

ARTICLE IX Signs; Fencing and Landscaping

§ 150-19. Signs and billboards.

- A. No signs or billboards shall be permitted in any residential zone except customary professional signs and rooming house or boardinghouse signs not larger than two (2) square feet and real estate signs not larger than eight (8) square feet. No sign or billboard, except regulation traffic signs and officially placed notices of the borough, shall be placed beyond the property line of any property or extend beyond or over the sidewalk, street or highway.
- B. No flashing or neon signs shall be permitted on the exterior of any building in any zone.
- C. No sign or signs larger in total area than fifty (50) square feet shall be permitted on any commercial building, and such signs must be placed on the building or on the ground which is part of the lot on which such property is located.
- D. No lot shall contain more than one (1) sign, except during the period of construction when trade signs are permitted. Any freestanding sign shall contain the advertisement for only one (1) person, partnership or corporation, whether one- or two-sided. No sign may be placed on or attached to a building or erected independently for any purpose other than to advertise a permitted business or use conducted on the same lot. A sign temporarily advertising the sale of the lot or a portion thereof shall be permitted, but said sign shall be removed, at the expense of the advertiser, within 30 days after the transfer of the title of the property. Subcontractor's and contractor's signs must be removed within 30 days of the completing of work advertised by said signs. A sign affixed to the building, indicating only the name of the house, will not be considered an advertisement for the purpose of this chapter. **[Added 10-13-1988 by Ord. No. 270-88; amended 10-8-1992 by Ord. No. 316-92]**

§ 150-20. Fences, walls and hedges; visibility at intersections.

- A. On a corner lot in any zone, no fence, wall, hedge or other structure or planting more than 3 1/2 feet in height, except shade trees trimmed not less than eight feet from the ground, shall be erected, placed or maintained within the triangular area formed by the intersecting rights-of-way and a straight line joining said rights-of-way at points which are 30 feet distant from the point of intersection. **[Amended 4-9-1998 by Ord. No. 394-98]**
- B. All fences shall be a maximum of four feet in height and may be constructed at the property line except as provided at intersections. Fences may be constructed to six feet in height when located in the rear yard only.
- C. **[Amended 4-9-1998 by Ord. No. 394-98]** Each of the following requires a zoning permit:
 - (1) All fences.
 - (2) Trellises which are attached to fences.
 - (3) Trellises or screens which are located at the property line.

§ 150-21. Landscaping and vegetation plan.

[Added 10-13-1988 by Ord. No. 270-88; amended 7-13-1989 by Ord. No. 277-89; 6-14-1990 by Ord. No. 291-90]

- A. Prior to the issuance of any zoning permit for the following:
 - 1. An addition or alteration to an existing structure which increases the lot coverage in excess of 10%;

2. Construction of a new residential dwelling unit; or
3. Removal of more than 25% of the existing vegetation covering the lot.

A landscaping and vegetation plan must be submitted to and approved by the Cape May Point Zoning Officer to ensure substantial compliance with criteria and requirements set forth in this Section, which landscaping and vegetation plan must constitute a minimum of 60% overall area of the lot and incorporate the parameters of Subsection E(1) hereafter.

For purposes of calculating the area of removal or disturbance of vegetation, trees shall be considered to cover an area equal to that encompassed by their drip line."

[Amended 4-9-1998 by Ord. No. 394-98, Amended 07/19/07 by Ordinance 534-07]

