

**BOROUGH OF WEST CAPE MAY
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 639-24

**AN ORDINANCE AMENDING THE BOROUGH ZONING CODE REGARDING
SWIMMING POOL SETBACKS**

WHEREAS, the West Cape May Zoning Ordinance includes provisions relating to the construction and location of swimming pools as accessory uses in certain zoning districts in the in the Borough; and

WHEREAS, the West Cape May Borough Commissions wishes to ensure that those provisions are consistent in all zones; and

WHEREAS, to accomplish that objective, it is therefore necessary that certain sections of the West Cape May Zoning Code be amended,

NOW, THEREFORE, BE IT ORDAINED by the Borough Commission of the Borough of West Cape May as follows (deletions in [brackets]; additions **boldfaced and underlined**):

Section 1. Section 27-10.3(c) of the Borough Code is amended to read as follows:

Private residential swimming pools, **subject to the provisions and requirements of Section 27-38 of the Borough Code.**

Section 2. Section 27-10.4 of the Borough Code is amended to read as follows:

Except for private residential swimming pools, which are governed by Section 27-38 of the Code, the minimum bulk requirements for accessory uses in the R-1 zoning district shall be as follows:

Section 3. Section 27-11.3(c) of the Borough Code is amended to read as follows:

Private residential swimming pools, **subject to the provisions and requirements of Section 27-38 of the Borough Code.**

Section 4. Section 27-11.4 of the Borough Code is amended to read as follows:

Except for private residential swimming pools, which are governed by Section 27-38 of the Code, the minimum bulk requirements for accessory uses in the R-2 zoning district shall be as follows:

Section 5. Section 27-13.4(c) of the Borough Code is amended to read as follows:

Private residential swimming pools, **subject to the provisions and requirements of Section 27-38 of the Borough Code.**

Section 6. Section 27-13.5 of the Borough Code is amended to read as follows:

Except for private residential swimming pools, which are governed by Section 27-38 of the Code, the minimum bulk requirements for accessory uses in the R-4 zoning district shall be as follows:

Section 7. Section 27-14.4(c) of the Borough Code is amended as follows:

Private residential swimming pools, **subject to the provisions and requirements of Section 27-38 of the Borough Code.**

Section 8. Section 27-14.5 of the Borough Code is amended as follows:

Except for private residential swimming pools, which are governed by Section 27-38 if the Code, the minimum bulk requirements for accessory uses in the R-5 zoning district shall be as follows:

Section 9. Section 27-15.4(c) of the Borough Code is amended to read as follows:

Private residential swimming pools, **subject to the provisions and requirements of Section 27-38 of the Borough Code.**

Section 10. Section 27-15.5 of the Borough Code is amended to read as follows:

Except for private residential swimming pools, which are governed by Section 27-38 of the Code, the minimum bulk requirements for accessory uses to Bed and Breakfasts/Guest Houses in the C-1 district for uses not located within the principal building shall be as follows:

Section 11. This ordinance shall be referred to the West Cape May Planning Board for a consistency review and report pursuant to the Municipal Land Use Law.

Section 12. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 13. Should any portion of this ordinance be declared unconstitutional or invalid, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are declared to be severable.

Section 14. This ordinance shall take effect 20 days after passage and publication, according to law.

Carol E. Sabo, Mayor

George Dick, Deputy Mayor

Giacomo Antonicello, Commissioner

Theresa Enteadó, RMC
Municipal Clerk

Introduced: August 28, 2024

First Publication: September 4, 2024

Second Reading and Adoption: September 11, 2024

Final Publication: September 18, 2024

Effective Date: October 1, 2024

I hereby certify that the foregoing is a true copy of an Ordinance duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of West Cape May, County of Cape May, New Jersey, at a meeting held on September 11, 2024.

Municipal Clerk