

SECTION III
ZONING DISTRICTS, RULES AND REGULATIONS

1-12 Establishment of Zoning Districts: The Borough of West Wildwood is hereby divided into the following zoning districts, differentiated according to use, area, and bulk requirements, to be designated as follows:

- R-1 Residential Zone
- T-C Town Commercial Zone
- MC Marine Commercial Zone
- C Conservation Zone

1-13 Effect of Establishment of Districts: Every building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

1-14 Zoning Map: The boundaries of the zoning districts are hereby established as shown on the “Zoning Map, Borough of West Wildwood” which, with all explanatory matter thereon, is hereby adopted and made a part of this Ordinance. An official copy of said map, indicating the latest amendments, shall be kept up to date in the offices of the Construction Official and Administrative Officer for the use and benefit of the public. The zoning map shall be the official reference as to the current zoning classification of any land within the boundaries of the Borough of West Wildwood.

1-15 Interpretation of District Boundaries: In determining the boundaries of districts shown on the map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following the center lines of streets, highways, street lines or highway right-of-way lines, waterways, or railroad rights-of-way or such lines extended, such center lines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they are running parallel to the center lines or street lines of streets, such district boundaries shall be construed as being parallel thereto, and at such distances therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.
- C. Whenever any street or public way is vacated by official action, the zoning districts adjoining the side of such public way shall be automatically extended to include the right-of-way thus vacated which shall thenceforth be subject to all regulations of the extended district or districts. In general, where the vacated right-of-way is bounded on either side by

more than one district, the former center line of such right-of-way shall determine extension of each district.

- D. In all other cases where dimensions are not shown on the map, the location of boundaries shown on the map shall be determined by the Zoning Officer by application of a scale thereto.
- E. In cases of uncertainty or disagreement as to the true location of any district boundary line, the determination thereof shall be with the Board of Adjustment.

Zoning district boundaries shall not end at mean high water levels where state-owned land begins and private property ends.

1-16 Principal Building Per Lot: Unless otherwise specifically permitted within this Ordinance, no more than one (1) principal dwelling or building shall be permitted on one (1) lot.

1-17 General District Regulations: No development shall take place within the Borough nor shall any land be cleared or altered, nor shall any watercourse be diverted or its channel or flood plain dredged or filled, nor shall any parking areas, accessory or otherwise or access-ways thereto, be constructed, installed or enlarged, nor shall any building 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 Ordinance unless exempted in accordance with Section I-21 of this Article. Where a lot is formed from part of a lot already occupied by a building, such subdivision shall be effected in such a manner as not to impair any of the requirements of this Ordinance with respect to the existing building and all yards and other open space in connection there-with and so that all resulting lots have adequate dimensions consistent with the requirements of the zoning district in which it is located.

1-18 Permitted Uses: The following uses are permitted in all districts:

- A. All facilities owned or operated or hereafter owned or operated by the Borough of West Wildwood or by any authority or agency created by it.

1-19 Prohibited Uses: All uses not expressly permitted by this Ordinance are prohibited in all districts (unless permitted by conditional use permit as elsewhere in this Ordinance provided), such prohibition to include but not be limited to the following:

- A. Any use which emits excessive or objectionable amounts of dust, fumes, noise, odors, smoke, vibrations or waste product.
- B. The selling, offering for sale, displaying or advertisement of any food, merchandise, commodity, goods or wares on vacant or unimproved lots.
- C. Trailer camps and mobile home parks.
- D. Heliports.
- E. Removing or causing to be removed topsoil from the Borough of West Wildwood.
- F. Trucking terminal, including moving and storage.

- G. Junk yards, car wreck and automobile body repair garages, automobile painting or repair establishments, and manufacturing enterprises.
- H. Automobile sales establishment, whether new or used.
- I. Dumping or storage of waste or scrap materials.
- J. Incinerators.
- K. Floating homes or houseboats.
- L. Trailers
- M. Storage of oil, gas, gasoline or petroleum, except for on-the-premises consumption for heat, fuel or power.
- N. Cemeteries.
- O. Outdoor coin-operated or mechanically controlled business including but not limited to car washes and shooting galleries.
- P. Parking of commercial vehicles in residential zone. Two commercial vehicles of a rated capacity not exceeding one (1) tone or four (4) wheels, owned or used by a resident of the premises shall be permitted to be regularly parked or garaged on a lot in any residential district. The provisions of this chapter must be met on the single lot for which the use is accessory to the main use of the premises. This provision shall be deemed to limit the number of commercial trucks or cars or construction equipment which is used in the site construction purposes.
- Q. Outdoor boat rack storage systems are prohibited except in MC-Marine Commercial Zone.

