

*City of North Wildwood, NJ  
Wednesday, July 17, 2024*

## Chapter 276. Land Development

### Article IV. District Regulations

#### § 276-20. CBD Central Business.

##### A. Purpose statement.

- (1) The intent of the City's commercial zoning districts is to provide the variety of goods and services necessary to address the needs of the City's indigenous (year-round) residential base, its seasonal vacation homeowners and its tourist population.
- (2) The purpose of the Central Business Zoning District is to provide for an appropriate mix of retail and service-oriented commercial, office and other uses, with supportive residential above, designed to strengthen and enhance the City's economic base, generate employment opportunities (including opportunities for City residents) and stimulate new tax ratables in a mixed-use community with a traditional urban fabric within the City's downtown commercial core.

##### B. Principal permitted uses and structures on the land and in buildings:

- (1) General commercial activities: uses designed to provide for the routine needs of the citizens of North Wildwood. Examples include: pharmacies and drugstores (without drive-through windows); convenience stores (without fuel-dispensing facilities); general retail, dry-goods, appliance, furniture, home improvement, paint and hardware stores; bait and tackle, fishing and boating supply; financial institutions, including associated bank drive-in facilities; arts, crafts, fabric, and hobby shops; sporting goods stores, including bicycle sale, rental and repair; other rental enterprises of small portable appliances and equipment; sale of household items; pet and grooming shops; toy stores; book shops and newspaper/magazine stores; antique, boutique, fabric, rug and tile, clothing, shoe, jewelry, gift and variety shops; video rental and sales; greeting card, stationery, and florist shops; upholstery shops; and like and similar activities.
- (2) General personal/service activities: uses designed to provide for the routine needs of the citizens of North Wildwood. Examples include: hair and nail salons; barber- and beauty shops; day spas and similar personal services; tailor shops; retail dry cleaners (no commercial dry cleaning on premises); laundromats; shoe repair; small appliance repair (excluding nonportable appliance, equipment or machine services or any other type of service which requires truck, van or trailer pickup or delivery of the equipment to be serviced); and like and similar activities.
- (3) Grocery stores, food markets and specialty food outlets, excluding those with window service for take-out fare. Examples include, but are not limited to: delicatessens; bakeries; candy stores; ice cream stores; meat and/or seafood markets or take-out restaurants; food markets; non-automobile-oriented restaurants, defined as nonalcoholic-beverage-service restaurants with sit-down table service which exclude drive-in facilities and/or fast-food restaurants, provided that no other activities associated with other permitted principal uses are conducted as part of this use.

- (4) Professional, legal, tax, real estate, administrative, contracting, construction, property management and consulting services offices, including medical and dental complexes; additionally, administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or federal governmental services.
- (5) Fraternal, social, educational or charitable facilities.
- (6) Commercial parking facilities.
  - (a) Off-street parking shall be provided as determined by the needs of the facility.
  - (b) Site landscaping shall be provided in sufficient quantity and placement in order to create a visual buffer from all public rights-of-way or adjacent properties. Suggested plant species are referenced in Appendix A.<sup>[1]</sup>  
 [1] *Editor's Note: Appendix A is on file in the City offices.*
- (7) Public utilities' central substations (see § 276-7 for definition), subject to the following:
  - (a) The proposed installation in a specific location must be necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is located.
  - (b) The design of any structure in connection with such facility must not adversely affect the safe, comfortable enjoyment of property rights in the surrounding area.
  - (c) Adequate fencing and other safety devices shall be provided and shall be installed in accordance with the applicable requirements of the New Jersey Board of Public Utilities and/or other applicable codes.
  - (d) Site landscaping shall be provided in sufficient quantity and placement in order to create a visual buffer from all public rights-of-way or adjacent properties. Suggested plant species are referenced in Appendix A.<sup>[2]</sup>  
 [2] *Editor's Note: Appendix A is on file in the City offices.*
  - (e) Off-street parking shall be provided as determined by the needs of the facility.
- (8) Contractor's warehouse and offices, including material or design showrooms.
- (9) Methadone clinic (see § 276-7 for definition); however, no methadone clinic shall be permitted in any of the drug-free zones that appear on and which are depicted on the Drug-Free Zone Map of the City of North Wildwood, which has been produced, approved and adopted pursuant to the authority contained in N.J.S.A. 2C:35-7 and 2C:35-7.1 and which is referred to in Chapter 214, Drug-Free Zones, of the Code of the City of North Wildwood.
- (10) Body art establishments (see § 276-7 for definition).
- (11) Wireless antennas, provided that new antennas utilize co-location or are installed on existing structures.
- (12) Preexisting, nonconforming single-family residential structures, provided that they do not front directly onto New Jersey Avenue, shall be permitted to be demolished and rebuilt, or a new construction built or an addition constructed on existing tax lots of record, thereon without variance relief, but are still located within the 100-foot CBD Zone along New Jersey Avenue. In this case of new construction and additions, front yard setbacks shall be a minimum of 10 feet. [Added 8-3-2021 by Ord. No. 1844; amended 12-19-2023 by Ord. No. 1923]

C. Accessory uses permitted:

- (1) Off-street parking [see § 276-20F(10) as referenced hereinbelow and § 276-35].
- (2) Fences and walls (see § 276-30).

