

TOWNSHIP OF DENNIS

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

ORDINANCE NO. 2025-05

AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY, AND STATE OF NEW JERSEY ADDING A REFERENCE FOR ACCESSORY BUILDING HEIGHT TO ALL ZONING DISTRICTS, REVISING: §185-31 ACCESSORY BUILDINGS, §185-25 (BUSINESS DISTRICT) AND §185-29 (MARINA DISTRICTS) REGARDING SIGNS, §185-37 NONCONFORMING USES AND STRUCTURES; AND ADDING §185-32.5 DESIGN STANDARDS FOR THE BUSINESS DISTRICT AS RECOMMENDED IN THE MASTER PLAN REEXAMINATION REPORT

BE IT ORDAINED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey as follows:

SECTION 1. This section revises accessory building height controls in all zoning districts as follows.

§ 185-14. R-3 Rural Single Family Residential District

C. (2) Private residential tool sheds not to exceed 200 square feet in area. Refer to §185-31C for accessory building height controls.

§ 185-15. R-10 Low Density Single Family Residential District

C. (2) Private residential tool sheds not to exceed 200 square feet in area. Refer to §185-31C for accessory building height controls.

§ 185-16. VR Village Residential District.

C. (2) Garages, excluding commercial vehicles.

G. Refer to §185-31C for accessory building height controls.

§ 185-17. VC Village Commercial.

C. (3) Garages for commercial vehicles.

F. Refer to §185-31C for accessory building height controls.

§ 185-18. CR Clermont Residential District.

C. (13) Tool and storage sheds. Structure shall not exceed 150 square feet in floor area. Refer to §185-31C for accessory building height controls.

§ 185-19. CVC Clermont Village Center District.

C. (4) Garages for commercial vehicles.

H. Refer to §185-31C for accessory building height controls.

§ 185-20. CVR Clermont Village Residential District.

C. (3) Residential garages with no living space.

C. (10) Tool and storage sheds. Structure shall not exceed 150 square feet in floor area. Refer to §185-31C for accessory building height controls.

§ 185-21. OVR Ocean View Residential District.

C. (12) Tool and storage sheds. Structure shall not 150 square feet in floor area. Refer to §185-31C for accessory building height controls.

§ 185-22. OVCC Ocean View Center Core District.

C. (5) Garages for commercial vehicles.

H. Refer to §185-31C for accessory building height controls.

§ 185-23. OVC Ocean View Center District.

C. (5) Garages for commercial vehicles.

H. Refer to §185-31C for accessory building height controls.

§ 185-24. OVCR Ocean View Center Residential District.

C. (10) Tool and storage sheds. Structure shall not exceed 150 square feet in floor area. Refer to §185-31C for accessory building height controls.

C. (11) Residential garages with no living space. Refer to §185-31C for accessory building height controls.

§ 185-25. B-Business District.

D. Maximum building height. No principal building shall exceed 35 feet. Refer to §185-31C for accessory building height controls.

§ 185-26. PV Pinelands Village Districts.

C. (2) Private residential tool sheds. Refer to §185-31C for accessory building height controls.

§ 185-27. PR Rural Development Districts.

C. (2) Private residential tool sheds Refer to §185-31C for accessory building height controls.

~~D. Maximum principal building height. No principal building shall exceed 30 feet in height and 2.5 stories, except that churches shall not exceed 55 feet in height and except further as allowed in Section 185-72.~~

Commented [RS1]: May 20, 2025 - This section removed from this ordinance, to be addressed in Ordinance #4.

§ 185-28. PF8 Moderate-Density Forest and PF25 Low-Density Forest Districts.

C. (2) Private residential tool sheds Refer to §185-31C for accessory building height controls.

~~D. Maximum principal building height. No principal building shall exceed 30 feet in height and 2.5 stories, except that churches shall not exceed 55 feet in height and except further as allowed in Section 185-72.~~

Commented [RS2]: May 20, 2025 - This section removed from this ordinance, to be addressed in Ordinance #4.

D. Maximum building height. No building shall exceed 30 feet in height and 2.5 stories, except that churches shall not exceed 55 feet in height except further as allowed in Section 185-72, and farm buildings on farms shall not exceed 50 feet in height.

§ 185-29. M Marina Districts.

