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March 18, 2026

### **VIA eCOURTS**

**Honorable John C. Porto, P.J.Cv.**

Superior Court of New Jersey  
Atlantic County Courthouse  
1201 Bacharach Blvd.  
Atlantic Township, New Jersey 08401

**RE: In the Matter of the Application of the City of Cape May  
Docket No. CPM-L-37-25**

Dear Judge Porto:

This office represents the City of Cape May as Special Affordable Housing Counsel in the above matter. The City hereby files this letter and attached documentation to meet the March 2026 deadline in the Fair Housing Act (“FHA”), N.J.S.A. 52:27D-304.1(f)(2)(c), the deadlines established in the Consent Order between the City and Fair Share Housing Center (“FSHC”), which was filed with the Court in this matter on January 16, 2026 (hereinafter “Consent Order”)<sup>1</sup>, and the Court Order entered on March 12, 2026, which granted the City an extension of the deadline from March 15, 2026 to March 17, 2026 under N.J.S.A. 52:27D-304.1(f)(3)(a) to endorse its Amended Housing Element and Fair Share Plan and adopt the plan’s implementing ordinances and resolutions.

To that end, please see the following documentation that is being submitted on behalf of the City to the Court and FSHC for review:

1. **Amended Housing Element and Fair Share Plan**: The City’s Amended Fourth Housing Element and Fair Share Plan was adopted by the City’s Planning Board on

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<sup>1</sup> In addition to the documentation being submitted with this letter to meet the March 15, 2026 deadline, the City submitted earlier letters on August 14, 2025 and December 1, 2025 with attached additional compliance documentation via eCourts to the Program, the Court, FSHC and all parties.

March 10, 2026, and was endorsed by the City Council on March 17, 2026. See attached Exhibit A.

2. **Overlay Zone Ordinance:** The City adopted Ordinance 591-2026 on March 17, 2026, which amended Chapter 525 of the City Zoning Code to promote affordable housing in the C-5 Zoning District, and address the City's Round 4 twenty-five percent (25%) unmet need requirement. See attached Exhibit B.
3. **Affordable Housing Ordinance:** The City adopted an updated Affordable Housing Ordinance on March 17, 2026. See attached Exhibit C. This ordinance also contains a section updating the City's Accessory Apartment Ordinance and a section updating the City's Mandatory Set-Aside Ordinance. Ibid.
4. **Development Fee Ordinance:** The City adopted an updated Development Fee Ordinance on March 17, 2026. See attached Exhibit D.
5. **Spending Plan:** The City's adopted Fourth Round Spending Plan is attached hereto as Exhibit E.
6. **Affirmative Marketing Plan/Affordable Housing Operating Manual:** On March 17, 2026, the City adopted an updated Affordable Housing Operating Manual, which includes an updated Accessory Apartment Program section and an updated Affirmative Marketing Plan. See attached Exhibit F.

To date the City has worked diligently to meet all of the deadlines required by the FHA, the Program, the Court, and the Consent Order with FSHC, and will continue to do so. This has resulted in a multitude of compliance documentation being provided. Should any documentation need to be corrected or amended, the City will do so in a timely fashion, and in accordance with the instructions of the Court and in collaboration with FSHC.

I thank Your Honor for your time and attention to this matter.

Respectfully submitted,



Erik C. Nolan

ECN/sp  
Enclosures

cc: Ashley J. Lee, Esq. (*via eCourts and email*)  
Christopher Gillin-Schwartz, Esq. (*via eCourts and email*)  
Criag Hurless, PP (*via email*)  
Paul Dietrich, City Manager (*via email*)

# EXHIBIT A

**RESOLUTION NO. 03-10-2026: 2**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE  
CITY OF CAPE MAY PLANNING BOARD**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act and established the Affordable Housing Dispute Resolution Program (the “Program”); and

**WHEREAS**, in accordance with the Amended Fair Housing Act, the City timely submitted its Fourth Round Housing Element and Fair Share Plan (“HEFSP”) to the Program for review in June of 2025; and

**WHEREAS**, the City received a deficiency letter to its Fourth Round Plan from Fair Share Housing Center in August of 2025; and

**WHEREAS**, the Court entered a Case Management Order in November of 2025 which required the City to provide FSHC with the documents requested in the deficiency letter and to negotiate a Consent Order to submit to the Court; and

**WHEREAS**, the City and FSHC entered into a Consent Order on January 16, 2026 and filed it with the Court; and

**WHEREAS**, as per the FHA and the Consent Order with FSHC, the City is required to amend its Fourth Round Plan to include the terms and conditions agreed upon in the Consent Order; and

**WHEREAS**, the City has prepared an Amended Fourth Round Housing Element and Fair Share Plan (“Amended Fourth Round Plan”), which is attached hereto as Exhibit A; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Amended Fourth Round Plan on March 10, 2026; and

**WHEREAS**, the Planning Board determined that the attached Amended Fourth Round Plan is consistent with the goals and objectives of the City’s current Master Plan, and that adoption and implementation of the Amended Fourth Round Plan is in the public interest and protects public health and safety and promotes the general welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the City of Cape May, County of Cape May, State of New Jersey, that the Planning Board hereby adopts the City’s Amended Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A.

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Planning Board of the City of Cape May at a regular meeting held on the 10th day of March 2026.

\_\_\_\_\_  
 Karen Keenan, Board Assistant

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Mr. Riggs	X					
Mr. Gorgone			X			
Councilmember Bodnar	X					
Deputy Mayor McDade	X				X	
Mrs. Reed			X			
Mr. Crowley	X					
Mr. Lundholm	X					
Mr. Padussis			X			
Mr. Crippen	X					X
Mr. Jones	X					
Mr. Bezaire	X					

cc:City Council via City Clerk  
 City Solicitor

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

**RESOLUTION NO. 137-03-2026**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE MAY  
ENDORING AN AMENDED FOURTH ROUND HOUSING ELEMENT  
AND FAIR SHARE PLAN**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act and established the Affordable Housing Dispute Resolution Program (the “Program”); and

**WHEREAS**, in accordance with the Amended Fair Housing Act, the City timely submitted its Fourth Round Housing Element and Fair Share Plan (“HEFSP”) to the Program for review in June of 2025; and

**WHEREAS**, the City received a deficiency letter to its Fourth Round Plan from Fair Share Housing Center in August of 2025; and

**WHEREAS**, the Court entered a Case Management Order in November of 2025 which required the City to provide FSHC with the documents requested in the deficiency letter and to negotiate a Consent Order to submit to the Court; and

**WHEREAS**, the City and FSHC entered into a Consent Order on January 16, 2026 and filed it with the Court; and

**WHEREAS**, as per the FHA and the Consent Order with FSHC, the City is required to amend its Fourth Round Plan to include the terms and conditions agreed upon in the Consent Order; and

**WHEREAS**, the City has prepared an Amended Fourth Round Housing Element and Fair Share Plan (“Amended Fourth Round Plan”), which is attached hereto as Exhibit A; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board adopted the Amended Fourth Round Plan after a public hearing was held on March 10, 2026; and

**WHEREAS**, the City Council has reviewed the Amended Fourth Round Plan and concurs with the Planning Board’s determination that the Amended Fourth Round Plan is consistent with the City’s Master Plan, promotes the public health, safety, and general welfare, and is in the best interests of the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, County of Cape May, State of New Jersey, that the City Council hereby endorses the City’s Amended Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A.

I, Erin C. Burke, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 17, 2025.

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Erin C. Burke, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
<b>Meier</b>	X				X	
<b>McDade</b>	X					X
<b>Bodnar</b>	X					
<b>Baldwin</b>	X					
<b>Mullock</b>	X					

cc: Erik C. Nolan, Esq.  
City Manager

# City of Cape May

Cape May County, New Jersey



## AMENDED HOUSING ELEMENT & FAIR SHARE PLAN

June 4, 2025 – Amended February 3, 2026

Prepared by:

**HURLESS PLANNING & ENGINEERING, LLC**

**Craig R. Hurless, PE, PP, CME**

Hurless Planning & Engineering, LLC

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Adopted after a public hearing by Resolution by the  
City of Cape May Planning Board on (June 24, 2025 Original & Amended March 10, 2026)

Endorsed by Resolution by the Council of the City of Cape May on (July 1, 2025 Original & Amended March 17, 2026)



**HOUSING ELEMENT & FAIR SHARE PLAN**  
643 Washington Street  
Cape May, NJ 08204

**MAYOR**

Mayor Zachary Mullock

**PLANNING BOARD**

Zachary Mullock, Mayor

**COUNCIL MEMBERS**

Councilmember Shaine P. Meier  
Councilmember Lorraine Baldwin  
Councilmember Steve Bodnar  
Deputy Mayor Maureen K. McDade

Maureen McDade, Deputy Mayor  
Justin Riggs, Deputy City Manager  
William Bezaire, Chairperson  
Dennis Crowley  
Robert Gorgone  
Richard Lundholm  
Marilyn Reed  
Michael Jones, Vice Chairperson  
Gary Padussis  
Dennis Crippen  
Karen Keenan, Board Assistant

Christopher Gillin-Schwartz, City Attorney

Erik C. Nolan, Affordable Housing Attorney

**Planning Board Staff:**

Karen Keenan..... Board Assistant

**Planning Board Professionals:**

Mr. Craig R. Hurless, PE, PP ..... Board Engineer & Planner

Mr. Richard King, Attorney.....Board Attorney

Prepared By:

**HURLESS PLANNING & ENGINEERING, LLC**

*Craig R. Hurless*

Craig R. Hurless, PP  
New Jersey Professional Planner License No. 005646

The original of this document was signed and sealed in accordance with NJAC 13:41-1.3.b

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## **EXECUTIVE SUMMARY**

Cape May City (hereinafter “Cape May” or the “City”), which has always voluntarily complied with its affordable housing obligations, prepared, adopted, endorsed and submitted a Fourth Round Master Plan Housing Element (including a Fair Share Element) to the Program and the Court on June 25, 2025 in accordance with the requirements set forth in the "Municipal Land Use Law" (N.J.S.A. 40:55D-28) (“MLUL”), the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (“FHA”), the Uniform Housing Affordability Controls, as may be amended (N.J.A.C. 5:80-26.1 et. seq.), applicable Mount Laurel case law, and applicable orders of the Program and the Court. The City received no challenges to its plan other than a letter from Fair Share Housing Center (“FSHC”) submitted to the Program and the Court on August 26, 2025. The Court entered a Case Management Order on November 18, 2025, which required that the City and FSHC to negotiate, finalize and submit a Consent Order by February 2, 2026. The City and FSHC entered into and submitted the Consent Order on January 16, 2026. This Amended Housing Element and Fair Share Plan has been prepared to implement the terms of the Consent Order so the City can receive a Fourth Round Compliance Certification from the Court, which will give the City protection from all exclusionary zoning lawsuits, including builder’s remedy lawsuits, until July 1, 2035.

### **Prior Round (1987-1999)**

The City received First Round Substantive Certification from the New Jersey Council on Affordable Housing (“COAH”) on November 28, 1988, in which it was established that the City had a Realistic Development Potential (“RDP”) of zero (0). The City received Second Round Substantive Certification from COAH on July 9, 1997, and it was determined by COAH that the City’s RDP was still zero (0).

### **Third Round (1999-2025)**

The City was one of the few municipalities to receive early Third Round Substantive Certification, which it received from COAH on October 14, 2009, and it was determined once again by COAH that the City’s RDP was still zero (0). That Third Round Substantive Certification did not hold up for a full ten years, however, since the New Jersey Supreme Court invalidated the 2008 affordable housing regulations promulgated by the New Jersey Council on Affordable Housing (“COAH”) on September 26, 2013 in Re: Adoption of N.J.A.C. 5:96 & 5:97 by NJ Council on Affordable Housing, 215 N.J. 578 (2013).

This led to additional litigation, which eventually led to the New Jersey Supreme Court issuing In Re: the Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (“Mount Laurel IV”), which declared that COAH was no longer functioning, and turned over the plan approval process over to the trial courts. In response to the Mount Laurel IV decision, and to avoid any potential builder’s remedy law suites, the City filed a Declaratory Judgment action on July 8, 2015 (hereinafter the City’s “Third Round DJ Action”), along with a motion for temporary immunity, and sought approval of a Housing Element and Fair Share Plan.

The Court subsequently granted the City's immunity motion, and that immunity against all Mount Laurel lawsuits is still in full force and effect.

Under the supervision of the Special Court Master, the City and its professionals entered into negotiations with representatives of Fair Share Housing Center (FSHC) to settle the City's Third Round DJ action globally. A settlement agreement was eventually entered into between the City and FSHC on **February 21, 2018** (hereinafter the "FSHC Settlement Agreement"). The FSHC Settlement Agreement indicated that the City's Realistic Development Potential for the Third Round had increased from zero (0) to twelve (12).

After a properly noticed Fairness Hearing was held **April 20, 2018**, the Court entered an Order on **May 16, 2018**, which approved the FSHC Settlement Agreement. On **August 30, 2018**, the Court held a Compliance Hearing, and entered a Conditional Judgment of Compliance and Repose ("Third Round JOR Order") on that same, which required the satisfaction of certain short-term conditions. On **December 17, 2018**, the Court entered an order indicating that all of the short-term conditions had been satisfied, and that said order finalized the City's Third Round JOR Order, granting the City a Final Judgment along with immunity from all Mount Laurel lawsuits until July 1, 2025.

#### **Fourth Round (2025 to 2035)**

On March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, which amended the New Jersey Fair Housing Act to (1) establish a new framework for determining municipal affordable housing obligations, (2) create a new entity known as the Affordable Housing Dispute Resolution Program ("The Program") to assist the trial court with the approval of municipal Housing Element and Fair Share Plans, and (3) create new requirements for municipalities to follow as they prepare their plans.