- (3) Signs [see § 276-20F(11) hereinbelow and § 276-40].
- (4) Garages and storage buildings on the same lot/parcel.
- (5) Satellite dish antennas. All satellite dish antennas shall be no larger than four feet in diameter, located on the principal structure or as an accessory structure meeting accessory structure yard requirements stated below, and located in the rear yard. For all practical purposes, satellite dish antennas shall not be seen from the front facade of the building or the street.
- (6) Public utility cabinet(s) not exceeding three feet in height, with adequate landscaping screening as necessary, and not located in sight triangle easements at street corner intersections. It is recommended that public utility cabinet(s) be located underground in watertight vaults. Suggested plant species are referenced in Appendix A.<sup>[3]</sup>

[3] *Editor's Note: Appendix A is on file in the City offices.*
- (7) Public utility lines. Public utility lines for the transportation and distribution and control of water, electricity, gas, oil, steam, telegraph and telephone communications, and their supporting members, other than buildings or structures, shall not be required to be located on a lot, nor shall this chapter be interpreted as to prohibit the use of a property in any zone for the above uses.
- (8) Solar energy systems (see § 276-76 through § 276-83).
- (9) Christmas tree sales. The annual sale of Christmas trees is permitted between December 1 and December 25, inclusive.
- (10) Public election voting places. The provisions of this chapter shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
- (11) Sidewalk cafe with tables on the sidewalk in front of or on the side of the non-automobile-oriented restaurant's premises. For food markets and specialty food outlets, excluding those with window service for take-out fare, sidewalk cafes shall take place on site but not be located in the public sidewalk and/or public street right-of-way. Examples include, but are not limited to: delicatessens; bakeries; candy stores; ice cream stores; meat and/or seafood markets or take-out restaurants; food markets; non-automobile-oriented restaurants, defined as nonalcoholic-beverage-service restaurants with sit-down table service which exclude drive-in facilities and/or fast-food-restaurants. Outside tables and seats may be situated outside of the building (except as referenced in the conditional uses section herein) on the parcel/lot but not in the public/street right-of-way. No operation of a business in the CBD Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for use as the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway.
  - (a) The hours of operation of a sidewalk cafe shall be limited to the hours of operation of the associated restaurant. In no event shall the hours of operation go past 12:00 midnight.
  - (b) Outdoor dining is separate from a sidewalk cafe, as it is defined as any part of a food establishment located outdoors. Outdoor dining is permitted in locations subject to the exclusive approval of the Mayor and Council. The inclusion of outdoor dining will not require any additional parking based upon the number of permitted tables and/or permitted seats.
  - (c) Adequate lighting shall be provided to promote safe passage of pedestrians and for patrons.
  - (d) Awnings and/or umbrellas may be used in conjunction with the sidewalk cafe. Awnings shall be adequately secured. Awnings, including supporting structures, must be within the property line. The bottom of the awning shall be seven feet from the ground.

(e) Parklets shall be permitted in locations subject to the exclusive approval of the Mayor and Council.

(12) Temporary construction trailers and one sign, not exceeding 50 cumulative square feet, advertising the prime contractor, subcontractor(s), architect, block and lot identifier data of the lot, financing institution and similar data for the period of construction, beginning with the issuance of a construction permit and concluding with the issuance of a certificate of occupancy or one year, whichever is less, provided said trailer(s) and sign are on the site where construction is taking place and set back at least 10 feet from all street and lot lines.

D. Maximum building height.

(1) No building height shall exceed 36 feet in height from the base flood elevation (BFE) or three stories, whichever is less, except as allowed in § 276-47. The following structures may be erected above the heights prescribed by this chapter, but in no case shall the height of any of these appurtenances exceed a height equal to 10% more than the maximum height permitted for the particular use in this zoning district:

(a) Decks; however, in no case shall a deck be permitted to be constructed higher than the floor of the existing top floor of a structure.

[Amended 6-8-2022 by Ord. No. 1880]

(b) Skylights, spires, cupolas, flagpoles, chimneys or similar structures.

(c) Safety enclosures of rooftop areas of hotels and motels used for sundecks and other recreational purposes.

(2) Cellular telephone antennas and/or associated equipment are expressly excluded from this subsection.

E. Area and yard requirements.

Category	Requirement
Principal buildings, minimum	
Lot area	4,000 square feet
Lot frontage	40 feet
Lot width	40 feet
Lot depth	100 feet
Side yard (each)	6 feet
	0 feet to the nearest interior property line, provided that two or more adjoining property owners agree to build to this standard and then only if access to the rear of the building is maintained via a service alley or shared parking
Front yard	0 feet
Rear yard	15 feet
Maximum coverage of principal building	65%
Accessory building, minimum	
Distance to side line	4 feet
Distance to rear line	
Distance to other building	
Maximum lot (impervious) coverage	80%