D. Maximum principal building height. No principal building shall exceed 40 feet in height, except as allowed in Section 185-72.

H. Refer to §185-31C for accessory building height controls.

§ 185-30. C-Conservation District.

C. (2) Private residential tool sheds Refer to §185-31C for accessory building height controls.

D. Maximum principal building height. No principal building shall exceed 40 feet in height, except as allowed in Section 185-72.

SECTION 2. This section revises accessory building height controls as follows.

§ 185-31. Accessory buildings.

A. Any accessory building attached to a principal building shall be considered part of the principal building and the total structure shall adhere to the yard requirements for the principal building, regardless of the technique of connecting the principal and accessory buildings.

B. Distance between adjacent buildings. The minimum distance between an accessory building and any other building(s) on the same lot shall be as prescribed in Article IV, except that no poultry or livestock shelter shall be erected nearer than 50 feet to any dwelling on the same lot.

C. Height of accessory buildings.

- o Flat roof accessory buildings shall not exceed 15 feet in height.
- o Maximum height for pitched roof accessory buildings on lots up to one acre (1.0) in size shall be as follows:
 - Maximum height of 15' with minimum 20' setbacks from rear and side lines
 - Maximum height of 20' with minimum 25' setbacks from rear and side lines
 - Maximum height of 25' with minimum 40' setbacks from rear and side lines
- o Pitched roof accessory buildings on lots greater than one acre (1.0) in size shall not exceed 25 feet in height.

D. Location. An accessory building may be erected in side and rear yard areas only and shall be set back from side and rear lot lines as prescribed in Article IV, except that if erected on a corner lot, the accessory building shall be set back from the side street to comply with the setback line applying to the principal building for that side street, and except further that no poultry or livestock shelter shall be erected nearer than 50 feet to any lot lines.

§ 185-14. R-3 Rural Single Family Residential District .

D. Maximum building height. No building shall exceed 30 feet in height and 2.5 stories, except that churches shall not exceed 55 feet in height, and farm buildings on farms shall not exceed 50 feet in height.

§ 185-15. R-10 Low Density Single Family Residential District.

D. Maximum building height. No building shall exceed 30 feet in height and 2.5 stories, except that churches shall not exceed 55 feet in height and except as allowed in Section 185-72, and farm buildings on farms shall not exceed 50 feet in height.

§ 185-27. PR Rural Development Districts.

D. Maximum building height. No building shall exceed 30 feet in height and 2.5 stories, except that churches shall not exceed 55 feet in height and except further as allowed in Section 185-72, and farm buildings on farms shall not exceed 50 feet in height.

§ 185-30. C-Conservation District.

D. Maximum building height. No principal building shall exceed 30 feet in height, except that farm buildings on farms shall not exceed 50 feet in height. No accessory building shall exceed 15 feet in height.

SECTION 3. This section revises signs in commercial zones as follows.

§ 185-25. B-Business District.

C. Accessory uses. Accessory uses permitted in the B District shall be as follows:

(5) Fences and signs in accord with §185-33 and §145-43, respectively.

[The remainder of Subsection 185-25.C is unchanged]

§ 185-29. M Marina Districts.

C. Permitted accessory uses in M Districts shall be as follows:

(10) Fences and signs in accord with §185-33 and §145-43, respectively.

[The remainder of Subsection 185-29.C is unchanged]

SECTION 4. This section revises §185-37 Nonconforming Uses, Structures and Lots as follows.

§ 185-37. Nonconforming uses, structures and lots.

A. The lawful use of land or structures existing at the date of adoption of this chapter, as amended, may be continued although such use or structure is nonconforming to the provisions specified in this chapter, as amended, for the zoning district in which such use or structure is located, except as provided by law.

B. Any nonconforming use or structure which has been changed to a conforming use or structure shall not be changed back again into a nonconforming use or structure.

C. Any nonconforming use, structure or lot may change ownership and continue to function as the same nonconforming use, structure or lot, provided that all other

provisions of this chapter and other applicable laws are met.

D. Repairs and maintenance work required to keep a structure in sound condition may be made to a nonconforming structure or a structure containing a nonconforming use. However, no nonconforming structure or structure containing a nonconforming use shall be enlarged, extended, constructed, reconstructed or structurally altered in any manner.

