

**SECTION I
GENERAL PROVISIONS**

1-1 Title

A comprehensive Ordinance regulating and limiting the uses of land and the uses and locations of buildings and structures; regulating and restricting the height and bulk of buildings and structures and determining the area of yards and other open spaces; regulating and restricting the density of population; dividing the Borough of West Wildwood into districts for such purposes; adopting a map of said Borough showing boundaries and the classification of such districts; establishing rules, regulations and standards governing the subdivision and development of land within the Borough; establishing a combined Planning Board and Zoning Board of Adjustment; and prescribing penalties for the violation of its provision.

This Ordinance shall consist of text and a Zoning Map, said map being entitled "Zoning Map, Borough of West Wildwood". This map, together with all explanatory matter thereon, is declared to be a part of this Ordinance, and is on file and shall be kept on file with the Borough Clerk and Planning Board Secretary. If and when changes are made in boundaries or other matters included on said Zoning Map, such changes in the map shall be made promptly after the amendment has been approved by West Wildwood Board of Commissioners.

1-2 Short Title: The short form by which this Ordinance may be known shall be "THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF WEST WILDWOOD."

1-3 Purpose: The Ordinance is adopted pursuant to N.J.S.A. 40:55D-1 *et seq.*, in order to promote and protect the public health, safety, comfort, convenience, prosperity, morals, and general welfare, and in the furtherance of the following related and more specific objectives.

- A. To secure safety from fire, flood, panic and other natural and man-made disasters;
- B. To provide adequate light, air and open space;
- C. To ensure that the development of the Borough does not conflict with the development and general welfare of neighboring municipalities, the County and the State as a whole;
- D. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- E. To encourage an appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- F. To provide sufficient space in appropriate locations for a variety of residential, recreational, commercial and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;

- G. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which would result in congestion, blight, or safety hazards;
- H. To promote a desirable visual environment through creative development techniques and good civic design and arrangements;
- I. To promote the conservation of historic sites, open space, energy resources and valuable natural resources in the Borough and to prevent urban degradation of the environment through improper use of land;
- J. To encourage planned and comprehensive developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, and recreational development to the particular site;
- K. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- L. To promote utilization of renewable energy sources, and;
- M. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

These general objectives shall include, among others, the specific purposes set forth in the statements of intent of the various regulations for the respective zoning districts. This Ordinance shall be administered to insure the orderly growth and development, the conservation, protection and proper use of land and adequate provisions for circulation, utilities and services, and the conservation and environmental protection of all land, water and air resources within the jurisdiction of the Borough of West Wildwood.

1-4 Interpretation of Standards: The provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed and required by other provisions of law or by other rules, regulations or resolutions, the provisions of this Ordinance shall control. Where other laws, rules, regulations or resolutions require greater restrictions than were imposed by this Ordinance, the provisions of such other laws, rules, regulations or restrictions shall control.

1-5 Prohibited Uses: All uses not expressly permitted in this Ordinance are prohibited.

1-6 Applicability of Definitions: Definitions as set forth in Article II shall apply in this Ordinance.

1-7 Establishment of Control:

- A. The regulations set forth in this Ordinance for each zoning district shall be minimum regulations, unless otherwise specified, and shall apply uniformly to each class or kind of structure or land.

- B. In all zoning districts, after the effective date of this Ordinance, any new building or structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.
- C. In all zoning districts, after the effective date of this Ordinance, any existing building or other structure or part thereof or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed as non-conforming and subject to the regulations found in this Ordinance.

1-8 Compliance: All applicable requirements shall be met at the first time of erection, enlargement, alteration, moving or change in use of a structure and shall apply to the entire structure or structures, whether or not the entire structure or structures were involved in the erection, enlargement, alteration, moving or change in use. Moreover, no building or structure shall be erected, moved, altered, added to or enlarged unless in conformity with this Ordinance and no building or structure shall be designed, used or occupied and no land shall be used or occupied for any purpose or in any manner other than as specified in this Ordinance.

1-9 Types of Controls: The following minimum and uniform regulations shall apply in the respective districts:

- A. Use regulations, including uses by right, accessory uses and conditional uses.
- B. Area and bulk regulations, including required front, side and rear yards, maximum permitted height and maximum allowable building and lot coverage.
- C. Off-street parking regulations, including minimum required parking spaces.
- D. Off-street loading regulations, including minimum required loading spaces for specified uses.