**F. General requirements.**

- (1) Any principal building may contain more than one permitted use and/or organization, provided that the total building coverage of the combined activities does not exceed the maximum building coverage specified for the district and, further, that any building shall have a maximum of three permitted uses within it, and that each activity occupies a minimum gross floor area of 750 square feet for individual uses.
- (2) All buildings on a single commercial site shall be compatibly designed, whether constructed all at one time or in stages over a period of time. No development in the CBD Zoning District shall be constructed unless the development is part of an approved site plan and unless the following minimum standards are met, in addition to other applicable requirements of this chapter.
- (3) Merchandise may be displayed outside of the building (except as referenced in the conditional uses section herein) if attached to the building facade and/or on the parcel/lot but not in the public/street right-of-way. No merchandise used in connection with the operation of a business in the CBD Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such merchandise project or protrude into, on or above the required five-foot-wide pedestrian passageway.
- (4) All merchandise must be removed when the business is closed for operation.
- (5) All areas not utilized for buildings, parking, loading, access aisles, driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or similar plantings and maintained in good condition. Suggested plant species are referenced in Appendix A.<sup>[4]</sup> Corner lots bordering street intersections shall adhere to the sight triangle provisions stated herein at § 276-30.  
*[4] Editor's Note: Appendix A is on file in the City offices.*
- (6) Each nonresidential use must include provisions for the collection, disposition and recycling of recyclable materials, as designated in the Municipal Recycling Ordinance.<sup>[5]</sup> All recycling not stored within a building shall be stored within an enclosed container. All solid waste not stored within a building shall be stored within an enclosed container. The amount of recyclable and solid waste material generated weekly by each use shall be quantified and reviewed during site plan review to determine whether the storage area to contain a week's accumulation of material is adequate in size and location. The storage area shall be designed for commercial truck access for pickup of materials and be suitably screened from view if located outside a building.  
*[5] Editor's Note: See Ch. 374, Art. II, Recycling.*
- (7) Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard setback; and as to any such equipment that is located in a side yard setback, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt from this regulation.
- (8) Bicycle racks shall be located on the business site, with a minimum capacity of seven bicycles. No locking mechanisms need to be provided. The racks shall be located/installed in such a manner that they do not interfere with or are not located in the public/street right-of-way and/or sidewalk area.

- (9) Special design standards applicable to the CBD District. An attractive streetscape contributes positively to the visual impression of a community. It is the City's intention, therefore, to ensure that development located in the CBD District on New Jersey Avenue, 17th Avenue and Spruce Avenue supports a vibrant, human-scale environment along the City's main arteries. The following standards apply to all principal buildings in the CBD Zone on New Jersey Avenue, 17th Avenue and Spruce Avenue:
- (a) All buildings located on New Jersey Avenue shall be oriented to front towards and relate to New Jersey Avenue, both functionally and visually, as opposed to the intersecting side streets. For developments which include residential flats, the required lot depth of 100 feet must be taken from New Jersey Avenue; except that for developments having one residential unit, the lot depth may be taken off the side street.
  - (b) All buildings located on New Jersey Avenue shall have entrance doors set back into an opening allowing for outward egress (for Fire Code purposes) without opening the entrance door onto the sidewalk and/or in the public/street right-of-way.
  - (c) Large blank walls facing New Jersey Avenue are prohibited.
  - (d) All commercial space shall have primary entrances accessed directly from the sidewalk on New Jersey Avenue. Sidewalks should extend from the building facade to the curb.
  - (e) First-floor facades intended for retail use must face New Jersey Avenue with large, clear storefront glass areas to display the nature of the business and produce an interesting streetscape. Storefront windows may be either typical large, single panes or multiple smaller panes (approximately two square) separated by mullions.
  - (f) In a multitenant building, each shop shall have its own shop front facing New Jersey Avenue. The shop fronts may either have identical designs to reinforce the building design or varied designs to express the different businesses. A shop front should be separated from the roofline or a second floor by a horizontal architectural element such as a sash, cornice, frieze, molding, etc.
  - (g) There shall be no open stairways leading to the second floor off New Jersey Avenue.
- (10) Minimum off-street parking. Each individual use shall provide parking spaces according to the following minimum provisions. Where a permitted use of land includes different specific activities with different specific parking requirements, the total number of required parking spaces shall be obtained by individually computing the parking requirements for each different activity and adding the resulting numbers together.
- (a) Permitted uses such as those uses listed in § **276-20B(1), (2), (5) and (6)** shall provide parking at the ratio of one space per 400 square feet of gross floor area. Additionally, drive-in banks shall provide room for at least eight automobiles per drive-in window for queuing purposes.
  - (b) Permitted uses such as those uses listed in § **276-20B(3)** shall provide a minimum of one space for every six seats, but, in all cases, a sufficient number of spaces to prevent any parking along private driveways, fire lanes and aisles. Outdoor seating/dining areas intended for use during spring, summer and autumn months shall not be considered when calculating the number of parking spaces required by this subsection.
  - (c) Residential uses shall provide parking in compliance with the NJRSIS.
  - (d) Special parking standards applicable to the CBD District.
- [1] Credit shall be given on a 50% basis (rounded to the higher number) for on-street parking spaces towards the nonresidential component of a project's parking requirement [e.g., seven on-street spaces will get credit for four on-site spaces (seven by 50% = 3.5, and 3.5 rounded to the higher number is four)]. The on-street spaces shall be directly adjacent to the subject property, be clearly indicated on the site plan,

measure eight feet by 22 feet, and not interfere with loading or delivery operations, fire lanes, bikeways, bus stops, sight triangles, pedestrian crossings or driveways.