The amended FHA required the Department of Community Affairs (DCA) to perform a calculation of regional need and municipal present and prospective obligations in accordance with the formulas established in the law. In October of 2024, a report was published that outlines DCA's fourth round (2025-2035) fair share methodology and calculations of low- and moderate-income housing obligations for New Jersey's 564 municipalities. The DCA calculations served as guidance for municipalities as they planned for affordable housing development during the next decade. The DCA assigned the City a Fourth Round Rehabilitation (Present Need) number of 46, and a Fourth Round Prospective Need Number of 48. The City adopted a resolution on January 22, 2025 accepting both numbers, the City filed a Fourth Round Declaratory Judgment Action on January 24, 2025, with the Program and the Court, and the Court entered an Order on March 27, 2025 officially assigning the City the Fourth Round Rehabilitation (Present Need) Number of 46 and a Fourth Round Prospective Need Number of 48.

This Amended Fourth Round Housing Element and Fair Share Plan complies with COAH's Prior Round regulations at N.J.A.C. 5:93-1.1 et seq., as well as subsequent applicable laws, such as the 2024 amendments to the FHA. In accordance with the above, this Amended Fourth

HOUSING ELEMENT & FAIR SHARE PLAN FOR THE CITY OF CAPE MAY

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Round Housing Element and Fair Share Plan is designed to achieve the goal of addressing the City's current Rehabilitation Obligation (Present Need), Prior Round Obligation (1987-1999), Third Round Obligation (1999- 2025), and its Fourth Round Obligation (Prospective Need), with particular attention to creating a realistic opportunity for the production of low- and moderate-income housing in accordance with the Consent Order entered into between the City and FSHC on January 16, 2026.

## I. Introduction

Every municipality in New Jersey has a constitutional obligation to provide a "realistic opportunity" to create its "fair share" of affordable housing. This obligation was established as a result of the Mount Laurel decisions decided by the Supreme Court of New Jersey and the adoption of the Fair Housing Act of 1985. In accordance with the Municipal Land Use Law, a municipality may not adopt a zoning ordinance unless it has adopted a Housing Element. (N.J.S.A. 40:55D-1 et. seq.). A Fair Share Plan addressing how the municipality will provide for affordable housing is an essential component of the Housing Element. Pursuant to N.J.S.A. 52:27D-310 the Housing Element is required to include the following:

- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development trends;
- An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low and moderate income housing;
- A consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;
- An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission; and

HOUSING ELEMENT & FAIR SHARE PLAN FOR THE CITY OF CAPE MAY

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- An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

COAH's regulations at N.J.A.C. 5:93-5.1 require the City's Housing Element to "include the municipality's strategy for addressing its present and prospective housing needs," and the following information and documentation must be submitted with the Housing Element and Fair Share Plan:

- The minimum requirements of the Fair Housing Act, N.J.S.A. 52:27D-310 (listed above);
- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the [ten]<sup>1</sup> years subsequent to the adoption of the housing element, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- An analysis of the municipality's demographic characteristics, including, but not limited to, household size, income level and age;
- An analysis of the probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing;
- A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;
- A map of all sites designated by the municipality for the production of low- and moderate-income housing and a listing of each site that includes its owner, acreage, lot and block;
- The location and capacities of existing and proposed water and sewer lines and facilities relevant to the designated sites;

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<sup>1</sup> In the Prior Round regulations, the time period was six years per affordable housing round, which was subsequently changed to ten years.

- Copies of necessary applications for amendments to, or consistency determinations regarding, applicable area wide water quality management plans (including wastewater management plans).
- A copy of the most recently adopted municipal master plan and where required, the immediately preceding, adopted master plan;
- For each designated site, a copy of the New Jersey Freshwater Wetlands maps where available. When such maps are not available, municipalities shall provide appropriate copies of the National Wetlands Inventory maps provided by the U.S. Fish and Wildlife Service;
- A copy of appropriate United States Geological Survey Topographic Quadrangles for designated sites; and
- Any other documentation pertaining to the review of the municipal housing element as may be required by the Council.

Pursuant to N.J.A.C. 5:93-5.15(c), if a municipality intends to collect development fees, it shall prepare a plan to spend development fees that includes the following:

- A projection of revenues anticipated from imposing fees on development, based on historic development activity;
- A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
- A description of the anticipated use of all development fees;
- A schedule for the creation or rehabilitation of housing units;
- If the municipality envisions being responsible for public sector or non-profit construction of housing, a pro-forma statement of the anticipated costs and revenues associated with the development; and
- The manner through which the municipality will address any expected or unexpected shortfall if the anticipated.

Through this Amended Housing Element and Fair Share Plan, the City promotes provision of a variety of housing types over a range of affordability, encourages the ongoing maintenance of the City's existing housing stock, and formally acknowledges the constitutional obligation to provide a realistic opportunity for the provision of housing affordable to families of low and moderate income. This document also serves then as a basis for the implementation of land use

HOUSING ELEMENT & FAIR SHARE PLAN FOR THE CITY OF CAPE MAY

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regulation by the City of Cape May to enable satisfaction of the aforementioned affordable housing constitutional obligation.

## II. Housing Element

Affordable housing is defined under the FHA as a dwelling, either for sale or rent that is within the financial means of households of low or moderate income as income is measured within each housing region. The City of Cape May is in COAH's Region 6, which includes Atlantic, Cape May, Cumberland and Salem counties. Moderate-income households are those earning between 50% and 80% of the regional median income. Low-income households are those with annual incomes that are between 30% and 50% of the regional median income. Very low-income households are households earning 30% or less of the regional median income.

Through the Uniform Housing Affordability Controls (hereinafter "UHAC") at N.J.A.C. 5:80-26.3(d) and (e), requires that the maximum rent for a qualified unit be affordable to households that earn no more than 60% of the median income for the region. The average rent must be affordable to households earning no more than 52% of the median income. The maximum sale prices for affordable units must be affordable to households that earn no more than 70% of the median income. The average sale price must be affordable to a household that earns no more than 55% of the median income.

The regional median income is defined by using the federal Department of Housing and Urban Development ("HUD") income limits on an annual basis. In the spring of each year HUD releases updated regional income limits which the state reallocates to its regions. It is from these income limits that the rents and sale prices for affordable units are derived. These figures are updated annually.

Pursuant to both the FHA and the MLUL, municipalities in New Jersey are required to include a housing element in their master plans. The principal purpose of the housing element is to describe the specific, intended methods that a municipality plans to use in order to meet its low and moderate income housing needs. Further, the housing element is meant to demonstrate the existing zoning or planned zoning changes that will allow for the provision of adequate capacity to accommodate household and employment growth projections, to achieve the goal of access to affordable housing for present and future populations.

As indicated above, the MLUL requires an analysis of housing and demographic data as part of any Housing Element. The 2020 Decennial Census and the 2023 American Survey 5 Year Estimates provided by the United States Census Bureau are the most recent available comprehensive database of this type of information for the municipality.

## **Population**

### *Distribution of Population:*

According to the 2000 Census, the City of Cape May lost 634 persons in its population between 1990 and 2000, more than a 13% decline. Population declined by an additional 427 persons from 2000 to 2010. The 2020 Census data indicates a population of 2,768, which is a loss of 839 persons between 2020 and 2010, a decline of 23.3% as indicated in Table I. This data confirms that a downward population trend has continued from 1990 to 2020. Cape May's decline in population is a continuation of a trend that began in the 1970's. The population loss has accelerated in most recent years. As shown in Table II, the population in Cape May County declined by 2.1% from 2010 to 2020.

It should be noted that a 0.5-10.4% regional decline in population is shown by other seashore municipalities including Avalon Borough, North Wildwood City, Ocean City, Sea Isle City, Stone Harbor, and Wildwood Crest Borough. These declines reflect the trend of seashore communities transitioning to more second home units. Over the ten-year period from 2010 to 2020, Cape May has been less resilient to this regional trend and leads the County in population loss.

**Table I**  
**Population Change by Decade**

	<b>Population</b>	<b># Change</b>	<b>% Change</b>
1970	4,392		
1980	4,853	461	10.5%
1990	4,668	-185	-3.8%
2000	4,034	-634	-13.6%
2010	3,607	-427	-10.6%
2020	2,768	-839	-23.3%

*Source: US Census Data 1970 – 2020.*

The decline in population reflects the increasing number of residential properties that are used as second homes. These declines do not reflect any lessening of Cape May's viability. To the contrary, real estate in Cape May remains desirable and vacancy rates are low. Few new homes are being built due to the unavailability of vacant land. However, the rehabilitation of existing residential dwellings remains strong.

**Table II**  
**Population in Cape May County Municipalities**

Municipality	2020	2010	2000	1990	2010 to 2020 % Change
Avalon Borough	1,243	1,334	2,143	1,809	-6.8%
Cape May City	2,768	3,607	4,034	4,668	-23.3%
Cape May Point Borough	305	291	241	248	+4.8%
Dennis Township	6,285	6,467	6,492	5,574	-2.8%
Lower Township	22,057	22,866	22,945	20,820	-3.5%
Middle Township	20,380	18,911	16,405	14,771	+7.8%
North Wildwood City	3,261	4,041	4,935	5,107	-10.4%
Ocean City	11,229	11,701	15,378	15,512	-4.0%
Sea Isle City	2,104	2,114	2,835	2,692	-0.5%
Stone Harbor Borough	796	866	1,128	1,025	-8.1%
Upper Township	12,539	12,373	12,115	10,681	+1.3%
West Cape May Borough	1,010	1,024	1,095	1,026	-1.4%
West Wildwood Borough	540	603	448	453	-10.4%
Wildwood City	5,157	5,325	5,436	4,484	-3.2%
Wildwood Crest Borough	3,101	3,270	3,980	3,631	-5.2%
Woodbine	2,264	2,472	2,716	2,678	-13.9%
<b>Cape May County Total</b>	<b>95,263</b>	<b>97,265</b>	<b>102,326</b>	<b>95,089</b>	<b>-2.1%</b>

Sources: 2000 Census Data, 2010 Census Data, 2020 Census data

### Density:

Density is a measure of the distribution of population over a given area. Cape May's relatively small land area, intensity of buildings, and compactness of development have contributed to Cape May's status as the 6th densest community in Cape May County behind Wildwood, Wildwood Crest, North Wildwood, West Wildwood and Ocean City. Even with the decrease in population in the City since 1990, Cape May has remained in the middle of the densest resort communities in the county. Cape May's middling density is also a product of unsuitable environmentally constrained undeveloped tracts along its waterways, East Cape May and the preserved open space in its existing parks.

Despite Cape May's median density, density itself is not necessarily a measure of quality of life. Scarcity of land resources and high real estate values has led to development at greater densities in coastal communities across New Jersey. The densities of coastal communities in Cape May County are several factors larger than the density of the county aggregate. This is due to the relatively low densities of mainland Cape May County communities as a whole as well as the preservation of large inland tracts of land from development, such as the Cape May County Airport and Belleplain Wildlife Refuge, Cape May National Wildlife Refuge, Beaver Swamp Fish & Wildlife Refuge. Table III displays density figures for municipalities in Cape May County:

## HOUSING ELEMENT &amp; FAIR SHARE PLAN FOR THE CITY OF CAPE MAY

**Table III**  
**Density of Cape May County - 2000 to 2020**

	Land Area (square miles)	Total Population			Persons per Square Mile		
		2000	2010	2020	2000	2010	2020
New Jersey	7,416.9	8,414,350	8,791,894	9,288,994	1,134.5	1,185.4	1,252
Cape May County	256.5	102,326	97,265	95,263	398.9	379.2	371.4
"Resort Communities"							
Avalon	4.6	2,143	1,334	1,443	465.9	290.0	313.7
<b>Cape May City</b>	<b>2.3</b>	<b>4,034</b>	<b>3,607</b>	<b>2,768</b>	<b>1,753.9</b>	<b>1,568.3</b>	<b>1,203.5</b>
Cape May Point	0.4	241	291	305	602.5	727.5	762.5
North Wildwood	1.7	4,935	4,041	3,261	2,902.9	2,377.1	1,918.2
Ocean City	7	15,378	11,701	11,229	2,196.9	1,671.6	1,604.1
Sea Isle City	2.3	2,835	2,114	2,104	1,232.6	919.1	914.8
Stone Harbor	1.6	1,128	866	796	705.0	541.3	497.5
West Cape May	1.2	1,095	1,024	1,010	912.5	853.3	841.7
West Wildwood	0.3	448	603	540	1,493.3	2,010.0	1,800
Wildwood	1.3	5,436	5,325	5,157	4,181.5	4,096.2	3,966.9
Wildwood Crest	1.1	3,980	3,270	3,101	3,618.2	2,972.7	2,819.1
"Mainland Communities"							
Dennis Township	62.1	6,492	6,467	6,285	104.5	104.1	101.2
Lower Township	27.4	22,945	22,866	22,057	837.4	834.5	805.0
Middle Township	70.4	16,405	18,911	20,380	233.0	268.6	289.5
Upper Township	65	12,115	12,373	12,539	186.4	190.4	192.9
Woodbine	7.8	2,716	2,472	2,264	348.2	316.9	290.3
"Resort Communities"	23.8	41,653	34,176	31,714	1,750.1	1,436.0	1,332.5
"Mainland Communities"	232.7	60,673	63,089	63,525	260.7	271.1	273.0

Source: 2000, 2010, 2020 US Census

In terms of distribution of population across the City's land area, the portions of the City bound by Lafayette Street, Texas Avenue, Pittsburgh Avenue and New Jersey Avenue are the densest and tend to be occupied on a more year-round basis, according to the 2020 Census. The residential blocks nearest the City's ocean and harbor shoreline are inhabited on a more seasonal basis.