1-20 Conditional Uses: Any use listed as a conditional use in a particular district may be permitted by the Planning Board, but only after it has determined that the development proposal complies with the conditions and standards set forth in this Ordinance for the location and operation of such use. All conditional uses shall comply with the following requirements and standards in addition to those set forth elsewhere in this Ordinance.

- A. All proposed structures, equipment, or material shall be readily accessible for fire and police protection.
- B. The proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated, will be free of nuisance characteristics, and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
- C. In addition to the above, in the case of any use located in, or directly adjacent to, a residential zone:
 - 1. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be

- hazardous or inconvenient to, or incongruous with, the said residential zone, or conflict with the normal traffic of the neighborhood and;
2. The location and height of buildings, the location, nature, and height of walls and fences, and the nature and extent of landscaping on the site, shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, nor materially affect property value thereof.
- D. Each application for a conditional use shall be accompanied by a proposed site plan showing the size and location of the lot, the location of all buildings and proposed facilities including access drive, parking area, and all streets within one hundred (100) feet of the lot.
 - E. Any lot for which a conditional use may be granted shall be deemed to be a conforming use in the district in which such use is located, except as provided in Section F below, provided that such approval shall affect only the lot or portion thereof for which such use shall have been granted.
 - F. In case of review of the conditional use, the Planning Board may impose such reasonable conditions, including, but not limited to, the placing of fencing and screening as will minimize the impact such open use has upon surrounding residential properties. In such cases, the Planning Board may also permit reasonable changes in existing structures on the land, within the limitation of the zone in which said use is located, for the purpose of limiting the open use of the land.

1-21 Uses Requiring Site Plan Approval: All activities except the following shall require site plan approval:

- A. The construction, customary use, and modification of single family detached dwelling unit or a two-family dwelling unit, including any permitted accessory buildings and uses incidental to the principal use of the property.
- B. Construction which is determined by the Construction Official to constitute ordinary repairs, as defined by the State of New Jersey Department of Community Affairs Uniform Construction Code.
- C. A proposed development not involving a change in use or occupancy but not affecting existing circulation, drainage, building arrangements, landscaping, buffering, lighting and other considerations of site plan review. Involves normal maintenance or replacement such as a new roof, painting, new siding or similar activity.
- D. Any structure or use for which a site plan review application was made to the Planning Board prior to the effective date of this Ordinance under municipal ordinance and regulations then in effect superseded by this Ordinance and that is developed in accordance with an approval of such application heretofore given by the Planning Board pursuant to said prior ordinance and regulations, provided that such approval is less than two (2) years old.

- E. Construction which is determined by the Construction Official to constitute ordinary repairs, as defined by the State of New Jersey Department of Community Affairs Uniform Construction Code.

Site plans for uses of all property, except individual single family and two-family residences and those exemptions listed above, shall in addition to conforming to any and all regulations pertaining thereto that are specifically set forth in this Ordinance, be reviewed and approved by the Planning Board prior to the issuance of a zoning permit. In considering any site plan hereunder, the Planning Board shall be governed by the objectives and standards contained within this Ordinance.

1-22 Waiver of Site Plan and Subdivision Review: The rules, regulations, and standards set forth in this Article shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Borough. However, if the applicant can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of this Ordinance is 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.

1-23 Planning Board / Zoning Board Jurisdiction: In this Ordinance, any reference to the "Planning Board" shall be considered to refer to the Zoning Board of Adjustment in those instances where the Zoning Board of Adjustment has jurisdiction as granted by the Municipal Land Use Law (N.J.S. 40:55D-1 et seq.) and vice versa.

1-24 Bylaws: The Planning Board may, from time to time, promulgate such rules and regulations as it may deem necessary for the proper internal administration of this Ordinance. A copy of such rules and regulations shall be kept in the Borough offices on file with the Construction Official and the Borough Clerk.