- [2] A developer may satisfy up to two spaces of nonresidential parking deficiency by contributing to a municipal parking capital improvement fund for the design, purchase, construction and maintenance of municipal parking lots. The developer shall make a contribution of \$4,000 per deficient space. Full payment is required as a condition of the issuance of the first construction permit.

(e) See § **276-35** for additional parking standards.

(11) Permitted signs.

- (a) Each individual use in an individual building may have one pole-mounted sign not exceeding 150 square feet in size and may have one sign attached to the building not exceeding an area equivalent to 25% of the front facade of the business to which it is attached or 150 cumulative square feet, whichever is smaller. Where an individual activity has direct access from the outside, a sign not exceeding four square feet identifying the name of the activity may also be attached to the building at the entrance to the activity, exclusive of the cumulative sign square-foot requirement.
- (b) Where individual uses share a common walkway, each use served by the walkway may have one additional sign which shall be either attached flat against the building or be suspended in perpendicular fashion from the roof over the common walkway. Suspended signs over public sidewalk areas shall be no closer than eight feet at their lowest point to the finished grade level below them and shall not project past the curblines. No such sign shall exceed 20 square feet in area.
- (c) Special signage standards applicable to the CBD District. All nonresidential signage shall be restricted to the New Jersey Avenue side of the building and to the first 30 feet on the side street, if applicable, measured from the front building wall. In this case, two building frontages, two signs are permitted.
- (d) Special signage standards applicable to the CBD District. "Open for business" window signs, if located in a storefront window, shall be excluded from the overall sign calculations as long as the sign does not exceed 10 square feet in area. Signs, typically the A-frame/sandwich-board style, ancillary to the permitted use shall be permitted on the sidewalk area, at the curb or against the building wall. The sign shall not exceed four square feet, identifying the name of the location, exclusive of the cumulative sign square-foot requirement. No operation of a business in the CBD Zoning District shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of the traveled way for pedestrians, nor shall any such operation of the business or outside tables and seats project or protrude into, on or above the required five-foot-wide pedestrian passageway. Signs in this style shall be a maximum of eight square feet. All signs as permitted by this section must be removed when the business is closed for operation. On corner properties/street intersections, no handicapped sidewalk curbs ramps shall be blocked by said signs.
- (e) Temporary sign banners, such as "clearance," "sale," "end of year," etc., are permitted to be attached to the building facade so long as the banner is not posted for more than 10 calendar days.
- (f) All signs mounted to building facades over public sidewalk areas must be eight feet from grade elevation.
- (g) See § **276-40** for additional standards.

(12) Minimum off-street loading; trash and garbage locations.

- (a) The need for, location and design of off-street loading and unloading areas shall be considered and determined at the time of site plan review. Off-street loading and unloading

areas shall take place on site but not in the public/street right-of-way.

- (b) The need for, location and design of recycling, trash and garbage locations shall be considered and determined at the time of site plan review. Recycling, trash and garbage loading and unloading areas shall take place on site but not in the public/street right-of-way.

**G. Conditional uses permitted.**

- (1) General conditional use standards. In addition to the conditional use standards detailed for each specific conditional use under § 276-20G, all conditional uses shall:

- (a) For commercial uses, abut and be oriented toward New Jersey, Spruce or 17th Avenue, as the case may be;
- (b) For commercial uses, provide site landscaping of sufficient design and in sufficient quantity and placement in order to create a visual and noise buffer from abutting residential districts and uses;
- (c) Provide access drives at a minimum of 20 feet from all lot lines, street intersections and other driveways on the same lot; and
- (d) Comply with all other requirements of the chapter in general and the CBD District in particular, except where residential regulations apply for single- and two-family residential use as outlined in Subsection **G(2)(o)** below.

- (2) Conditional use categories and specific use standards.

- (a) Automobile-oriented general commercial activities: uses designed to provide for the routine needs of the citizens of North Wildwood which typically require patrons to drive to the location. Due to their very nature, such uses may be anticipated to generate large volumes of traffic and thereby, absent appropriate land use controls, have the potential to negatively impact the quiet enjoyment of the adjacent residential community. Examples include: pharmacies with drive-through windows; convenience stores with fuel-dispensing facilities; package liquor stores with drive-up window service; and like and similar activities.
- (b) Drive-in restaurants, fast-food restaurants and specialty food outlets with drive-up window service for take-out fare.
- (c) Bulk standards for conditional uses in § 276-20G(2)(a) and (b):

**Category**

**Requirement**

The entire under-canopy and automobile queuing area of the drive-through element shall be considered part of the principal building. In such instances, multiple principal buildings shall be permitted. Should no canopy be proposed, the drive-through area shall be measured by the smallest projected, enclosed, four-sided, regular (right-angled, straight-edged) geometric shape necessary to encompass the service and queuing components of the drive-through.