It has been observed that a number of the new seasonal homeowners are purchasing homes in anticipation of future use as a retirement home. Once a proportion of current seasonal homeowners do retire in Cape May, they will be listed as permanent residents. This helps lessen the trends of declining population and increased seasonal homeownership that were found in the last census. It should be noted that the median age of Cape May City residents is 54.4, as compared with the County population median age of 52.7 according to the 2023 American Community Survey 5-Year Estimates.

Future Population Projections:

Future population projections through 2040 were available from the South Jersey Transportation Planning Organization "Regional Transportation Plan 2040" July 2012 and are illustrated in Table IV. This plan notes that Cape May County had one of the lowest growth rates in the country in the 2000 – 2010 decade with an actual decline from 102,326 to 97,265. Using local input and past trends, this Plan used Moody's forecast with the expectation that the current decline would be reversed but growth would be minimal. In its May 2011 Ocean City Metro Report (Cape May County is designated as the Ocean City Micropolitan Statistical Area), Moody's Analytics stated that: *Location amid densely populated urban areas will serve as a long-term driver for tourism, but leisure/hospitality will muster a pace of growth that is below the national average. OCE will benefit from an influx of retirees, supporting growth in healthcare. However, low industrial diversity and high relative business costs will restrict growth. OCE will be a below-average performer over the long-run.*

**Table IV**  
**Cape May County Population Projections 1990-2040**

Municipality	1990	2000	%	2010	2020	%	2030	2040	%
Avalon Borough	1,809	2,143	1.85	1,334	1,208	-0.94	1,220	1,233	0.10
<b>Cape May City</b>	<b>4,668</b>	<b>4,034</b>	<b>-1.36</b>	<b>3,607</b>	<b>3,512</b>	<b>-0.26</b>	<b>3,547</b>	<b>3,584</b>	<b>0.10</b>
Cape May Point	248	241	-0.28	291	322	1.05	347	351	0.46
Dennis Township	5,574	6,492	1.65	6,467	6,461	-0.01	6,525	6,594	0.10
Lower Township	20,820	22,945	1.02	22,866	22,846	-0.01	23,075	23,317	0.10
Middle Township	14,771	16,405	1.11	18,911	21,872	1.57	23,175	23,419	0.35
North Wildwood City	5,017	4,935	-0.16	4,041	3,858	-0.45	3,897	3,937	0.10
Ocean City	15,512	15,378	-0.09	11,701	11,002	-0.60	11,112	11,228	0.10
Sea Isle City	2,692	2,835	0.53	2,114	1,980	-0.64	1,999	2,020	0.10
Stone Harbor	1,025	1,128	1.00	866	816	-0.58	824	833	0.10
Upper Township	10,681	12,115	1.34	12,373	13,237	0.70	13,589	13,732	0.19
West Cape May	10,126	1,095	0.67	1,024	1,007	-0.16	1,017	1,028	0.10
West Wildwood	453	448	-0.11	603	709	1.75	765	773	0.46
Wildwood City	4,484	5,436	2.12	5,325	5,298	-0.05	5,351	5,407	0.10
Wildwood Crest	3,631	3,980	0.96	3,270	3,124	-0.45	3,155	3,189	0.10
Woodbine	2,678	2,716	0.14	2,472	2,416	-0.22	2,441	2,466	0.10
<b>Cape May County</b>	<b>95,809</b>	<b>102,326</b>	<b>0.76</b>	<b>97,265</b>	<b>99,928</b>	<b>0.27</b>	<b>102,012</b>	<b>103,083</b>	<b>0.16</b>

Source: South Jersey Transportation Planning Organization "Regional Transportation Plan 2040" July 2012

These long-range projections factored in an assumption that the current decline would be reversed but growth would be minimal. Based on most recent Census data, it appears the current decline in the County has slowed but has not reversed itself. Cape May City's decline has actually increased. The SJTO projection of population trend reversal appears premature, and it is unclear if ever or when the reversal will occur. Whether this assumption will prove true can be argued and ultimately the future trends will be dictated by current and future demographic and economic factors.

Summer Population Estimate:

It is widely known that Cape May County as well as the City of Cape May population greatly increases during the summer. Cape May County has provided estimates of summer population in 2016, which was the most recent comprehensive data (Table V) available. It has been estimated that Cape May City's summer population swells to 46,324 persons. This is 13.2 times the City's population estimate of 3,500 for 2016.

**Table V**  
**Cape May County Summer Population Estimate - 2016**

Type	Cape May City	Cape May County
Dwelling Units, 2015*	4,246	99,382
Dwelling Units x 5 Residents/DU	21,230	496,910
Hotel/Motel Units	3,255	18,733
Hotel/Motel Units x 2.5 residents/unit	8,138	46,876
Campsites	-	14,724
Campsites x 3.75 Campers/Site	-	55,215
Group Quarters	4000	14,091
Marina Slips	228	4,660
Marina Slips x 2 persons/slip	456	9,320
Day Trippers	12,500	145,000
<b>Total Population</b>	<b>46,324</b>	<b>767,412</b>

\*Dwelling unit numbers from 2016 NJDCA building permits and 2015 ACS

\*\*Camp Site Numbers from 2016 County Health Dept.

\*\*\*Marina counts from 2010 "Boaters Guide to Cape May County"

\*\*\*\*Day-Trippers: Annual figure from Longwoods International 2005 Survey

The 2024 estimates provided by the County Tourism Department (<https://capemaycountynj.gov/Tourism>) indicate that the County's population swells to an estimated 820,000 during the summer. The 2024 Cape May County Tourism Report indicated that Cape May County's visiting tourists increased by 1.8% in 2023 to 11.6 million people compared to 11.4 million in 2022. Tourism spending increased by 4.1% in 2023 to \$7.7 billion compared to \$7.4 billion in 2022. There are approximately 30 million people who are a tank of gas away or in a 300-mile radius of Cape May County.

**Demographic Analysis**Age of Population:

The Census breaks the population down by age cohorts. Table VI: 2023 Age Cohorts shows the break-down for the City of Cape May and Cape May County. Generally, in comparison to the County as a whole, Cape May has a slightly less older population. The City population age 65+ is 22.2% of the total. The County population 65+ is 23.0%. In addition, children under the age of 19 make up 18.9% of the County's population as compared with 16.1% of the City's population.

**Table VI**  
**2023 Age Cohorts**

Age	Population Cape May City	% of Population	Population Cape May County	% of Population
Under 5	33	1.2	4131	4.3
5 to 9	125	4.5	4712	4.9
10 to 14	86	3.1	4817	5.1
15 to 19	203	7.3	4404	4.6
20 to 24	238	8.5	4558	4.8
25 to 34	245	8.8	4732	5.0
35 to 44	51	1.8	4715	5.0
45 to 54	200	7.2	4983	5.2
55 to 59	88	3.2	4409	4.6
60 to 64	13	0.5	4603	4.8
65 to 74	122	4.4	5841	6.1
75 to 84	131	4.7	6827	7.2
85 +	366	13.1	9272	9.7
<b>Total</b>	<b>2789</b>	<b>100</b>	<b>95236</b>	<b>100</b>

Source: 2023 ACS 5-Year Estimates

The median age for Cape May County was 52.7 in 2023. There has been a steady increase from 48.4 in 2016, 46.4 years in 2010 and 42.3 years in 2000. The median age for the City of Cape May in 2023 is 54.4. The median age has declined from 50.2 years in 2010 to 48.8 years in 2016 to an increase of 54.4 in 2023.

*Families and Household Characteristics:*

Non-family households make up 44.9% of the households in Cape May City. This is lower than the County rate of 49.8%. The average household size in Cape May City is 2.51 persons/dwelling unit (*2023 American Community Survey 5-Year Estimates*), while the County average is 2.33, making the average household in Cape May City slightly larger than that of the County as indicated in Table VII

**Table VII**  
**Total Households by Type of Households**  
in Cape May City, Cape May County, New Jersey

Type	Cape May City
Married-couple family household	44.9%
Male householder, no spouse present, family household	21.1%
Female householder, no spouse present, family household	30.9%

Source: 2023 American Community Survey 5-Year Estimates

Education:

Within Cape May City's adult population (25 years old +), 96.7% have received a high school diploma and 50.0% received a bachelor's degree or higher making the City slightly better educated than the rest of Cape May County. When compared to the County, 96.1% of the adult population has received a high school diploma and 41.2% of the adult population has received a bachelor's degree or higher as shown in Table VIII:

**Table VIII**  
**Educational Attainment**  
in Cape May City, Cape May County, New Jersey

Type	Cape May City
High school or equivalent degree	17.4%
Some college, no degree	19.6%
Associate's degree	9.7%
Bachelor's degree	29.7%
Graduate or professional degree	20.3%

Source: 2023 American Community Survey 5-Year Estimates

HousingHousing Units:

Table IX depicts the number of new housing units constructed between 2000 and 2020 for the City, County and State. The City's rate of increase is far below the State and County's rates.

**Table IX**  
**Cape May City, Cape May County and New Jersey**  
**Housing Units: 2000, 2010 & 2020**

Jurisdiction	Housing Units 2000	Housing Units 2010	Housing Units 2020	Increase	% Increase from 2010-2020
Cape May City	4,064	4,155	4157	2	0.05%
Cape May County	91,047	98,309	99,606	1,297	1.32%
New Jersey	3,310,275	3,553,562	3,761,229	207,667	5.84%

Source: 2000, 2010, 2020 Census Data

Residential Construction:

The following table indicates that the number of certificates of occupancy for new residential units that have been issued from 2000 through 2023 is 278. The rate of new housing growth in the City has slowed over several eight-year periods (2008-2016) with 84 units as compared to the most recent period (2017-2023) with 59 units. This is most likely due to the lack of available vacant land as the City is being "built out."

**Table X  
Cape May City  
Certificates of Occupancy (C.O.) for Residential Construction: 2000-2023**

YEAR	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	Total
#C.O.s	15	16	19	35	16	22	15	9	12	11	4	7	10	8	7	13	12	
YEAR	2017	2018	2019	2020	2021	2022	2023											
#C.O.s	13	3	3	2	19	5	2											278

*Source: New Jersey Department of Community Affairs, Division of Codes & Standards*

*Housing Tenure:*

Cape May has increased its 2020 housing units to 4,157 according to the 2020 Census. This represents a 0.05% increase over the 4,155 housing units identified in the 2010 Census. Of these units 1,382, or 33.2%, are occupied units, 2,775 housing units (66.9%) are vacant/for seasonal use. Based on the 2010 statistics, which showed 1,457, or 35.1%, were occupied units, 2,320 housing units (55.8%) were vacant/for seasonal use. This data reflects a growing trend of less occupied and more vacant/seasonal use units and confirms the continuing trend of losing full time residential units to second homes and rental units.

The age of housing stock can be used as a gauge of the overall condition of housing in the community. As of 2023, approximately 70.9% of the City's current housing stock was constructed prior to 1980, with 29.5% constructed prior to 1940. The City therefore has what can be considered an older housing stock, reflective of the historic structures within the city.

**Table XI**  
**Housing Tenure: 2000-2020**

Cape May City	2000 Units	2000 % of Total	2010 Units	2010 % of Total	2020 Units	2020% of Total
Total Housing Units	4,064	100%	4,155	100%	4,157	100%
Occupied Housing Units						
-Owner Occupied	1,034	56.8%	791	54.3%	*	16.8%
-Renter Occupied	787	43.2%	666	45.7%	*	20.1%
-Total	1,821	100%	1,457	100%	1,382	100%
Vacant Housing Units	2,243	100%	2,698	100%	2775	100%
Seasonal, Recreational Use	2,089	93.1%	2,320	86%	*	*
Rental Vacancy Rate	85	3.8%	283	10.5%	*	*

Source: 2020 Census Data 2010 Census Data, 2000 Census Data

\* Data unavailable

#### Housing Financial Characteristics:

Cape May's Estimate for Median Gross Rent in Cape May city, Cape May County, New Jersey. \$1,013 (plus or minus \$535). This estimate is less than that of Cape May County's rate of \$1,440 ( $\pm$  \$229) as indicated in the 2023 American Community Survey 5-Year Estimates.

#### Homeownership Rate:

Cape May's Estimate for Homeownership Rate in Cape May City is 63.0% (plus or minus 7.8%) which is less than the Estimate for Homeownership Rate in Cape May County, New Jersey indicated at 82.9% (plus or minus 2.9%) as indicated in the 2023 American Community Survey 5-Year Estimates.

#### Housing Value:

Cape May's housing stock is relatively expensive with 98.3% of the homes having a value more than \$300,000. Less than 1.6% is less than \$300,000. The data is provided in Table XII below:

**Table XII**  
**Housing Value**  
in Cape May City, Cape May County, New Jersey

Type	Cape May City
Less than \$50,000	0.9%
\$50,000 to \$99,999	0.0%
\$100,000 to \$149,999	0.0%
\$150,000 to \$199,999	0.0%
\$200,000 to \$299,999	0.7%
\$300,000 to \$499,999	23.4%
\$500,000 to \$999,999	47.9%
\$1,000,000 or more	27.0%

Source: 2023 American Community Survey 5-Year Estimates

The median home values have increased in Cape May from \$700,000 in 2010 to \$879,600 in 2023. The value is higher than both the Cape May County and State median values as indicated in Table XIII:

**Table XIII**  
**Cape May City, Cape May County and New Jersey**  
**Median Home Values: 2010 & 2023**

Median Home Value	2010	2023	Percent Change
Cape May City	\$700,000	\$879,600	25.7%
Cape May County	\$337,300	\$509,200	50.9%
New Jersey	\$357,000	\$474,700	32.97%

Source: US Census Bureau, 2023 American Community Survey 5-Year Estimates, 2010 Census Data

As noted in Table XIV, the majority of owner-occupied housing units with a mortgage are valued at more than \$300,000:

**Table XIV**  
**Cape May City**  
**Home Value of Specified Owner-Occupied Units: 2023**

Value of Specified Owner Occupied Units	Number of Units	Percent of Total
Less than \$50,000	0	0.0
\$50,000- \$99,999	0	0.0
\$100,000- \$149,999	6	1.4
\$150,000- \$199,999	44	10.5
\$200,000- \$299,999	75	17.9
\$300,000- \$499,999	163	38.9
\$500,000- \$999,999	131	31.3
Over \$1,000,000	0	0.0
Median (dollars)	\$879,600	

*Source: US Census Bureau 2023 American Community Survey 5-Year Estimates*

In 2010, the median value of the owner-occupied units in Cape May City was \$700,000. The median home value has increased to an estimated \$879,600 in 2023. Cape May City's average median home value is greater than that of Cape May County as well as New Jersey.

