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

ORDINANCE NO. 577-2025

AN ORDINANCE AMENDING CHAPTER 199 OF THE CITY CODE REGARDING THE CERTIFICATE OF ZONING COMPLIANCE TO INCLUDE INFORMATION REGARDING THE APPLICABILITY OF THE LOCAL HISTORIC DISTRICT

WHEREAS, Section 199-5 of the City Code provides for the requirement for an inspection of buildings, structures, or units prior to the transfer of title to determine compliance with Chapter 525 (the Zoning Ordinance); and

WHEREAS, having considered the matter, the Cape May City Council has determined that it is appropriate to amend the code to incorporate information regarding the property's relation to the local historic district. This will provide a direct notification to individuals purchasing property in the City of Cape May of the status of their property in relation to the local historic district; and

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

Section 1. Section 199-5 of the Cape May City Code is hereby amended as follows (with ~~strikethrough~~ portions indicating deleted language and **bold/underlined** portions indicating new language):

§ 199-5 Certificate of Zoning Compliance.

A. The purpose of this section is to require an inspection of buildings, structures, or units prior to the transfer of title to determine compliance with Chapter 525 (Zoning Ordinance).

B. Transfer of building, structures, or units. No person or entity shall sell or transfer title to any building, structure, portion of structure, or unit in a structure until such person or entity shall have first requested and obtained a certificate of zoning compliance certifying the following:

(1) That there has not been a change of use;

(2) Designation of the unit(s) or structures covered by the certificate of zoning compliance;

(3) That the building, structure, part of the structure, or unit(s) in the structure, as the case may be, are in compliance with the provisions of Chapter 525 (Zoning Ordinance). **For the avoidance of any doubt, this inspection and certificate are issued solely to confirm that the use and total number of units are in compliance with the Zoning Ordinance. This Certificate**

does not serve as, or substitute for, a Certificate of Pre-Existing Nonconforming Use, nor does it constitute approval of any work performed without the required permits or other approvals.

(4) In addition to the above information, the Certificate shall include notice of the property's status within the local historic district, including whether it is located in the district and its designation (Key Contributing, Contributing, Non-Contributing, Not-Rated, or N/A). The Certificate shall also provide notice of the requirement to obtain a Certificate of Appropriateness from the HPC for certain work, as set forth in Chapter 525, as well as notice of the applicability of Chapter 482 to applications for tree removal.

C. Exceptions: A certificate of zoning compliance shall not be required:

(1) Where a certificate of occupancy has been issued in connection with new construction within two years of a transfer; in such case where a portion of a new structure or unit(s) therein is transferred within two years subsequent to the issuance of a certificate of occupancy;

(2) Where title to a building or structure is being transferred without consideration to an entity owned or controlled by the transferrer or to a person related to the transferrer;

(3) Where the buyer signs a certification stating that the buyer does not intend to utilize the structure or building for human occupancy and intends to demolish the structure or building within 90 days after transfer (which time period will be tolled if demolition is unable to occur between Memorial Day and Labor Day); or

(4) Where title to a building or structure is being transferred by reason of foreclosure or deed in lieu of foreclosure to lender, a holding company related lender or its designated loan servicer; however, a sheriff's sale transferring the building or structure to an unrelated third party shall not be exempt.

Section 2. A sample "Certificate of Zoning Compliance" incorporating the information set forth in this amendment is attached hereto as EXHIBIT A.

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 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 577-2025 was introduced at a regular meeting of the City Council of the City of Cape May, held on September 16, 2025 and was further considered for final passage during a meeting of the City Council, t held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on October 7, 2025 at 5:00 P.M. at which time a Public Hearing was be held.

Erin C. Burke, City Clerk

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

Introduced: September 16, 2025
1st Publication: September 24, 2025
2nd Reading & Adoption: October 7, 2025
Final Publication: October 15, 2025
Effective Date: November 4, 2025

EXHIBIT A