Principal buildings, minimum

Lot area	10,000 square feet
Lot frontage	100 feet
Lot width	100 feet
Lot depth	100 feet
Side yard setback (each)	10 feet
Abutting a residential zone	30 feet, treated with site landscaping of sufficient design and in sufficient quantity and placement to create a vis-



Category	Requirement
	ual and noise buffer from abutting residential districts and uses
Front yard setback	0 feet
Rear yard setback	20 feet
Abutting a residential zone	30 feet, treated with site landscaping of sufficient design and in sufficient quantity and placement to create a visual and noise buffer from abutting residential districts and uses
Maximum coverage of principal building	60%
Accessory building, minimum	
Distance to side line	10 feet
Distance to rear line	20 feet
Distance to other building	10 feet
Maximum lot (impervious) coverage	80%
Maximum building height	35 feet

(d) Additional standards for conditional uses in § **276-20G(2)(a)** and **(b)** hereinabove:

- [1] Automobile-oriented general commercial activities and drive-in restaurants, fast-food restaurants and specialty food outlets with window service for take-out fare are permitted one freestanding (pole) sign not exceeding 150 square feet in total surface area and one building-mounted sign not exceeding the lesser of 25% of the building facade on which it is mounted or 50 square feet. The pole sign shall be set back at least five feet from the property line. See § **276-20F(11)** and § **276-40** for additional standards.
- [2] Landscaping shall be provided in the front yard area and shall be reasonably distributed throughout the entire front yard area. Suggested plant species are referenced in Appendix A.<sup>[6]</sup>
- [6] *Editor's Note: Appendix A is on file in the City offices.*
- [3] Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard setback; and as to any such equipment that is located in a side yard setback, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt from this regulation.
- [4] Bicycle racks shall be located on the business site, with a minimum capacity of seven bicycles. No locking mechanisms need to be provided. The racks shall be located/installed in such a manner that they do not interfere with or are not located in the public/street right-of-way and/or sidewalk area.
- [5] Minimum off-street loading; trash and garbage locations.
- [a] The need for, location and design of off-street loading and unloading areas shall be considered and determined at the time of site plan review. Off-street loading

and unloading areas shall take place on site but not in the public/street right-of-way.

- [b] The need for, location and design of recycling, trash and garbage locations shall be considered and determined at the time of site plan review. Recycling, trash and garbage loading and unloading areas shall take place on site but not in the public/street right-of-way.

- [6] Automobile or marine service stations. Examples include: fueling stations, automobile, truck and boat (including personal watercraft) repair, auto-body repair and car washes, whether or not such uses are conducted on an individual bases or are combined within a single site.
- [7] Stand-alone car washes when not part of an automobile or marine service station.
- [8] Bulk standards for conditional uses.

### Category

### Requirement

The entire under-canopy area of the fuel pump islands shall be considered part of the principal building. In such instances, multiple principal buildings shall be permitted. Should no canopy be proposed, the fuel pump area shall be measured by the smallest projected, enclosed, four-sided, regular (right-angled, straight-edged) geometric shape necessary to encompass each and every component of the fuel pump islands, including kiosks for motor oil, antifreeze and other for-sale items and trash receptacles

#### Principal buildings, minimum

Lot area	40,000 square feet
Stand-alone car washes when not part of an automobile or marine service station	10,000 square feet
Lot frontage	200 feet
Lot width	200 feet
Stand-alone car washes when not part of an automobile or marine service station	100 feet
Lot depth	200 feet
Stand-alone car washes when not part of an automobile or marine service station	100 feet
Side yard setback (each)	25 feet
Abutting a residential zone	50 feet, treated with site landscaping of sufficient design and in sufficient quantity and placement to create a visual and noise buffer from abutting residential districts and uses
Front yard setback	40 feet
Stand-alone car washes when not part of an automobile or marine service station	40 feet
Rear yard setback	25 feet
Stand-alone car washes when not part of an automobile or marine service station	20 feet

<b>Category</b>	<b>Requirement</b>
Abutting a residential zone	50 feet, treated with site landscaping of sufficient design and in sufficient quantity and placement to create a visual and noise buffer from abutting residential districts and uses
Maximum coverage of principal building	40%
Accessory building, minimum	
Distance to side line	10 feet
Distance to rear line	20 feet
Distance to other building	10 feet
Maximum lot (impervious) coverage	80%
Minimum distance from (to ensure appropriate driveway widths)	
Any firehouse, school, playground, place of worship, hospital, public building or institution	200 feet
Any other automobile or marine service station, or any component thereof	400 feet
Minimum distance between fuel pump islands	20 feet
Minimum setback required between any building or driveway on a lot utilized for a service station and any residential use	50 feet

(e) Additional standards for conditional uses in § 276-20G(2)(d)[6] and [7] hereinabove:

- [1] With the exception of fuel and air pumps, all operations, including all appliances, pits, storage areas, garbage facilities and mechanical car washes, shall take place within an enclosed building. Open-air hand-drying of washed vehicles is permitted.
- [2] Outdoor storage of motor vehicles, boats or personal watercraft, or parts therefor, shall be limited to a fully enclosed, fully buffered yard area, it being the intent that no dismantled vehicles or parts shall be visible from any public right-of-way or adjacent property.
- [3] A vehicle awaiting repair or pickup from repair may be stored at any automobile or marine service station premises outside of a closed or roofed building or a fully enclosed, fully buffered yard area for a period of time not to exceed five days. No junk motor, boat or personal watercraft, or part thereof or part therefor, shall be permitted on the premises of any automobile or marine service station.
- [4] The exterior display (parking) of motor vehicles, trailers, boats, personal watercraft or related equipment, for sale, lease or storage, is prohibited.
- [5] Automobile or marine service stations shall provide at least six off-street parking spaces for the first repair area, five additional spaces for a second repair area, and three additional spaces for each repair area thereafter. Parking spaces shall be separated from the driveway and general apron areas which give access to the fuel pumps, air pumps and repair areas. No designated parking space shall obstruct access to such facilities. No parking shall be permitted on unpaved areas. Driveways shall be a minimum of 20 feet from all lot lines, street intersections and other driveways on the same lot/parcel.
- [6] Automobile or marine service stations are permitted one freestanding (pole) sign not exceeding 20 square feet in total surface area and one building-mounted sign not

exceeding the lesser of 25% of the building facade on which it is mounted or 30 square feet. The pole sign shall be set back at least 10 feet from all rights-of-way and lot lines. See § 276-20F(11) and § 276-40 for additional standards.