Gross Rents:

As noted in Table XV below, the majority of the gross rents charged were less than \$1,500 per month. Of the 507 rental units reported in the 2023 American Community Survey, 100% of the units were rented at less than \$1,500.

**Table XV**  
**Cape May City**  
**Gross Rent of Specified Renter Occupied Units: 2023**

Rent Amount	Units
Total:	507
With cash rent:	363
Less than \$100	8
\$100 to \$149	0
\$150 to \$199	0
\$200 to \$249	0
\$250 to \$299	3
\$300 to \$349	0
\$350 to \$399	23
\$400 to \$449	30
\$450 to \$499	14
\$500 to \$549	26
\$550 to \$599	30
\$600 to \$649	8
\$650 to \$699	0
\$700 to \$749	6
\$750 to \$799	0
\$800 to \$899	31
\$900 to \$999	0
\$1,000 to \$1,249	47
\$1,250 to \$1,499	13
\$1,500 to \$1,999	124
\$2,000 to \$2,499	0
\$2,500 to \$2,999	0
\$3,000 to \$3,499	0
\$3,500 or more	0
No cash rent	144

*Source: US Census Bureau 2023 American Community Survey 5-Year Estimates*

The median gross rent in Cape May City was \$1,013.00 in 2023 up from \$837.00 in 2016 as indicated in Table XVI:

**Table XVI  
Cape May City, Cape May County and New Jersey  
Median Rents: 2016 & 2023**

Median Rent	2016	2023	% Change
Cape May City	\$837.00	\$1,013	21%
Cape May County	\$1,045.00	\$1,440	37.8%
New Jersey	\$1,213.00	\$1,667	37.4%

Source: US Census Bureau, 2012-2016 & 2023 American Community Survey 5-Year Estimates

Housing Occupancy:

The census data reflects residency on Census Day (April 1<sup>st</sup>) and the owner’s census data has been recorded at the location of the primary residence. In the 2000 census, 51.4 % of Cape May’s homes were designated for seasonal use. This was an increase of 968 seasonal homes since 1990, when seasonal homes accounted for 27.7% of the housing stock. The 2010 data also reflected this continued trend. Total 2010 housing was 4,155 units with 2,320 units or 55.8% indicated as vacant or seasonal. The most recent 2023 American Community Survey 5-Year Estimates data indicated total housing was 4,157 units with 1,382 of the units occupied and 2,775 housing units or 66.7% indicated as vacant or seasonal showing that this trend has continued as shown below:

**Table XVII  
Cape May County Total & Occupied Housing Units 2000 & 2010**

Municipality	Total Units			Occupied Units			% Occupied	
	2010	2020	% Change	2010	2020	% Change	2010	2020
Cape May City	4,155	4,157	0.05	1,457	1,382	-5.15	35%	33.3%
<b>Cape May County</b>	<b>98,309</b>	<b>99,606</b>	<b>1.31</b>	<b>40,812</b>	<b>41,012</b>	<b>0.49</b>	<b>41.5%</b>	<b>41.2%</b>

Source: Census 2010, 2020, 2023 5 Year Estimates

The percentage of occupied units decreased from 2010 to 2020. The 2020 Census data indicates that 1,382 housing units (33.3%) in the City were occupied, and 2,755 units (66.7%) were vacant. The City has a high vacancy rate due to seasonal rental use and permanent occupancy being established at primary residences outside Cape May.

Housing Physical Characteristics:

Cape May’s most recent physical housing characteristic breakdown for occupied housing units is as indicated in Table XVIII:

**Table XVIII**  
**Bedrooms in Occupied Housing Units**  
 in Cape May City, Cape May County, New Jersey

Type	Cape May City
No bedroom	6.4%
One bedroom	11.9%
2 or 3 bedrooms	61.6%
4 or more bedrooms	20.2%

Source: 2023 American Community Survey 5-Year Estimates

Physical Character of the City Housing Stock:

Cape May has an aging housing stock, mainly due to its preservation of historic structures. Table XIX provides an estimate of the inventory of the age of the occupied housing stock in Cape May City:

**Table XIX**  
**Cape May City**  
**Inventory of Housing Age: 2023**

Year(s) Constructed	Occupied Housing Units	% of Total
2020 or later	10	0.7
2010 to 2019	18	1.3
2000 to 2009	55	4.0
1980 to 1999	172	12.6
1960 to 1979	613	44.8
1940 to 1959	208	15.2
1939 or earlier	293	21.4
<b>Total</b>	<b>1,369</b>	<b>100.0</b>

Source: US Census Bureau, 2023 American Community Survey 5-Year Estimates

Housing Tenure:

The average household size in Cape May is 1.78 persons per owner-occupied household and 2.09 for renter-occupied unit, compared with the 2010 average of 1.95 persons per household respectively. This follows a national trend to smaller household size.

**Table XX**  
**Cape May City**  
**Housing Tenure: 2023**

Housing Tenure	Units
Occupied housing units	1369
Owner-occupied	862
Renter-occupied	507
Average household size of owner-occupied unit	1.78
Average household size of renter-occupied unit	2.09

Types of Occupied Dwelling Units:

Single family detached homes remain the dominant housing structure in the City, representing 42.4% of total occupied housing units. Attached single family units represent 22.8% of the total. Types of occupied dwelling units are depicted in Table XXI:

**Table XXI**  
**Cape May City**  
**Types of Occupied Dwelling Units: 2023**

Type of Unit	Number of Units	Percent of Total
1- Unit; detached	581	42.4%
1- Unit; attached	313	22.8%
2 Units	121	8.8%
3 to 4 Units	153	11.2%
5 to 9 Units	41	3.0%
10 or more Units	160	11.6%
Mobile Homes	0	0%
Boat, RV, Van, etc.	0	0%
<b>Total</b>	<b>1,369</b>	<b>100%</b>

Source: US Census Bureau 2023 American Community Survey 5-Year Estimates

Overcrowding:

Overcrowding of units is not an issue in Cape May. Table XXII provides Census data regarding the condition of housing and whether units are overcrowded:

**Table XXII**  
**Cape May City**  
**Condition of Housing: 2023**

Characteristic	Number of Units
Overcrowded (> 1 person per room)	0
Total Units lacking complete plumbing	0
Total Units lacking complete kitchen	0

*Source: US Census Bureau, 2023 American Community Survey 5-Year Estimates*

### **Employment & Labor**

#### *Analysis of Existing Employment:*

The 2023 American Community Survey data indicates that the civilian labor force (16 years and older) for Cape May City and Cape May County in 2016 were 1,138 and 46,959 respectfully. The Cape May City labor force represents 2.42% of the County civilian labor force. In 2023, the percentage of the persons age 16 and over in the civilian labor force in Cape May City was 43.8%. This average is lower than the County average of 55.6%. The City had a lower unemployment rate than the County, rates were 1.1% and 2.7% respectfully.

The Census data distribution of occupational positions in Cape May City generally reflects that of Cape May County and the State:

**Table XXIII**  
**Cape May City and Cape May County**  
**Civilian Labor Force Characteristics: 2023**

	Cape May City		Cape May County	
	Number of Persons	Percent of Total	Number of Persons	Percent of Total
Labor Force	1,138	45.0%	46,959	58.4%
Employed	1,109	43.8%	44,748	55.6%
Unemployed	29	1.1%	2,211	2.7%

*Source: US Census, 2023 American Community Survey 5-Year Estimates*

**Table XXIV**  
**Cape May City**  
**Occupation Distribution: 2023**

Occupation	Cape May City
Arts, entertainment, and recreation, and accommodation and food services	23.0%
Educational services, and health care and social assistance	22.1%
Public administration	12.7%
Retail trade	11.3%
Construction	9.9%
Finance and insurance, and real estate and rental and leasing	8.7%
Professional, scientific, and management, and administrative and waste management services	4.2%
Other services, except public administration	3.1%
Manufacturing	1.7%
Agriculture, forestry, fishing and hunting, and mining	1.4%

*Source: US Census, 2023 American Community Survey 5-Year Estimates*

### **Income & Poverty**

In 2023, the median income in Cape May City was \$57,230 which is far less than the state median income of \$99,781. Approximately 7.5% of the families in Cape May City were considered to be below the poverty line in 2023 which is less than the estimate for all of New Jersey at 9.7%. The median income by types of families in Cape May is \$92,784 for families, \$92,557 for married couple families and \$35,620 for Nonfamily households based on the 2023 American Community Survey 5-Year Estimates.

Units Affordable to Low- and Moderate-Income Households:

Cape May City is in COAH's Region 6, which encompasses Atlantic, Cape May, Cumberland and Salem counties. The median household income in Cape May City in 2023 was \$57,230.

**Table XXV**  
**Council on Affordable Housing**  
**2024 Regional Income Limits (Region 6 Cape May County)**

	1 Person	1.5 Person	2 Person	3 Person	4 Person	4.5 Person	5 Person	6 Person	7 Person	8 Person
<b>Median</b>	\$68,852	\$73,770	\$78,688	\$88,524	\$98,360	\$102,294	\$106,228	\$114,097	\$121,966	\$129,835
<b>Moderate</b>	\$55,081	\$59,016	\$62,950	\$70,819	\$78,688	\$81,835	\$84,983	\$91,278	\$97,573	\$103,868
<b>Low</b>	\$34,426	\$36,885	\$39,344	\$44,262	\$49,180	\$51,147	\$53,114	\$57,049	\$60,983	\$64,917
<b>Very Low</b>	\$20,655	\$22,131	\$23,606	\$26,557	\$29,508	\$30,688	\$31,868	\$34,229	\$36,590	\$38,950

*Source: Affordable Housing Professionals of NJ*

Based on the qualifying formula in N.J.A.C. 5:80-26, the monthly cost of shelter, which includes mortgage (principal and interest), taxes, insurance and homeowners or condominium association fees, may not exceed twenty-eight percent (28%) of gross monthly household income based on a five percent (5%) down payment. In addition, moderate-income sales units must be available for at least three different prices and low-income sales units available for at least two different prices. The maximum sales prices must now be affordable to households earning no more than seventy-percent (70%) of median income. The sales prices must average fifty-five percent (55%) of median income.

Under UHAC regulations, rents including utilities may not exceed thirty percent (30%) of gross monthly income. The average rent must now be affordable to households earning fifty-two percent (52%) of median income. The maximum rents must be affordable to households earning no more than sixty-percent (60%) of median income. In averaging fifty-two percent (52%), one rent may be established for a low-income unit and one rent for a moderate-income unit for each bedroom distribution. The utility allowance must be consistent with the utility allowance approved by HUD and utilized in New Jersey. In addition thirteen percent (13%) of all restricted rental units must be affordable to households earning no more than thirty percent (30%) of median income.

Based upon the average household size of 1.78 (rounded up to 2) in Cape May City in 2023 and the regional limits, the median income in Region 6 for Cape May City in 2024 is \$78,688. At a minimum, 16 owner occupied units and 239 renter occupied units could be considered affordable to two person very low, low and moderate income households as indicated in Table XXV. Of the 16 owner occupied units, 0 units could be considered affordable to two person low income and some moderate income and 16 units could be considered affordable to a two person moderate income. Of the 239 renter occupied units, 78 units could be considered affordable to two person very low income and low income, 101 units could be considered affordable to a two-person low income and moderate income and 60 units could be considered affordable to a two person moderate income. Based upon these numbers approximately 6.54% of the 3,898 units in the City in 2023 are potentially affordable. Of these, approximately 179 units representing

## HOUSING ELEMENT &amp; FAIR SHARE PLAN FOR THE CITY OF CAPE MAY

approximately 4.59% could be affordable to very low- and low-income households with the remaining 60 units representing an additional approximately 1.53% could be affordable to low income and moderate income households. Although these figures are estimates and assumptions regarding household size have been made, it appears that the City has significant numbers of affordable units, some of which are naturally affordable, and some of which can be counted as affordable housing credits.

