

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

**ORDINANCE NO. 514-2023**

**AN ORDINANCE AMENDING ZONING CODE REGARDING MAXIMUM HEIGHT OF ACCESSORY USES AND TO INCLUDE PITCHED ROOFS**

**WHEREAS**, Section 525-55 provides supplemental regulations concerning dwelling accessory uses; and

**WHEREAS**, Section 525-4 generally provides that “for pitched roofs, an additional five feet may be added to the maximum building height permitted in the zoning district in which the building is located” and "Pitched roofs" are defined as any roof with 80% or more of its projected horizontal planes (areas) constructed at slopes equal to or greater than four in 12; and

**WHEREAS**, having considered the matter, Cape May City Council has determined that it is in the best interest of the general welfare and promoting a desirable visual environment, that the code be amended to allow for an additional five feet for outbuildings for purposes of including a pitched roof; 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.** Sections 525-55(A)(4) of the Cape May City Code regarding dwelling accessory uses is hereby amended as follows (with ~~strike through~~ portions indicating deleted language and **bold/underlined** portions indicating new language):

§ 525-55 Dwelling accessory uses.

(4) Other outbuildings.

(a) Maximum height: 10 feet. **An additional five feet may be added to the maximum height (no greater than 15 ft.) for outbuildings with pitched roofs pursuant to Section 525-4.**

(b) No structure may be within five feet of any property line.

(c) No structure may be permitted between the building front line and the street line.

(d) In no instance can the amount of lot coverage by the principal building and outbuildings exceed the percentage specified for the district in which the principal building is located.

**(e) No outbuilding may be used for human habitation or living accommodations.**

**Section 3.** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.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:

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

\_\_\_\_\_  
Erin C. Burke, City Clerk

BY: \_\_\_\_\_  
Zachary M. Mullock, Mayor

**NOTICE**

Ordinance 514-2023 was introduced at a Work Session meeting of the City Council of the City of Cape May, held on July 3, 2023 and will be further considered for final passage during a meeting of the City Council, to be held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on August 15, 2023 3:00 P.M. at which time a Public Hearing will be held.

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Erin C. Burke, City Clerk

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

Introduced: July 3, 2023  
1<sup>st</sup> Publication: July 12, 2023  
2<sup>nd</sup> Reading & Adoption: August 15, 2023  
Final Publication: August 23, 2023  
Effective Date: September 12, 2023