessory uses thereto permitted as of right under applicable zoning districts; but this shall not limit the requirements for submission and approval of subdivision plats as otherwise required by City ordinances. **Notwithstanding the above, any application for development of a quad that requires variance relief shall be subject to site plan review and heard by the**

Planning Board unless "D" variance is implicated by the application in which case the Zoning Board will hear the application.

- (2) The construction of a parking area for less than three vehicles.
- (3) Any structure or use for which a site plan review application was approved by the Planning Board prior to the effective date of this chapter or under City ordinances and regulations then in effect and superseded by this chapter, land that is developed in accordance with an approval of such application heretofore given by the Planning Board pursuant to the prior ordinances and regulations, provided that such approval is less than three years old.
- (4) A proposed development not involving a change in use and not affecting existing circulation, drainage, building arrangements, landscaping, buffering, lighting and other considerations of site plan review.
- (5) Any undertaking which involves only normal maintenance or replacement such as a new roof, painting, new siding or similar activity.

C. Waiver of site plan review requirements.

- (1) The rules, regulations and standards set forth in this chapter shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the City. However, if the applicant can clearly demonstrate in writing that, because of peculiar conditions pertaining to his land, the literal enforcement of any specific portion(s) of the requirements of this chapter is/are impracticable or will exact undue hardship, the Planning Board may permit such exemption(s) and waiver(s) as may be reasonable, within the general purpose and intent of the rules, regulations and standards established by this chapter.
- (2) An application for site plan waiver shall be considered to be an application for site plan approval so as to authorize and permit the Planning Board to exercise its ancillary powers to hear variance requests pursuant to N.J.S.A. 40:55D-60.

Section 2. 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 3. This ordinance shall take effect 20 days after passage and publication, according to law.

ATTEST:



Erin C. Burke, City Clerk

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

BY:



Zachary M. Mullock, Mayor

NOTICE

Ordinance 569-2025 was introduced at a Regular meeting of the City Council of the City of Cape May, held on June 17, 2025 and was further considered for final passage during a Regular meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on July 15, 2025 at 3:00 P.M. at which time a Public Hearing was held.



Erin C. Burke, City Clerk

| Roll Call | Ayes | Nays | Absent | Abstain | Motion | Second |
|-----------|------|------|--------|---------|--------|--------|
| Meier | X | | | | | |
| McDade | X | | | | X | |
| Bodnar | X | | | | | X |
| Baldwin | | | X | | | |
| Mullock | X | | | | | |

Introduced: June 17, 2025
1st Publication: June 25, 2025
2nd Reading & Adoption: July 15, 2025
Final Publication: July 23, 2025
Effective Date: August 12, 2025