E. Any lot upon which a nonconforming use or structure is located shall not be reduced in size, nor shall any lot already nonconforming be made more nonconforming in any manner.

F. Any vacant lot, or lot with a single-family residential structure, excepting those in the Pinelands Area, existing at the effective date of adoption or amendment of this section whose area or dimensions do not meet the requirements of the district in which the lot is located, may have a building permit issued, without variance approval, for a use permitted for that zoning district, provided that the building coverage limit will not exceed 20% of the lot area, parking requirements are met and the setback requirements are reduced by the same percentage that the area of such lot bears to the zoning district requirements, except that no side yard shall be less than 10 feet or half that required by the applicable zoning requirements, whichever is greater. Front yard depth and setback shall conform to those of adjoining property owners. All other applicable provisions of this section shall hold.

G. Any vacant lot of one acre or more within the Pinelands Area, existing as a conforming lot as of February 7, 1979, which does not meet the requirements for the zone in which the lot is located may have a construction permit issued for the development of a single-family

dwelling without an appeal for variance relief, provided that: [Amended 2-24-97 by Ord. No. 97-01]

(1) The lot was not held in common ownership with any adjoining parcels on February 7, 1979, or since that date.

(2) The yard requirements of the zone in which such lot is located are reduced by the same percentage that the lot area bears to the zoning district requirement, except that no yard shall be reduced to less than 50% of the requirement of this chapter and no side yard shall be reduced to less than 15 feet. No front or rear yard shall be reduced to less than 50 feet.

(3) The development of any lot under this section shall comply with the other requirements of this chapter.

H. Any detached single-family dwelling existing as of August 12, 1996, located within a commercial zoning district may change ownership and continue to function as the same nonconforming use or structure. Enlargement or expansion of said detached single-family dwelling shall require variance approval pursuant to NJSA 40:55D-70d(2). Additional development on these lots shall be subject to the zoning controls in the following table.

Zoning Requirement	
Principal Building Controls	
Minimum Front Setback	The average of the front yard setbacks of dwellings within 200' of the subject property.
Minimum Side Setback	15' each side
Minimum Rear Setback	50'
Maximum Building Height	2.5 stories, 35'
Maximum Building Coverage	10%
Accessory Building Controls	
Minimum Side Setback	5'
Minimum Rear Setback	5'
Maximum Building Height	25'
Maximum Building Coverage	3.5%

Maximum Coverage	Impervious	60%

§ 185-25. B-Business District.

C. Accessory uses. Accessory uses permitted in the B District shall be as follows:

- (1) Administrative offices.
- (2) Out-of-door storage (with proper screening).
- (3) Motor vehicle and equipment storage garages.
- (4) Off-street parking.
- (5) Fences and signs.
- (6) Small wind energy systems and solar energy systems in accordance with the standards in Section 185-73D(22). [Added 5-5-09 by Ord. No. 2009-01]
- (7) Private residential swimming pools.
- (8) Garage.
- (9) Travel trailers and campers located in rear and side yards only.
- (10) Residential agriculture.
- (11) Home business.
- (12) Decks, patios, terraces, etc.
- (13) Home Occupation subject to §185-7.

§ 185-29. M Marina District.

C. Permitted accessory uses in M Districts shall be as follows:

- (1) Concession facilities for food, bait and tackle and boating supplies.
- (2) Operations and maintenance facilities.
- (3) Rest rooms and shower facilities.
- (4) Dry storage facilities.
- (5) Outdoor storage of boats and accessories.
- (6) Boat and motor sales.
- (7) Motor fuel sales.
- (8) One permanent residential unit per marina for management or security purposes.
- (9) Small wind energy systems and solar energy systems in accordance with the standards in Section 185-73D(22). [Added 5-5-09 by Ord. No. 2009-01]
- (10) Private residential swimming pools.
- (11) Garage.
- (12) Travel trailers and campers located in rear and side yards only.
- (13) Residential agriculture.

- (14) Home business.
- (15) Decks, patios, terraces, etc.
- (16) Home Occupation subject to §185-7.

SECTION 5. This section adds §185-32.5 Design Standards for the Business District as follows.

§ 185-32.5. Design Standards for the Business District.