**Table XXVI**  
**Cape May City**  
**Estimate of 2023 Housing Units Affordable to Low- & Moderate-Income Households**  
**Information for Median Income, Mortgage and Rental Information**

<b>Income Level</b>	<b>Annual Income</b>	
Median Household Income	\$78,688	
Moderate Income	\$37,770 - \$62,950	
Low Income	\$23,606 - \$39,344	
Very Low Income	<\$23,606	
<b>Income Level</b>	<b>Affordable Monthly Rent</b>	<b>Affordable Monthly Mortgage</b>
Moderate Income	\$944.25 - \$1,573.75	\$881.30 - \$1,468.83
Low Income	\$590.15 - \$983.60	\$550.81 - \$684.69
Very Low Income	<\$590.15	<\$550.81
<b>Mortgage Status and Selected Owner Costs</b>	<b>Number of Units</b>	<b>Affordability</b>
<b>Owner Occupied Units with a Mortgage</b>	<b>419</b>	
Less than \$500.00	0	
\$500.00-\$999.00	0	Some Low Income & Some Moderate Income
\$1,000.00-\$1,499.00	16	Some Moderate Income
\$1,500.00-\$1,999.00	91	Not Affordable
\$2,000.00-\$2,499.00	98	Not Affordable
\$2,500.00-\$2,999.00	94	Not Affordable
\$3,000.00 or more	120	Not Affordable
Not Mortgaged	433	
<b>Renter Occupied Housing Units</b>	<b>363</b>	<b>Affordability</b>
Less than \$500.00	78	Some Very Low Income
\$500.00-\$999.00	101	Some Very Low Income & Some Low Income
\$1,000.00-\$1,499.00	60	Some Moderate Income
\$1,500.00-\$1,999.00	124	Not Affordable
\$2,000.00-\$2,499.00	0	Not Affordable
\$2,500.00-\$2,999.00	0	Not Affordable
\$3,000.00 or more	0	Not Affordable
No Rent Paid	144	

Source: 2023 American Community Survey 5-Year Estimates

### III. Fair Share Plan

#### **Introduction**

In 1975, in the case Southern Burlington County NAACP v. Township of Mt. Laurel (Hereinafter "Mt. Laurel I"), the New Jersey Supreme Court ruled that developing municipalities have a constitutional obligation to provide for the construction of low- and moderate-income housing. The court's 1983 Mt. Laurel II decision expanded the obligation in ruling that all municipalities share in this constitutional obligation to provide a realistic means for addressing a fair share of the regional present and prospective need for housing affordable to low- and moderate-income families provided that any portion of the municipality is located in a "growth area" as set forth in the SDGP.

Every municipality in New Jersey has a constitutional obligation to provide a "realistic opportunity" to create its "fair share" of affordable housing. This obligation was established as a result of the Mount Laurel decisions decided by the Supreme Court of New Jersey and the adoption of the Fair Housing Act of 1985. In accordance with the Municipal Land Use Law, a municipality may not adopt a zoning ordinance unless it has adopted a Housing Element. (N.J.S.A. 40:55D-1 et. seq.). A Fair Share Plan addressing how the municipality will provide affordable housing is an essential component of the Housing Element.

As such, through a municipality's zoning and land use regulations, it is to be realistically possible, through the provision of a variety of housing choices, for all categories of people within Housing Region 6 (including Salem, Cumberland, Cape May and Atlantic counties) to live if they so choose in the City of Cape May.

#### **2025 to 2035 Affordable Housing Legislation**

As described in more detail above, the FHA was amended when Governor Murphy signed P.L.2024, c.2. into law on March 20, 2024. This required the DCA to perform a calculation of regional need and municipal present and prospective obligations in accordance with the formulas established in the law, which resulted in a report released by the DCA in October of 2024, which described the DCA's fourth round (2025-2035) fair share methodology and calculations of low- and moderate-income housing obligations for New Jersey's 564 municipalities, including Cape May City.

The amended FHA also created an entity called the Program to assist the Court with the determination of the final fair share obligations and the approval of municipal Housing Elements and Fair Share Plans.

In addition, the amended FHA outlines how municipalities may receive "bonus credits" that allow affordable housing units to be credited as 1.5 or 2 units in certain circumstances. This bonus credit system incentivizes age-restricted housing, housing set aside for individuals with

special needs, and other location or purpose-specific housing projects, such as housing near mass transit stations. The law limits bonus credit units to 25% of a municipality's Fourth Round Obligation, which in Cape May City's case would be 25% of the City's RDP, and it establishes related parameters for how much of a municipality's responsibilities must be satisfied through housing available to families with children and rental housing.

### **Consideration of Appropriate Lands for Affordable Housing**

In general, sites that are most appropriate for affordable housing are those that have the necessary infrastructure and are not encumbered by environmental constraints.

Consistent with smart growth principles, the City has chosen to intersperse affordable housing throughout existing residential neighborhoods and in proximity to transportation corridors and walkable and bikeable areas. These areas provide the greatest number of employment opportunities and community services.

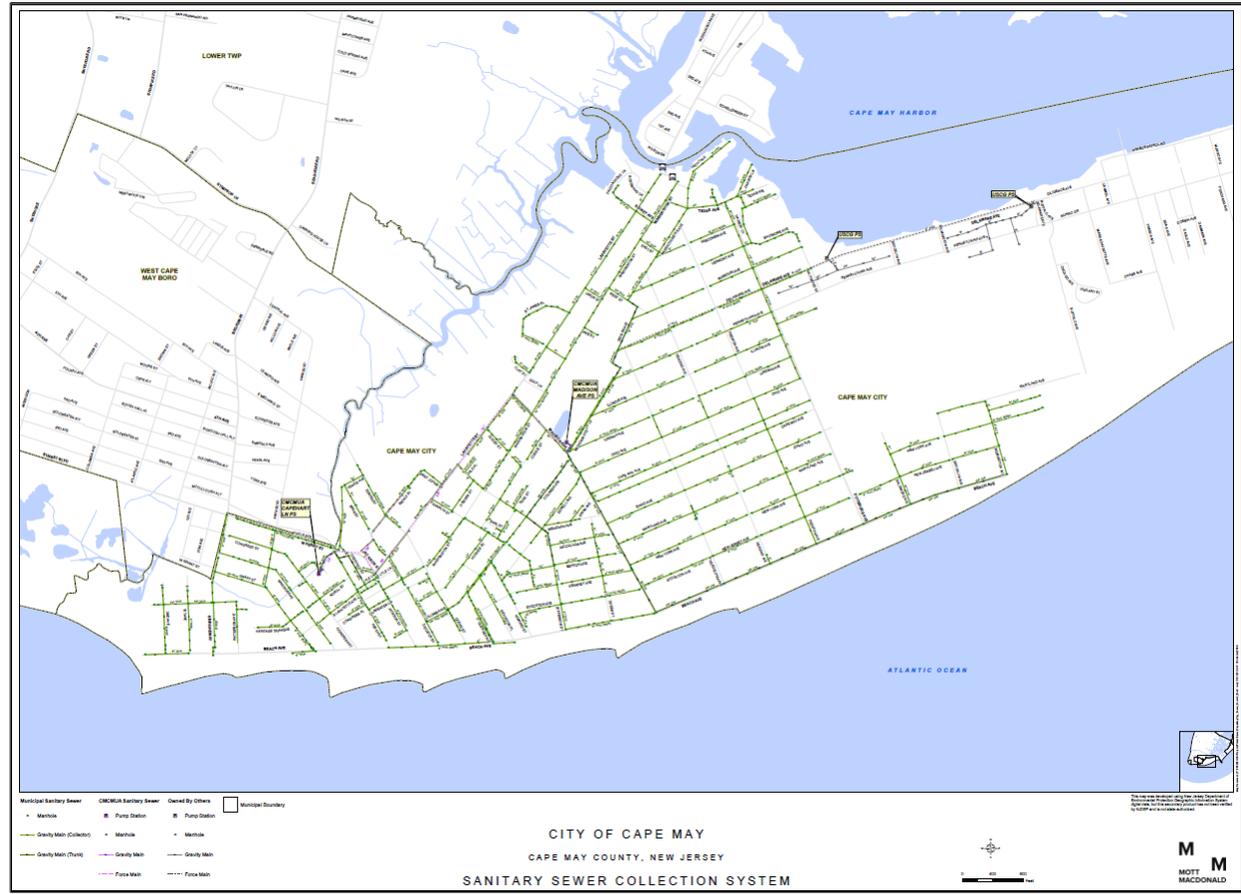
The City has analyzed whether inclusionary zoning and the development of affordable housing sites would serve the municipality to address its fair share obligation. As discussed below, the City has determined that a combination of these types of developments would be appropriate to satisfy the City's fair share obligation.

### **Availability of Existing and Proposed Infrastructure**

The City has infrastructure capacity to address its fair share obligation. The majority of the developed portions of the City are served by public water and public sewer. Undeveloped areas are in close proximity to existing infrastructure and located within sewer service areas. Non-sewered areas are located in environmentally sensitive areas where development is not permitted. Additional water and sewer capacities are available for any projected development. Existing infrastructure is depicted in the sewer and water maps indicated below:

HOUSING ELEMENT & FAIR SHARE PLAN FOR THE CITY OF CAPE MAY

**Figure 1:**  
**City of Cape May Sewer Collection System**





## **Affordable Housing Obligations**

The New Jersey Department of Community Affairs (DCA) released a report on October 18, 2024, that calculated regional needs and municipal fair share obligations for the Fourth Round. The City accepted these numbers in its binding resolution adopted January 22, 2025, and a Declarator Judgement Action was filed with the Program on January 24, 2025, along with the resolution. The City met the January 31, 2025 deadline to file with the Program and the Court. The Court issued an Order on March 27, 2025 finalizing the City's Fourth Round numbers.

Cape May City's Fourth Round Obligations are as follows:

**A. Rehabilitation Obligation (Present Need): 46**

- The City accepted the DCA Fourth Round Rehabilitation Obligation (Present Need) of 46, which was later approved by an order of the Court.
- 46 existing units will have to be rehabilitated by 2035.

**B. Prior Round Obligation (1987-1999): 58**

- Cape May City has a Prior Round Obligation of 58 units.

**C. Prior Round Realistic Development Potential (RDP): 0**

- A Vacant Land Analysis (VLA) was completed in the Prior Round, indicating an RDP of zero (0). This left a Prior Round unmet need of 58.
- The Prior Round RDP was approved by COAH via Substantive Certification, and later by the Court via the entry of a Third Round JOR Order.

**D. Third Round Obligation (1999-2025): 212**

- Cape May City has a Third Round (1999-2025) Prospective Need Obligation of 212 units, which was part of the Court approved Third Round FSHC Settlement Agreement and Third Round JOR Order.

**E. Third Round Realistic Development Potential (RDP): 12**

- A vacant land adjustment was completed in the Third Round, which calculated the City's Third Round Realistic Development Potential (RDP) to be 12. This left a Third Round unmet need of 200. The Third Round RDP was approved by the Court via the entry of a Third Round JOR Order.

**F. Fourth Round Prospective Need (2025-2035): 48**

- The Fourth Round Prospective Need (2025-2035) Number was established at 48.

**G. Fourth Round Realistic Development Potential (RDP): 0**

- A vacant land adjustment (see Appendix) was completed in the Fourth Round, which calculated the City's Fourth Round Realistic Development Potential (RDP) to be zero (0). This leaves a Fourth Round unmet need of 48.

**H. Combined Prior, Third and Fourth Round Unmet Need: 306**

**Summary:**

**Cape May City's affordable housing numbers moving forward are as follows:**

- **Rehabilitation Obligation: 46**
- **Prior Round Obligation (1987-1999): 58**
- **Prior Round RDP: 0**
- **Prior Round Unmet Need: 58**
- **Third Round Obligation (1999-2025): 212**
- **Third Round RDP: 12 Third Round Unmet Need: 200**
- **Fourth Round Prospective Need Number (2025-2035): 48**
- **Fourth Round RDP: 0**
- **Fourth Round Unmet Need: 48**
- **Combined Prior, Third and Fourth Round Unmet Need: 306**

## **Addressing The Affordable Housing Obligations**

Below are the mechanisms the City has put in place to address the affordable housing obligations.

### **Addressing the Rehabilitation (Present Need) Obligation: 46**

The purpose of a rehabilitation program is to rehabilitate substandard housing units occupied by low- and moderate-income households. A substandard housing unit is defined as a unit with health and safety violations that require the repair or replacement of a major system. A major system includes a roof, plumbing, heat, electricity, sanitary plumbing and/or a load bearing structural system. Upon rehabilitation, housing deficiencies are corrected, and the unit is brought up to New Jersey Uniform Construction Code standards.

Forty-Six (46) existing units will have to be rehabilitated in the City by 2035. The City intends to address this obligation by continuing to participate in the Cape May County Rehabilitation Program. The City has also supported the rehabilitation of existing public housing in the City operated by the Cape May Housing Authority in accordance with the terms of its earlier Third Round Substantive Certification from COAH, and it will continue to not take any municipal action during the Fourth Round that would lead to the loss of existing public housing within the City.

### **Addressing the Prior Round Obligation (1987-1999): 58**

The City has a Prior Round Obligation of 58. A Vacant Land Analysis (VLA) was completed in the Prior Round, indicating an RDP of zero (0) and a remaining Prior Round unmet need of 58. The Prior Round RDP was incorporated in the Third Round FSHC Settlement Agreement, which was approved by the Court, and was later made part of the City's Third Round Housing Element and Fair Share Plan, which was approved by the Court via an entry of a Third Round JOR Order. Since the City had a Prior Round RDP of zero (0), there was no RDP to satisfy in the Prior Round.

### **Addressing the Third Round Obligation (1999-2025): 212**

In the Third Round, the City and FSHC entered a Court approved settlement agreement that set the City's Third Round Obligation at 212. This was later incorporated into the City's Third Round Housing Element and Fair Share Plan, which was subsequently approved by the Court via the entry of the Third Round JOR Order. A Vacant Land Adjustment was completed in the Third Round, which calculated the City's Third Round Realistic Development Potential (RDP) to be 12, which left a remaining Third Round unmet need of 200.

### *Addressing the Third Round RDP of 12*

The City's Third Round RDP of 12 was based on a Vacant Land Analysis, which found that no parcels in the City generated an RDP at the time other than approved subdivisions on the Osprey Landing, Pella, and Somers tracts, which were approved prior to the City's affordable housing requirements taking effect and thus were not required to provide affordable units. These developments generated a combined 12-unit Third Round RDP, which left a remaining Third Round unmet need of 200.