- [7] Landscaping shall be provided in the front yard area and shall be reasonably distributed throughout the entire front yard area. Suggested plant species are referenced in Appendix A.<sup>[7]</sup>
- [7] *Editor's Note: Appendix A is on file in the City offices.*
- [8] Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard setback; and as to any such equipment that is located in a side yard setback, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt from this regulation.
- [9] Stand-alone car washes: in addition to the actual service stall (defined as areas for the actual washing, vacuuming, waxing or other servicing of the vehicle).
- [a] Mechanical car washes shall provide five queuing spaces before each service stall and one drying space after the washing stall. Manual car washes shall provide three queuing spaces before each service stall.
- [b] All vehicle entrances shall be from the rear of the building. All queuing shall be accommodated on the lot.
- [c] Entrance access driveways shall not be located within 300 feet of the intersection of any two street lines or within 10 feet of any lot line.
- (f) Specialized entertainment venues, such as theaters, arenas, performing arts centers, movie theaters, amphitheaters, aquariums, museums (cultural or popular) and other like and similar attractions.
- (g) Enclosed active, sports-oriented entertainment/recreation elements, such as fitness centers, swimming pools, bowling alleys, skating rinks, and other like and similar attractions, excluding amusement arcades.
- (h) Traditional open-air, active, sports-oriented entertainment/recreation elements, such as tennis courts and miniature golf courses.
- (i) Assembly, bottling, compounding, fabrication, packaging, processing, production or repair of materials or products from previously prepared materials within a completely enclosed building wherein the activities conducted do not generate harmful or unpleasant dust, smoke, noise, odors, pollutants or recognized deleterious substances.
- (j) Bulk standards for conditional uses.

Category	Requirement
Principal buildings, minimum	
Lot area	40,000 square feet
Lot frontage	200 feet
Lot width	200 feet
Lot depth	200 feet

Category	Requirement
Side yard setback (each)	25 feet
For open-air miniature golf courses	6 feet, and said side yard setbacks shall be suitably landscaped (Suggested plant species are referenced in Appendix A.) <sup>[8]</sup>
Abutting a residential zone	50 feet, treated with site landscaping of sufficient design and in sufficient quantity and placement to create a visual and noise buffer from abutting residential districts and uses
Front yard setback	0 feet
Rear yard setback	25 feet
Abutting a residential zone	50 feet, treated with site landscaping of sufficient design and in sufficient quantity and placement to create a visual and noise buffer from abutting residential districts and uses
Maximum coverage of principal building	40%
Accessory building, minimum	
Distance to side line	10 feet
Distance to rear line	20 feet
Distance to other buildings	10 feet
Maximum lot (impervious) coverage	80%

[8] *Editor's Note: Appendix A is on file in the City offices.*

(k) Additional standards for conditional uses in § 276-20G(2)(f), (g), (h) and (i) hereinabove:

[1] Landscaping shall be provided in the front yard area and shall be reasonably distributed throughout the entire front yard area. Suggested plant species are referenced in Appendix A.<sup>[9]</sup>

[9] *Editor's Note: Appendix A is on file in the City offices.*

[2] Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard setback; and as to any such equipment that is located in a side yard setback, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt to this regulation.

[3] Bicycle racks shall be located on the business site, with a minimum capacity of seven bicycles. No locking mechanisms need to be provided. The racks shall be located/installed in such a manner that they do not interfere with or are not located in the public/street right-of-way and/or sidewalk area.

[4] Minimum off-street loading; trash and garbage locations.

[a] The need for, location and design of off-street loading and unloading areas shall be considered and determined at the time of site plan review. Off-street loading

and unloading areas shall take place on site but not in the public/street right-of-way.

- [b] The need for, location and design of recycling, trash and garbage locations shall be considered and determined at the time of site plan review. Recycling, trash and garbage loading and unloading areas shall take place on site but not in the public/street right-of-way.

[5] Parking.