- B. The utilization of natural indigenous vegetation is encouraged. **[Amended 4-9-1998 by Ord. No. 394-98]**
- C. The Zoning Officer may require such information as is reasonably necessary to enable him to make the determinations required under the provisions of this chapter.
- D. All driveways and parking areas shall be a pervious surface.
- E. Trees.
 - (1) All existing trees outside a building footprint having a three-inch-diameter trunk measured from three feet above the ground shall remain if said trees are in excess of six feet from the outside of the exterior wall of the proposed structure. In the event that an applicant wishes to remove a tree or trees as above described, that applicant shall then be required to plant two trees for each tree removed, which such replacement trees shall be of at least two inches in diameter at three feet above the ground at a location on the property to be chosen by the applicant.
 - (2) In addition to replacement of removed trees above described, the applicant shall replace, at a location of his or her choice on the property, any trees located within the footprint of the proposed structure if said trees have a trunk at least three inches in diameter measured at three feet above the ground according to the same formula above. Therefore, in addition to the above-required replacement of removed trees outside the proposed footprint, plus six feet, the applicant shall plant one tree along the side yard and rear yard, which tree shall be of the same size as the replacement tree above described excepting that the applicant shall be permitted to plant two bushes in lieu of a tree if said bushes are a minimum of two feet in diameter and are classified by the Backyard Habitat for Birds, A Guide for Landowners and Communities in New Jersey, published by the New Jersey Audubon Society. This requirement is to make up for the replacement of shrubs and is in addition to the requirement for replacement trees above described where said trees are to replace removed trees from outside the building envelope. However, the applicant shall not be required to plant trees closer than 10 feet between the two, said distance measured from center trunk to center trunk. The replacement trees need not be of the same species as the trees removed, however, they shall be of the same height classification as the tree removed. The guide to height classifications contained in the Backyard Habitat for Birds shall be considered as sufficient evidence of compliance.
- F. Except as otherwise herein provided, the landscaping and vegetation plan shall retain as much of the natural vegetation as is possible.

- G. Nothing herein is to be interpreted as indicating that an applicant is prohibited from planting additional trees, bushes, grasses or flowers.
- H. Existing lots. **[Amended 4-9-1998 by Ord. No. 394-98]**
- (1) Any existing improved lots with structures shall be allowed to exist in their current state, together with routine maintenance, expansion, trimming, planting and replanting of vegetation.
 - (2) Existing improved lots with structures having less than 60% overall vegetation coverage will be allowed to remain as such, but will be considered an existing nonconforming landscaped property in which the nonconformity must be corrected should the primary structure be altered, outbuildings added or the property be significantly altered or re-landscaped. New landscaping and vegetation plan must constitute a minimum of 60% overall vegetation coverage of the lot, and incorporate the parameters of Subsection E(1).
- I. In lieu of replacing bushes, vines and grasses, the applicant shall plant or leave in place one tree at approximately twenty-foot intervals along the side yard and rear yard, which trees shall be at least two inches in diameter, or the applicant shall plant two bushes of a minimum of two feet in diameter in lieu of every second replacement tree. The requirements of this subsection are in addition to other tree requirements.
- J. In the case of the issuance of a zoning permit for alteration or construction, the property owner shall be required to plant any new vegetation provided for by the landscaping and vegetation plan within six months of the issuance of a certificate of occupancy for such structure. In the case of the issuance of a permit only for the removal of natural vegetation, the property owner will be required to plant any new vegetation provided for by the landscaping and vegetation plan within six months of the issuance of said permit.
- K. Any property owner or person aggrieved by a determination of the Zoning Officer under the provisions of this chapter may appeal to the Cape May Point Board of Adjustment; provided, however, that said appeal is filed, in writing, within 45 days after said property owner or person receives notice of the decision by the Zoning Officer.

ARTICLE X Nonconforming Lots and Uses

§ 150-22. Designation.

All buildings, structures and uses not conforming to the regulations of the district in which they are located at the time of the enactment of this chapter shall be known and regarded as nonconforming.

§ 150-23. Continuation of nonconforming uses.
[Amended 10-13-1988 by Ord. No. 270-88]

A use of land for purposes other than those permitted by this chapter existing on the effective date of this chapter may be continued upon the lot or in the building so occupied. Any such structure may be restored or repaired in the event of partial destruction or be relocated in the event of water encroachment or erosion. No structure used for purposes other than those permitted by this chapter shall be enlarged or rebuilt to a size larger than that existing as of the enactment of this chapter, unless it is shown that the remodeling or additional construction is reasonably necessary to and incidental to the continuation of the nonconforming use.