The City intends to satisfy its Third Round RDP of 12 as follows:

#### *A. Accessory Apartment Program (6 Accessory Apartment units).*

During the Third Round, the City created an Accessory Apartment Program, which is codified at § 59-80 and §59-81 of the City Code. A limit of 10 accessory apartments were permitted by the previous ordinance. The City, by Ordinance #359-2018, amended the code to allow up to 12 accessory apartments and require that of the 12 there will be six low-income units of which two will be deed restricted for very low income households, with funding levels of \$20,000 for a moderate-income unit, \$25,000 for a low-income unit, and \$30,000 for a very low-income unit, with those amounts subject to review at the midpoint review to evaluate whether these amounts have been sufficient to incentivize accessory apartments. The City finalized the form of the updated Ordinance through collaboration with FSHC, the Special Master, and representatives of the City. The city will continue to rely on its Accessory Apartment Program to address six (6) units in Third Round RDP of 12.

To make the Accessory Apartment Program more viable, the City intends to implement the following via an amendment of its existing Accessory Apartment Ordinance:

1. Funding levels will be increased to \$25,000 for a moderate-income unit, \$40,000 for a low-income unit and \$70,000 for a very low-income unit.
2. The City will work with its Administrative Agent to market the Accessory Apartment program in a more vigorous manner.

#### *B. Inclusionary Projects (3 Affordable Family Rental Units).*

The affordable units from the following inclusionary projects will help satisfy the City's Third Round RDP:

1. **DiDonato - Cape May Harbor Cove Subdivision (2 affordable family rental units):**  
This approved and constructed inclusionary project will provide two (2) affordable family rental units. As a result of a major subdivision, 13 market rate units are located on Block 1172, Lot 4, and the two (2) affordable family rental units are located offsite at

1134A Lafayette Street and 1134B Lafayette Street (Block 1113, Lot 8). One of the units will be a very low-income affordable family rental unit with 2 bedrooms, and the other one will be a low-income family rental unit with 3 bedrooms. The affordable units are currently in the process of being affirmatively marketed.

2. **Yacht Harbor Marine Project (1 affordable family rental unit)**: This is an approved inclusionary project located at 1505 Yacht Avenue (Block 1160, Lot(s) 6, 6.01 & 7). The approval requires one (1) offsite unit to be developed in accordance with the current code affordable requirements on a site to be determined. Although the primary site is already under construction, final certificates of occupancy will not be issued until the off-site affordable unit is constructed.

### ***C. Three (3) Third Round Bonus Credits.***

The City is claiming three (3) Third Round bonus credits, two (2) from the approved and constructed Cape May Harbor Cove project and one (1) from the approved Yacht Harbor Marine Project.

### **Addressing the Fourth Round Obligation (2025-2035): 48**

The City's Fourth Round Prospective Need Obligation is 48. As previously discussed, the City has recently completed a Vacant Land Analysis (see Appendix), which determined the City's current Round 4 RDP to be zero (0). Therefore, there is no RDP for the City to address for the Fourth Round, just a Fourth Round unmet need of 48.

### **Addressing the Combined Prior Round, Third Round and Fourth Round Unmet Need: 306**

The Third Round RDP of 12, subtracted from the Prior Round unmet need of 58, the Third Round unmet need of 200 and the Fourth Round unmet need of 48, leaves a combined Prior Round, Third Round and Fourth Round unmet need of 306 (hereinafter "combined unmet need") for the City, which the City intends to address through the following mechanisms:

#### **A. Cape May Housing Authority Site (Block 1061, Lot(s) 32-36, 37.01 & Block 1080, Lots 2-29):**

The City and the Cape May Housing Authority were involved in negotiations regarding the possible "gut" rehabilitation of the Cape May Housing Authority's 85 existing units, which if meeting the standards for "gut rehabilitation" and "reconstruction" as defined in N.J.A.C. 5.93-1.3 and N.J.A.C. 5:97-1.4 respectively, would count as new creditworthy affordable units. There were also discussions regarding the construction of additional new affordable and work force housing units on the site. If an agreement is reached during the Fourth Round between the City and the Cape May Housing Authority, creditworthy gut rehabilitation of existing units or newly constructed affordable units will be used by the City to fill any existing gap in its Third Round RDP of 12, with the balance going towards the City's combined unmet need. The City will use Affordable

Housing Trust Fund monies to help fund any agreed upon project, and will also utilize redevelopment to address the redevelopment requirement in amended Section 1 of P.L.1995, c.231 (C.52:27D-310.1) of the FHA, if such a project moves forward with new units.

- B. **Accessory Apartment Program**: Any accessory apartment units created via the City's Accessory Apartment Program beyond the six (6) accessory apartments needed to help satisfy the City's Third Round RDP of 12, will be put towards the City's remaining combined unmet need.
- C. **Mandatory Set-Aside Ordinance**: During the Third Round, the City updated its existing city-wide inclusionary zoning ordinance at § 59-43 of City Code requiring a mandatory affordable housing set aside for all new residential developments of five (5) units or more and providing a density bonus for such development, so as to remove references to growth share and maintain a requirement for either on-site or off-site provision of the required units of affordable housing with payment-in-lieu provisions only utilized to fulfill fractional unit obligations. The required set-asides were set at fifteen percent (15%) for rental projects and twenty percent (20%) for for-sale projects. The City finalized the form of the Ordinance amendments (Ordinance #359-2018) through collaboration with FSHC, the Special Master, and representatives of the City. The City will amend this ordinance to require that all new residential developments of five (5) or more units deliver a twenty percent (20%) affordable housing set-aside for both rental and for-sale units.
- D. **Overlay Zone**: The City's Fourth Round Unmet Need Obligation is 48. As per the Consent Order between the City and FSHC, the City is required to adopt an overlay zone or zones to address its twenty five percent (25%) Fourth Round unmet need requirement of 12 units. To satisfy this Consent Order condition, the City intends to promote affordable housing within the City through the application of an overlay in the C-5 Service Business-Light Industrial District where realistic development opportunities exist. The overlay zone will include 4.67 acres of land suitable for development that could yield up to 81 total units, which would include a twenty percent (20%) affordable housing set aside of 16 affordable units. The proposed bulk and density standards for this overlay zone would be similar to the existing bulk and density standards in the City's R-3 and R-S zones.

### **Very Low Income Requirement**

The City's Affordable Housing Ordinance requires that thirteen percent (13%) of all restricted rental units, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very-low-income units, with half of the very-low-income units being available to families. The City will comply with those requirements by providing two very-low-income accessory apartments as specified herein, and by requiring that very-low-income units constitute thirteen percent (13%) of affordable units developed on any site in the

City via inclusionary zoning and/or overlay zoning requirements. If the Cape May Housing Authority project moves forward, very-low income units will be provided in that project as well.

### **Affordable Housing Trust Fund**

The City of Cape May adopted an affordable housing Development Fee Ordinance (“DFO”) in accordance with the FHA and applicable COAH regulations for the purposes of funding affordable housing activities, and continues to collect development fees in accordance with the DFO. Fees collected from the DFO are deposited in the City’s Affordable Housing Trust Fund. All trust fund monitoring is up to date with the DCA. Finally, the City adopted a Fourth Round Spending Plan, which was submitted to the Court for review and approval.

### **Cost Generation**

The City of Cape May will provide for expediting the review of development applications containing affordable housing. Such expedition may consist of, but is not limited to, scheduling of pre-application conferences and special monthly public hearings for projects involving affordable housing. Furthermore, development applications containing affordable housing shall be reviewed for consistency with the Land Development Ordinance and Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.) The City shall comply with COAH’s requirements for unnecessary cost generating requirements under N.J.A.C. 5:93-10.

### **Monitoring**

The City has completed all of its monitoring requirements to date with the DCA for both the City’s Affordable Housing Trust Fund and the City’s affordable housing units and programs, and will continue to do so on a yearly basis as is required by the FHA.

### **Affordable Housing Ordinance and Affirmative Marketing**

For the Third Round, the City prepared and adopted an Affirmative Marketing plan and an Affordable Housing Ordinance in accordance with COAH’s substantive rules, N.J.A.C. 5:93-9, and the UHAC at N.J.A.C. 5:80-26. The City’s Affordable Housing Ordinance governs the administration of affordable units in the City as well as regulating the occupancy of such units. The Affordable Housing Ordinance also covers the phasing of affordable units, the very low/low/moderate income split, bedroom distribution, occupancy standards, affordability controls, establishing rents and sale prices, affirmative marketing, income qualification and the like. The City is in the process of adopting an updated Affordable Housing Ordinance to comply with the amended FHA and the newly amended and adopted UHAC regulations.

The City’s current Affirmative Marketing Plan is designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to the affordable units located in the City. Additionally, the Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable

units and who reside in Housing Region #6, consisting of Atlantic, Cape May, Cumberland and Salem counties. The costs of advertising and affirmative marketing of the affordable units (including the contract with the Administrative Agent) shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the City.

The Affirmative Marketing Plan also includes regulations for qualification of income eligibility, prove and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance with N.J.A.C. 5:80-26. The Affirmative Marketing Plan is in the process of being updated to ensure that all newly created affordable units will comply with the thirty-year and forty-year affordability control periods required by the amended FHA and the newly amended UHAC regulations. This plan must be adhered to by all private, non-profit or municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit. The costs of implementing the Affirmative Marketing Plan (i.e., the costs of advertising the availability of affordable units, contract with the Administrative Agent, etc.) are the responsibilities of the developers of the affordable units.

### **Conclusion**

The City will be able to satisfy its Rehabilitation, Prior Round and Third Round and Fourth Round affordable housing obligations with the various methods that have been proposed herein by 2035, which will provide for a realistic opportunity for the production of very low, low and moderate income affordable units within the City.

## **IV. Appendix**



# VACANT LAND INVENTORY & ANALYSIS

Prepared for:  
City of Cape May Council  
& The Cape May City Planning Board

Prepared By:

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APRIL 22, 2025

## VACANT LAND INVENTORY & ANALYSIS CITY OF CAPE MAY, CAPE MAY COUNTY, NJ

### ***MAYOR***

Mayor Zachary Mullock

### ***COUNCIL MEMBERS***

Councilmember Shaine P. Meier  
Councilmember Lorraine Baldwin  
Councilmember Steve Bodnar  
Deputy Mayor Maureen K. McDade

### ***PLANNING BOARD***

Zachary Mullock, Mayor  
Maureen McDade, Deputy Mayor  
Justin Riggs, Deputy City Manager  
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Dennis Crowley  
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Richard Lundholm  
Marilyn Reed  
Michael Jones, Vice Chairperson  
Gary Padussis  
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The original of this document was signed and sealed.

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<u>APPENDIX B - VACANT LAND ANALYSIS MAP</u>	

## INTRODUCTION

Cape May City is a small peninsula community located at the southern tip of the Cape May Peninsula in Cape May County. The City of Cape May was originally formed as the borough of Cape Island by an act of the New Jersey Legislature on March 8, 1848, from portions of Lower Township. It was reincorporated as Cape Island City on March 10, 1851, and finally became Cape May City as of March 9, 1869. The City of Cape May contains a total area of 2.743 square miles, which includes 2.404 square miles of land and 0.339 square miles of water. Cape May City currently has a year-round population of approximately 2,700 residents, with a higher seasonal summer population of approximately 50,000. Approximately half the population is 45 or older, and a median family income lower than the state average.

In 1976, the City was officially designated a National Historic Landmark as the Cape May Historic District, making Cape May the only city in the United States wholly designated as such and that designation is intended to ensure the architectural preservation of these buildings.

Located at the southernmost point in New Jersey, Cape May Harbor allows fishing vessels to enter from the Atlantic Ocean, making it the second-largest fishing port on the East Coast. Tourism is a dominant industry for the city, with the economy focusing on shops, restaurants, lodging and tourist attractions including the Washington Street Mall, which is a pedestrian friendly right-of-way with storefronts lining the walk and the beachfront promenade. Ecotourism is also prominent, featuring more than 400 recorded bird species, marine mammal watching trips, fishing trips and more.

The City of Cape May is seeking a vacant land adjustment due to the developed, built-out condition and undeveloped areas with environmental constraints. This Vacant Land Analysis was prepared to document Cape May's lack of available land capacity pursuant to N.J.A.C. 5:93. This inventory includes the Block, Lot, address, total lot acreage and developable uplands acreage area for each property. This information has been taken from current tax information (Provided by Cape May Tax Assessor on January 23, 2025) and NJDEP mapping.

## **REGULATORY JURISDICTIONS & CONSTRAINTS**

The City of Cape May is located within the jurisdictional area of the State regulated Coastal Zone Management Rules "CAFRA Rules" set forth in N.J.A.C. 7-7E. These Rules delineate a number of other Coastal and CAFRA Centers. Coastal Centers were delineated by the NJDEP for the purpose of applying impervious coverage and vegetative coverage standards. Cape May City was designated as a non-mainland coastal town center. This Designated Town (DT) Center as depicted on the State Smart Growth Area Map designation was consistent with a State Plan designation which designates the area for growth which encourages growth and investment as a Designated Center. Cape May City received NJ State Plan Endorsement on October 10, 2012 which expired in 2022. The entire City is now mapped PA5 Environmentally Sensitive on the State Plan Policy Map. PA5 Environmentally Sensitive areas represent the most environmentally sensitive zones, typically including large swaths of undeveloped land, natural preserves, and critical wildlife habitats, making them the least suitable for significant development according to the New Jersey State Plan.