- [a] Specialized entertainment venues, such as theaters, arenas, performing arts centers, movie theaters, amphitheaters, aquariums, museums (cultural or popular), and other like and similar attractions shall provide one space for every four seats.
- [b] Traditional open-air, active, sports-oriented entertainment/recreation elements, such as tennis courts and miniature golf courses, shall provide one space per each hole, plus one space for each employee, but in all cases a sufficient number of spaces shall be provided to accommodate expected needs for any permitted recreational use.
- [c] Assembly, bottling, compounding, fabrication, packaging, processing, production or repair of materials or products facilities shall provide one space for every 1,000 square feet or fraction thereof of gross floor area used for inside storage, plus one space for every 700 square feet or fraction thereof of gross floor area used for repair or body work or manufacturing, plus one space for every 200 square feet or fraction thereof of gross floor area used for offices.
- [d] Drive-in restaurants, fast-food restaurants and specialty food outlets with drive-up window service for take-out fare shall provide a minimum of one space for every six seats, but in all cases, a sufficient number of spaces to prevent any parking along private driveways, fire lanes and aisles. Additionally, drive-up window service for take-out fare shall provide room for at least eight automobiles per drive-in window for queuing purposes. Outdoor seating/dining areas intended for use during spring, summer and autumn months shall not be considered when calculating the number of parking spaces required by this subsection.
- [e] Automobile-oriented general commercial activities, such as pharmacies with drive-through windows, convenience stores with fuel-dispensing facilities, package liquor stores with drive-up window service, and like and similar activities, shall provide parking at the ratio of one space per 400 square feet of gross floor area. Additionally, drive-up window service for take-out service shall provide room for at least eight automobiles per drive-in window for queuing purposes.

(l) Child-care centers, as conditional uses.

- [1] No child-care center shall be developed or operated unless it first obtains, and maintains throughout the course of the operation, a valid license from the New Jersey Department of Children and Families.
- [2] Recommended bulk requirements. Unless stricter standards are required by the New Jersey Department of Children and Families, bulk requirements for such conditional use shall be the same as the bulk standards for permitted principal uses in the CBD Zoning District in § 276-20E herein.
- [3] No child-care center shall be developed or operated:
  - [a] Without an appropriate porte cochere area wherein enrolled children may be picked up or dropped off in a secured environment which is clearly separated from general street traffic.

- [b] Without dedicated on-site parking for all employees at a ratio of one parking space per employee as well as one space for each four enrolled children in order to provide parking for parents wishing to observe the operations or meet with facility staff.
- [c] Without a dedicated, fenced area, no higher than four feet from grade, fully secured and age-appropriate lawn areas for outdoor recreation space for enrolled children of various age groups.

(m) Adult businesses as conditional uses.

- [1] Family-friendly tourism is the life-blood of the local economy. Facilitating such an atmosphere is critical if the City is to retain its economic base. Any element which negatively impacts such atmosphere represents a detriment to the City's economic base and the welfare of the community. Adult businesses have a unique potential to negatively impact such atmosphere and therefore threaten the City's economic well-being. Adult business practices that engage in or otherwise promote obscenity are prohibited. Adult business practices which do not rise to the level of obscenity, as defined by the laws of the United States of America and the State of New Jersey, are conditional uses hereby regulated in such a way as to minimize their adverse effect on the community at large, including, but not limited to, potential negative impacts on the public health, safety or welfare, economic health, community mores and values.
- [2] Definitions. As used in this section, "adult businesses" shall have the definition that is set forth in § 276-46F.
- [3] Bulk standards for adult businesses as a conditional use.

Category	Requirement
Principal buildings, minimum	
Lot area	4,000 square feet
Lot frontage	40 feet
Lot width	40 feet
Lot depth	100 feet
Side yard setback (each)	10 feet
Front yard setback	0 feet
Rear yard setback	20 feet
Abutting a residential zone or use	30 feet, treated with site landscaping of sufficient design and in sufficient quantity and placement to create a visual and noise buffer from abutting residential districts and uses
Maximum coverage of principal building	40%
Accessory building, minimum	
Distance to side line	10 feet
Distance to rear line	10 feet
Distance to other building	10 feet
Maximum lot (impervious) coverage	80%

- [4] General standards for adult businesses as a conditional use.
  - [a] Adult businesses as conditional uses as referenced herein and as further defined in § 276-7 shall be subject to the following restrictions:

- [i] No adult businesses as conditional uses as referenced herein shall be located within 1,000 feet of a firehouse, school, lands owned and/or used by a public or private school board, public playground and/or parks, church, place of worship, hospital, public building, housing or institution and youth center. Any adult business use shall be located in buildings no closer than 200 feet to any residential use or district.
  - [ii] No two adult businesses shall be located within 600 feet of each other.
  - [iii] The hours of operation shall be from 10:00 a.m. until 11:00 p.m., Monday through Saturday only.
  - [iv] The interior of each room shall be lighted and designed in such a way that all parts of the same shall be readily visible to all store employees, such as but not limited to the sales clerk, manager, operator and/or customers moving freely within the building. No loudspeaker or sound equipment shall be used which will emit sound to the outside of the building.
- [b] It shall be unlawful to sell, offer for sale, or display obscene material in plain sight or from any public/street right-of-way with the naked eye of any person(s). The display of obscene material, merchandise or similar activities shall be performed in a fully enclosed building, and no merchandise shall be displayed outside of an enclosed building.
- [c] Adult businesses as conditional uses as referenced herein shall be permitted to have signs which shall be limited to lettering indicating the name, address, and general nature of the business only and shall conform in size to signs permitted within the CBD District. Advertisements and displays describing the goods or services operated within the adult business premises shall not be visible from the outside of the building, provided that the general nature of the business, such as the words "books," "motion pictures," "nightclub," "massage," "modeling studio" and similar words of general description, shall be permitted upon signs permitted hereunder. Each adult business as a conditional use as referenced herein in an individual building may have one sign attached to the building, not to exceed 30 square feet in area. Where an individual activity has direct access from the outside, a sign not exceeding four square feet identifying the name of the activity may also be attached to the building at the entrance to the activity. No signs for each adult business as a conditional use as referenced herein are permitted to be suspended over a public sidewalk.
- [d] Special signage standards applicable to the CBD District. All nonresidential signage shall be restricted to the New Jersey Avenue side of the front building wall.
- [e] The operator shall not display or sell any item depicting, graphically or in text, language, gestures or intent which, according to accepted standards of decency, is deemed lewd, obscene or offensive or is intended for adult audiences. Such items shall include, but are expressly not limited to, t-shirts, sweatshirts, hats or other pieces of clothing, statues, statuettes or figurines, pictures, posters, calendars or like or similar items.
- [f] A request by any municipal official to remove any item from display shall automatically constitute a violation of this subsection. The operator shall immediately comply with any such demand. Any breach of this provision shall be considered a material breach of the land use approvals, deeds, leases and other legal documents governing the use or operation of the subject premises. Such official shall have the right to demand removal of any such item on display. The operator shall immediately comply with such demand or shall face immediate closure, subject to all remedies available at law or in equity.