A. Applicability.

The design standards in this section shall apply to *warehouses and similar industrial-style buildings having a gross floor area [100,000 square feet or more]*. The standards in subsections C.6-8 hereinbelow shall apply only to the façade of a building that faces a public street, which includes any façade for a building or lot with multiple street frontages (e.g., if a building is located on a corner lot fronting on two (2) streets then the standards provided in the aforementioned subsections shall apply to both street-facing facades).

B. Architectural Form and Detail.

1. To reduce the mass and scale of large buildings visible from a street, building facades shall include:
 - a. Architectural features such as reveals;
 - b. Windows and openings; and
 - c. Changes in color and either texture or material to add interest to the building elevation and reduce its visual mass.
2. Primary building entries shall be readily identifiable and well defined through the use of projections, recesses, columns, roof structures, or other design elements. The primary building entries shall be clearly articulated to indicate a transition from the exterior to the interior of the building. Every main entrance shall have a special emphasis when compared to the other portions of the building. This shall be accomplished through the use of at least three (3) of the following near entrances:
 - a. A prominent architectural feature that is unique to the overall building design;
 - b. Complementary yet differing building materials or colors;
 - c. Increased use of windows or glass;
 - d. Pedestrian amenities that may include patios, porches, special paving treatments, seating areas, or awnings; or
 - e. Increased landscaping.
3. All additions to existing buildings shall incorporate the predominant architectural features, materials, and colors of the existing building.

C. Colors And Materials.

1. A comprehensive material and color scheme shall be developed for each site. Material and color variations in multi-building complexes must be complementary and compatible among buildings.
2. A minimum of three (3) colors per elevation shall be required.
3. Color utilization should be sensitive to existing development within the vicinity and the natural landscape in which the project is situated.
4. Materials that contribute to the aesthetics of the community over the long term shall be required for all buildings. Permanence in design and construction will add to the overall value and sustainability of the community.
5. All projects shall submit a sample board containing actual samples of all exterior surface materials, including roofing materials, in all the colors that will be used.
6. Primary Materials: Each exterior wall facade facing a public street shall include two (2) of the following primary materials: brick, tilt-up concrete, architectural block, architectural metal panel, insulated metal panel, stone, or glass. Unfinished gray concrete block is not permitted. The use of non-insulated metal siding exclusively on any wall is prohibited. All finish material shall be durable to the effects of weather and soiling.
7. Expanses of primary materials, or any other uniform materials on exterior wall facades facing public streets shall be broken up with pop outs, recesses, awnings, staggered facades, metal structures, glass, change in material or texture, or the addition of other designed three (3) dimensional architectural features.
8. The ends or corners of buildings at the terminations of the facades facing public streets shall be articulated with one (1) prominent architectural feature such as a change in primary material (i.e. change from tilt-up concrete panel to brick), increased roof projection of parapet, increased transparency (i.e., glass/window panels) or change in color;
9. Bright, contrasting colors should be used for small areas of building and for accents only.
10. Design and colors of wall signs should be compatible with the main buildings on the site.
11. Materials, design, and colors of monument signs shall be compatible with the main buildings on the site.

D. Accessory Buildings.

1. The design of accessory buildings (e.g., security kiosks, maintenance buildings, and outdoor equipment enclosures) shall be incorporated into and be compatible with the overall design of the project and the main buildings on the site.
2. Temporary buildings shall not to be located where they will be visible from adjoining public streets.

3. Modular buildings shall be skirted with material and color that is compatible with the modular unit and the main buildings on the site. All temporary and modular structures shall comply with all other applicable standards of this title for use and duration of use.

SECTION 6. This section corrects a type in §185-28B(8) as follows.

(a) The parcel proposed for low-intensity recreational use has an area of at least fifty (50) acres.

[The remainder of this Subsection is unchanged]

SECTION 7. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 8. This Ordinance shall become effective immediately upon passage and publication according to law.

Zeth A. Matalucci, Mayor

Scott J. Turner, Deputy Mayor

Thomas Van Artsdalen, III, Committee Member

Matthew Cox, Committee Member

Frank L. Germanio, Jr., Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on May 13, 2025. Publication will be held on May 21, 2025 and a Public Hearing will be held at a meeting of the said Township Committee to be held on June 10, 2025 at 5:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST _____
Jacqueline B. Justice, RMC/Clerk