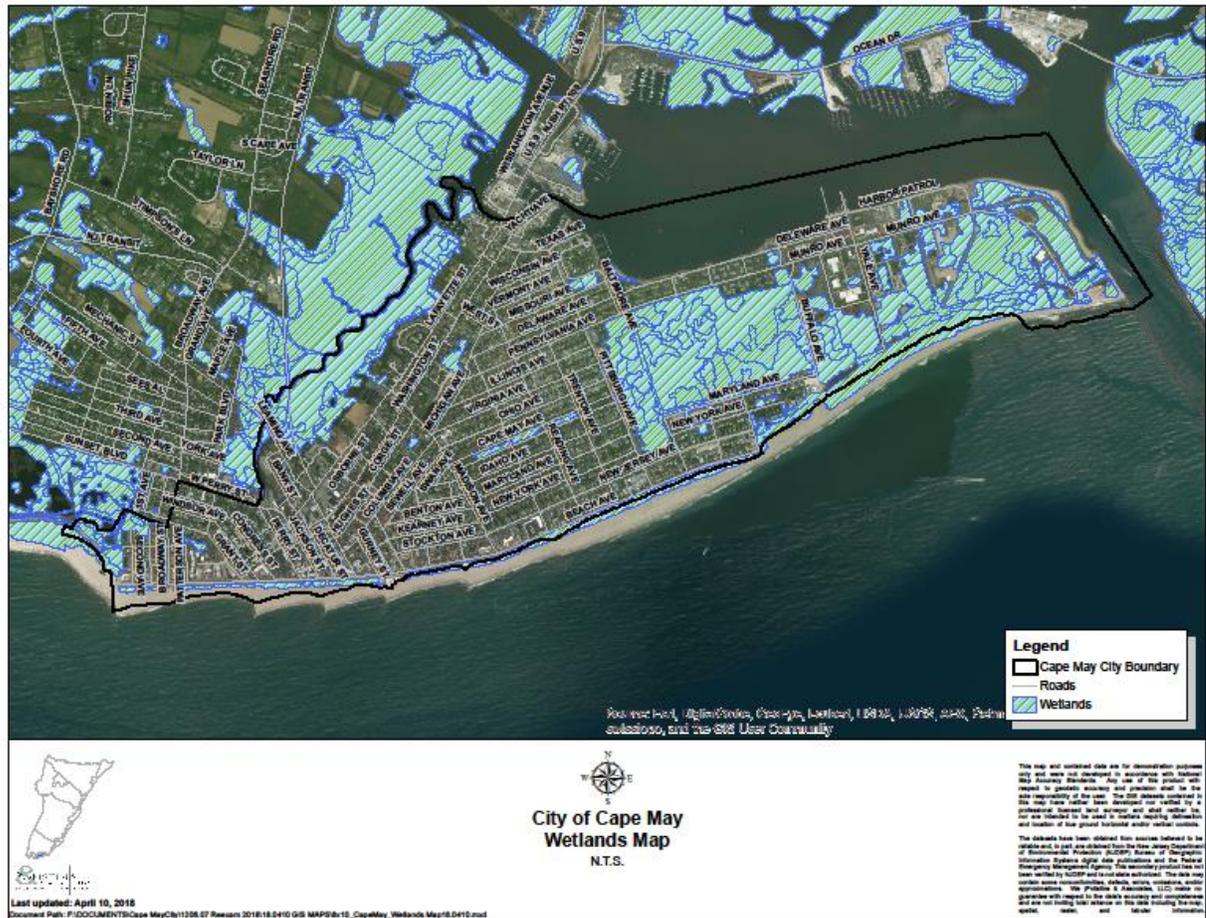
Cape May is separated from the New Jersey mainland by Cape May Harbor and the Cape Canal, which is part of the Intracoastal Waterway. This island is shared by the City of Cape May, the Boroughs of West Cape May and Cape May Point, and a portion of Lower Township. Cape May City shares municipal borders with the Borough of West Cape May and Lower Township. The eastern end of the city is occupied by a U.S. Coast Guard base, which occupies approximately 20% of the land area in the City.

Cape May's regional location is shown on Map 1.



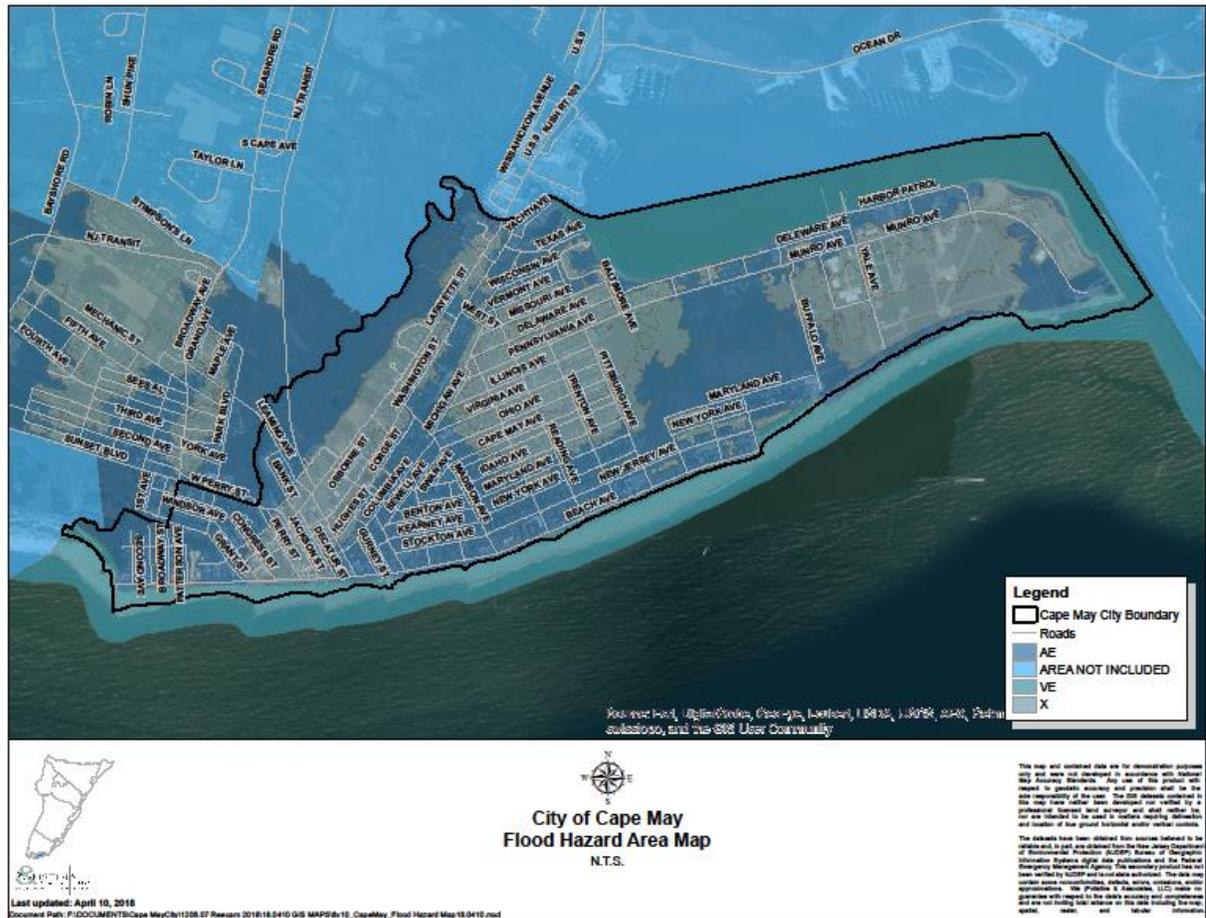
Map 1 – Aerial Map of Cape May, New Jersey

Cape May City's location on the coastal plain in proximity to several water bodies and its relatively low elevation put the City's development in proximity to important sensitive wetland areas. Map 2 shows an aerial photograph of the City and its areas of wetlands:



Map 2: City of Cape May Wetlands Map

Cape May City's location and its relatively low elevation often puts the City's developments within mapped flood hazard areas which can constrain development. Map 3 shows an aerial photograph of the City and its areas of flood hazard areas:



Map 3: Flood Hazard Area Map

The City offers a rare inventory of architectural styles spanning approximately 250 years of development as a summer resort destination which includes a mix of architecture from the eighteenth, nineteenth and twentieth centuries. Preservation efforts combined with the offering of cultural and historical activities and events, have increased visitation and contributed to the economic prosperity of the City of Cape May. The restoration and conversion of many historic homes to Bed and Breakfast inns, guesthouses, restaurants and shops have contributed to this success. The Cape May Historic District is exceptional because of its mix of distinctive architectural building and streetscape character as a whole.

Cape May’s architectural heritage was recognized with its designation as a National Historic Landmark District in 1976. A National Historic Landmark designation applies to buildings, sites and districts that meet the Secretary of the Interior’s standards for such designation. Cape May is the only city in the Country to have the entire city designated as a National Historic Landmark. It is also listed on both the National and State of New Jersey Registers of Historic Places.

## CRITERIA FOR EXCLUSION FROM VACANT LAND INVENTORY

This inventory and analysis has been prepared utilizing the exclusions permitted under N.J.A.C. 5:93 which establishes criteria for sites, or portions thereof, which may be excluded. The following criteria were used to exclude vacant properties from the inventory:

### *5:93-4.2 Lack of land*

*(a) Municipalities that request an adjustment due to available land capacity shall submit an existing land use map at an appropriate scale to display the land uses of each parcel within the municipality. Such a map shall display the following land uses: single family, two-to-four family, other multi-family, commercial, industrial, agricultural, parkland, other public uses, semipublic uses and vacant land.*

*(b) Municipalities that request an adjustment due to available land capacity shall submit an inventory of vacant parcels by lot and block that includes the acreage and owner of each lot.*

*(c) Municipalities shall exclude from the vacant land inventory:*

*1. Any land that is owned by a local government entity that, as of January 1, 1997, has adopted, prior to the filing of a petition for substantive certification, a resolution authorizing the execution of an agreement that such land shall be utilized for a public purpose other than housing; and*

*2. Any vacant contiguous parcels of land in private ownership of a size which would accommodate less than five dwelling units as per the COAH standard in (f) below;*

*i. In preparing a housing plan, a municipality may designate land in (c)2 above for affordable housing infill purposes, but is not required to do so.*

*(d) The Council shall review the existing land use map and inventory to determine which sites are most likely to develop for low and moderate income housing. All vacant sites shall initially be presumed to fall into this category. In addition, the Council may determine that other sites, that are devoted to a specific use which involves relatively lowdensity development would create an opportunity for affordable housing if inclusionary zoning was in place. Such sites include, but are not limited to: golf courses not owned by its members; farms in SDRP planning areas one, two and three; driving ranges; nurseries; and nonconforming uses. The Council may request a letter from the owner of sites that are not vacant indicating the site's availability for inclusionary development.*

*(e) Municipalities may present documentation that the Council shall use to eliminate a site or part of a site from the inventory of sites described in (d) above. Partial elimination of a site shall not necessarily eliminate an entire site as unsuitable. Municipalities may seek to eliminate sites from the inventory described in (d) using the criteria set forth in 1 through 6 below. Municipalities shall submit transparent overlays drawn to the same scale as the existing land use map depicting those sites which the municipality maintains are inappropriate for development.*

*1. Agricultural lands shall be excluded when the development rights to these lands have been purchased or restricted by covenant.*

*2. Environmentally sensitive lands shall be excluded as follows:*

*i. Within the areas of the State regulated by the Pinelands Commission, Division of Coastal Resources of the DEP and the Hackensack Meadowlands Development Commission of DCA, the*

*Council shall adhere to the policies delineated in The Pinelands Comprehensive Management Plan, N.J.A.C.7:50; the Coastal Permit Program Rules, N.J.A.C.7:7-1; Coastal Resource and Development Rules, N.J.A.C.7:7E1; and the Zoning Regulations of the Hackensack Meadowlands District, N.J.A.C. 19:4.*

*ii. In areas of the State not regulated by the Pinelands Commission, the Division of Coastal Resources and the Hackensack Meadowlands Development Commission, municipalities may exclude as potential sites for low and moderate income housing: inland wetlands as delineated on the New Jersey Freshwater Wetlands Maps, or when unavailable, the U.S. Fish and Wildlife Service National Wetlands Inventory; or as delineated on-site by the U.S. Army Corps of Engineers or DEP, whichever agency has jurisdiction; when on-site delineation is required by the Council; flood hazard areas as defined in N.J.A.C.7:13; and sites with slopes in excess of 15 percent, as determined from the U.S.G.S. Topographic Quadrangles, which render a site unsuitable for low and moderate income housing. In cases where part of a site is unsuitable for low and moderate income housing because of flood hazard areas or inland wetlands, the Council shall not permit low and moderate income housing to be constructed on that unsuitable part of the site; provided however, that this rule shall not prohibit construction of low and moderate income housing on the remainder of the site. In the case of slopes in excess of 15 percent, a municipality may regulate inclusionary development through a steep slope ordinance, provided the ordinance also regulates non-inclusionary developments in a consistent manner. The Council reserves the right to exclude sites in whole or in part when excessive slopes threaten the viability of an inclusionary development.*

*iii. Where the Legislature adopts legislation that requires the mapping of other natural resources and provides a mechanism for their regulation, the Council shall include such resources in its criteria and guidelines for municipal adjustment.*

*3. Historic and architecturally important sites may be excluded as follows:*

*i. Historic and architecturally important sites shall be excluded if such sites were listed on the State Register of Historic Places in accordance with N.J.A.C.7.4 prior to the submission of the petition of substantive certification.*

*ii. Municipalities may apply to exempt a buffer area to protect sites listed on the State Register of Historic Places. The Council shall forward such request to the Office of New Jersey Heritage for a recommendation pertaining to the appropriateness and size of a buffer.*

*iii. Upon receipt of the Office of New Jersey Heritage's recommendation, the Council shall determine if any part of a site should be eliminated from the inventory described in (d) above.*

*iv. Within historic districts, a municipality may regulate low and moderate income housing to the same extent it regulates all other development.*