- [g] Adult businesses shall be operated solely within a fully enclosed building having not less than 600 square feet and not more than 900 square feet devoted to such use. The exterior of the business premises shall be so constructed, designed, or laid out so that no person outside the building can view the interior thereof. The doors and windows shall be kept closed, and adult products shall not be visible from the outside when the door is opened for the purpose of entering or exiting the business premises and/or in plain sight or from any public/street right-of-way with the naked eye of any person(s).
- [h] No additional uses shall be permitted within any building which operates an adult business.
- [i] Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front yard of any principal structure and/or lot. Air-conditioning/HVAC compressor units and emergency electrical generators are not permitted in the front 50% of a side yard setback; and as to any such equipment that is located in a side yard setback, it shall be screened so as to not be visible from any street or adjoining property when viewed from ground level. Temporary (i.e., removable) window air-conditioning units and temporary ductless air-conditioning/HVAC compressor units that do not project more than one foot beyond the existing structure are permitted when incorporated into an existing building by way of renovation. Replacement of in-kind units, without any increase in footprint size, located in the setback area prior to the adoption of this section are exempt from this regulation.
- [j] Any person or association of persons desiring to own or operate an adult business as a conditional use as referenced herein in the City of North Wildwood shall be required to file an application and obtain a mercantile license therefor and comply with all other City codes.
- [k] Off-street parking shall be provided in accordance with the following schedule:
  - [i] One off-street parking space for each customer of the use.
  - [ii] One off-street parking space for each employee.
- (n) (Reserved)
- (o) Single- and two-family residential.
  - [1] Purpose. Although the purpose of the CBD as stated in the 2010 Master Plan is to provide for an appropriate mix of retail and service-oriented commercial, office and other uses, with supportive residential above, both the April 2013 and February 2014 Master Plan re-examinations recognized the continued lack of development on larger lots. The purpose of allowing single- and two-family residential as a conditional use in the CBD is to encourage development on unimproved vacant land, as well as to not exacerbate the surplus of ground floor commercial in the district. In order to minimize the potential conflict between commercial and residential uses, a whole block of frontage along New Jersey Avenue is required.
    - [a] Conditions.
      - [i] Minimum lot area: 12,000 square feet.
      - [ii] Minimum lot frontage: 200 feet along New Jersey Avenue.
      - [iii] Minimum lot depth: 60 feet from New Jersey Avenue.
      - [iv] Parcel must have been vacant for a minimum of six years preceding the date of submittal of an application.

- [v] The entire 200-foot frontage adjacent to New Jersey Avenue shall be developed with single- or two-family residential.
- [vi] Two-family use is only permitted immediately adjacent to New Jersey Avenue.
- [vii] Lot depth shall be measured from the numbered street.
- [viii] Requirements for both single- and two-family development shall comply with all the requirements of the R-2 Zoning District in § 276-16.
- [ix] Curb cuts are not permitted on New Jersey Avenue.
- [x] Buildings located on New Jersey Avenue may be functionally oriented toward the numbered streets, but, visually, the structure shall also orient to New Jersey Avenue. This may include doors, steps to the first floor only, varied roof lines, and architectural features such as bump outs and bay windows.
- [xi] Large blank walls facing New Jersey Avenue are prohibited.
- [xii] All areas not utilized for structures, parking, walkways, patios or pavers shall be landscaped with shrubs, ground cover, seeding or similar plantings. All along New Jersey Avenue, a five-foot deep landscaped area with shrubs (minimum three feet in height when planted) is required from the sidewalk. All such areas shall include automatic/mechanical irrigation (with rain sensors to prevent nonessential watering) and shall be maintained in good condition.
- [xiii] Any fence along New Jersey Avenue, if installed, shall be set behind the five-foot landscaped area required above.
- [xiv] Elevations that front New Jersey Avenue shall be submitted as part of the residential subdivision application.<sup>[10]</sup>

[10] *Editor's Note: Former Subsection G(2)(o)[2], regarding existing and new residential structures that do not front directly onto New Jersey Avenue, which immediately followed, was repealed 12-19-2023 by Ord. No. 1923.*