*4. Active recreational lands may be excluded as follows:*

*i. Municipalities may reserve three percent of their total developed and developable acreage for active municipal recreation and exclude this acreage from consideration as potential sites for low and moderate income housing. However, all sites designated for active recreation must be designated for recreational purposes in the municipal master plan. In determining developable acreage, municipalities shall calculate their total vacant and undeveloped lands and deduct from that total number the lands excluded by the Council's rules regarding historic and architecturally important sites, agricultural lands and environmentally sensitive lands. Municipalities shall also exclude from this calculation of total vacant and undeveloped lands, those owned by nonprofit organizations, counties and the State or Federal government when such lands are precluded from development at the time of substantive certification. Municipalities shall submit appropriate documentation demonstrating that such active recreational lands are precluded from development.*

*Existing active municipal recreation areas shall be subtracted from the three percent calculation of total developed and developable acreage to determine additional land that may be reserved for active municipal recreation.*

*ii. Sites designated for active recreation must be purchased and limited to active recreational purposes within one year of substantive certification. Sites that are not purchased and limited to active recreational purposes shall, if determined necessary by the Council, be zoned to permit inclusionary development.*

**5. Conservation, parklands and open space lands may be excluded as follows:**

*i. Any land designated on a master plan of a municipality as being dedicated or which is dedicated by easement or otherwise for purposes of conservation, parklands or open space and which is owned, leased, licensed or in any other manner operated by a county, municipality or tax-exempt, nonprofit organization including a local board of education or by more than one municipality, by joint agreement pursuant to P.L.*

*1964,c.185 (N.J.S.A. 40:61-35.1 et seq.), for so long as the entity maintains such ownership, lease, license or operational control of such land.*

*ii. If less than three percent of the municipality's total land area is designated for conservation, parklands or open space, the municipality may reserve up to three percent of its total land area for such purposes. However, the acquisition of such sites must be initiated by the municipality within one year of substantive certification. Sites that are not purchased and limited to conservation, parklands or open space within that time-frame, shall, if determined necessary by the Council, be zoned to permit inclusionary development.*

*iii. If sites designated for conservation, parklands or open space no longer serve those purposes and subsequently become available for residential or nonresidential development, these sites shall have an affordable housing obligation, if determined necessary by the Council.*

**6. Individual sites that the Council determines are not suitable for low and moderate income housing may also be eliminated from the inventory described in (d) above.**

*(f) The Council shall consider sites, or parts thereof, not specifically eliminated from the inventory described in (d) above, for inclusionary development. The Council shall consider the character of the area surrounding each site and the need to provide housing for low and moderate income households in establishing densities and set-asides for each site, or part thereof, remaining in the inventory. The minimum presumptive density shall be six units per acre and the maximum presumptive set-aside shall be 20 percent. The density and set-aside of each site shall be summed to determine the RDP of each municipality.*

*Example: Lowmod Borough has three suitable sites. The sites are 10 acres, five acres and one acre. The larger sites may accommodate eight units/acre. The one acre site may accommodate six units/acre. All sites are assigned a 20 percent setaside. The RDP equals 25 low and moderate income units.*

$$10 \text{ acres} \times 8 \text{ units/acre} \times .2 = 16$$

$$5 \text{ acres} \times 8 \text{ units/acre} \times .2 = 8$$

$$1 \text{ acre} \times 6 \text{ units/acre} \times .2 = 1$$

*A municipality that received an adjustment due to lack of vacant land in addressing its 1987-1993 need obligation shall be presumed to have addressed its RDP , provided the municipality continues to implement the terms of its previous substantive certification.*

*(g) The municipality may address its RDP through any activity approved by the Council, pursuant to N.J.A.C.5:93-5. The municipality need not incorporate into its housing element and fair share plan all*

sites used to calculate the RDP if the municipality can devise an acceptable means of addressing its RDP. The RDP shall not vary with the strategy and implementation techniques employed by the municipality.

(h) If the RDP described in (f) above is less than the precredited need minus the rehabilitation component, the Council shall review the existing municipal land use map for areas that may develop or redevelop. Examples of such areas include, but are not limited to: a private club owned by its members; publicly owned land; downtown mixed use areas; high density residential areas surrounding the downtown; areas with a large aging housing stock appropriate for accessory apartments; and properties that may be subdivided and support additional development. After such an analysis, the Council may require at least any combination of the following in an effort to address the housing obligation:

1. Zoning amendments that permit apartments or accessory apartments;
2. Overlay zoning requiring inclusionary development or the imposition of a development fee consistent with N.J.A.C.5:93-8. In approving an overlay zone, the Council may allow the existing use to continue and expand as a conforming use, but provide that where the prior use on the site is changed, the site shall produce low and moderate income housing or a development fee; or
3. Zoning amendments that impose a development fee consistent with N.J.A.C. 5:93-8.

In summary, the following has been determined to meet the above criteria and determined as vacant:

- Properties owned by a local government entity that are utilized for a public purpose other than housing.
- Per N.J.A.C. 5:93, an affordable housing site must be able to accommodate 5 dwelling units at a minimum density of 6 units per acre with a maximum set aside of 20%. Therefore, a site or parcel must be greater than 0.833 acres to provide a single affordable unit. Public and privately owned sites less than 0.833 acres have been excluded.
- Environmentally sensitive areas including flood hazard areas, areas within environmentally Sensitive Planning Areas according to the State Plan Policy Map, areas outside the Sanitary Sewer Service Area, wetlands, and areas characterized by steep slopes greater than 15% that render a site unsuitable for affordable housing (Developable land is less than 0.833 acres).
- Vacant lots or properties under development or approved for development.
- Landlocked parcels or sites with limited or no access.

An inventory has been prepared in accordance with this methodology and included in Appendix A "Vacant Land Inventory Table."

## UPDATES, SUMMARY & CONCLUSION

The vacant land analysis indicates that the City of Cape May does not have any sufficient acreage to accommodate its prior round obligation nor its new construction obligation. Approximately 1,172 acres and a total of 303 tax lot parcels have been identified as vacant by the current City Tax Data. Exclusions permitted under N.J.A.C. 5:93 resulted in all vacant parcels meeting the vacant criteria of permitted under N.J.A.C. 5:93. Most parcels were excluded primarily due to lot sizes less than 0.833 acres, parcels that have prior approvals, utilities, open space or were undevelopable. The environmentally contained lands, beaches, dunes or tidally flowed waterways made up the majority of vacant land mass.

A substantial portion of the eastern half of Cape May is preserved wetlands and noted as zoning district Preserved Wetlands (PW). As indicated in the City's 2009 and 2017 Master Plan Reexaminations, there was great concern expressed regarding the potential development of these wetlands in East Cape May. This is the last concentration of undeveloped land in Cape May. Much of this land is zoned residential and only the state's wetland protection policies have so far prevented development. A large residential subdivision plan was filed and it was in litigation with the State for a number of years over the extent of the wetlands and whether this area is suitable for development. It was previously unknown the extent of development will be permitted if any, and how or when this litigation will be resolved. A settlement was reached and the transfer of the following parcels from East Cape May Associates to the New Jersey Department of Environmental Protection was recorded on 8/30/2021:

Block 1163, Lot 8; Block 1164, Lot 7 ; Block 1165 Lot 7; Block 1166 Lot 3; Block 1167, Lot 3; Block 1168, Lot 3; Block 1169, Lot 4; Block 1179, Lot 1; Block 1180 Lot 1; Block 1181 Lot 1; Block 1182 Lot 1; Block 1190 Lot 1; Block 1191, Lot 1; Block 1192 Lot 1; Block 1193 Lot 1; Block 1199 Lot 1; Block 1200 Lot 1; Block 1201 Lot 1; Block 1202 Lot 1; Block 1203 Lot 1; Block 1210 Lot 1; Block 1211 Lot 1; Block 1212, Lot 1; Block 1213 Lot 1; Block 1214 Lot 1.

This transfer effectively makes the above referenced lots "vacant" and not viable for future development due to environmental constraints.

The New Jersey Department of Environmental Protection approved a diversion to allow the City to remove the Green Acres restrictions from approximately 0.137 acre of parkland in order for the City to construct a new police station facility at the intersection of St. John Street and Lafayette Street. The City was required to compensate for the diversion and dedicate six tax parcels and various vacated ROWs, totaling 6.607 acres, in fee for recreation and conservation purposes. The proposed compensation parcels include: 1) Block 1163, Lot 7; 2) Block 1164, Lot 6; 3) Block 1165, Lot 1; 4) Block 1165, Lot 6; 5) Block 1167, Lot 2; and 6) Block 1168, Lot 2 as well as vacated portions of Illinois Avenue, Virginia Avenue, Ohio Avenue, Cape May Avenue, Idaho Avenue, Maryland Avenue and New York Avenue.

This diversion compensation effectively makes the above referenced lots “vacant” and not viable for future development due to environmental constraints.

This analysis of the Realistic Development Potential (RDP) of the vacant lands was performed in accordance with N.J.A.C. 5:93. The majority of vacant lands were environmentally constrained or open space and deemed undevelopable. These lands are adjacent to: the Atlantic Ocean, beaches and dunes; Cape Island Creek and adjacent environmentally constrained lands; Cape May Harbor, tributaries and adjacent environmentally constrained lands; and East Cape May wetlands and environmentally constrained lands. This analysis reveals that the city does not have any vacant lots large enough to provide affordable housing. This includes an analysis evaluating if any vacant lots could be consolidated to provide lots large enough for development. All existing vacant lots previously approved by residential subdivision approval were captured in the 3<sup>rd</sup> Round RDP requirement of 12 units. All new subdivisions are below the unit number requiring affordable units and acreage thresholds and have been excluded.

The City of Cape May's RDP is zero (0) affordable units.

## **APPENDIX A**

### **VACANT LAND INVENTORY TABLE**

BLOCK	LOT	CARD	PROPERTY LOCATION	CLASS	LAND DIM.	AREA (AC)	ZONING	PAGE	OWNER	VALUES			DESCRIPTION & NOTES
										LAND TAXABLE VALUE	IMPROV TAXABLE VALUE	VALUES NET TAXABLE VALUE	
1000	1	1	12 BEACH AVE	15C	20.47AC	20.47	S-1	68	CITY OF CAPE MAY	100300	0	100300	City Environmentally Constrained-Beach/Dunes
1000	6	1	22 BEACH AVE	15C	5.9AC	5.9	S-1	68	CITY OF CAPE MAY	28900	0	28900	City Environmentally Constrained-Beach/Dunes
1000	7	1	32 BEACH AVE	15C	5.2AC	5.2	S-1	69	CITY OF CAPE MAY	25500	0	25500	City Environmentally Constrained-Beach/Dunes
1000	8	1	42 BEACH AVE	15C	7.3AC	7.3	S-1	69	CITY OF CAPE MAY	35800	0	35800	City Environmentally Constrained-Beach/Dunes
1000	10	1	62 BEACH AVE	15C	220X1000	5.0505	S-1	69	CITY OF CAPE MAY	494900	0	494900	City Environmentally Constrained-Beach/Dunes
1000	11	1	302 S BEACH AVENUE	15C	320X1000	7.3462	S-1	69	CITY OF CAPE MAY	719300	0	719300	City Environmentally Constrained-Beach/Dunes
1000	12	1	82 BEACH AVE	15C	30X1000	0.6887	S-1	70	CITY OF CAPE MAY	67600	0	67600	City Environmentally Constrained-Beach/Dunes
1000	13	1	92 BEACH AVE	15C	260X1000	5.9688	S-1	70	CITY OF CAPE MAY	585100	0	585100	City Environmentally Constrained-Beach/Dunes
1000	14	1	100 BEACH AVE	15C	250X1000	5.7392	S-1	70	CITY OF CAPE MAY	2648800	0	2648800	City Environmentally Constrained-Beach/Dunes
1000	15	1	110 BEACH AVE	15C	100X1000	2.2957	S-1	70	CITY OF CAPE MAY	225400	0	225400	City Environmentally Constrained-Beach/Dunes
1000	16	1	200 BEACH AVE	15C	17X1000	0.3903	S-1	70	CITY OF CAPE MAY	38200	0	38200	City Environmentally Constrained-Beach/Dunes
1000	17	1	202 BEACH AVE	15C	12X1000	0.2755	S-1	70	CITY OF CAPE MAY	26500	0	26500	City Environmentally Constrained-Beach/Dunes
1000	18	1	204 BEACH AVE	15C	70X1000	1.607	S-1	70	CITY OF CAPE MAY	156800	0	156800	City Environmentally Constrained-Beach/Dunes
1000	20	1	210 BEACH AVE	15C	48X965	1.0634	S-1	71	CITY OF CAPE MAY	103900	0	103900	City Environmentally Constrained-Beach/Dunes
1000	21	1	220 BEACH AVE	15C	255X965	5.6491	S-1	71	CITY OF CAPE MAY	553700	0	553700	City Environmentally Constrained-Beach/Dunes
1000	22	1	222 BEACH AVE	15C	40X965	0.8861	S-1	71	CITY OF CAPE MAY	86200	0	86200	City Environmentally Constrained-Beach/Dunes
1000	23	1	230 BEACH AVE	15C	184X965	4.0762	S-1	71	CITY OF CAPE MAY	400800	0	400800	City Environmentally Constrained-Beach/Dunes
1000	24	1	234 BEACH AVE	15C	54X1000	1.2397	S-1	71	CITY OF CAPE MAY	120500	0	120500	City Environmentally Constrained-Beach/Dunes
1000	25	1	236 BEACH AVE	15C	48X965	1.0634	S-1	71	CITY OF CAPE MAY	103900	0	103900	City Environmentally Constrained-Beach/Dunes
1000	26	1	250 BEACH AVE	15C	384X1000	8.8154	S-1	72	CITY OF CAPE MAY	863400	0	863400	City Environmentally Constrained-Beach/Dunes
1000	27	1	302 BEACH AVE	15F	25X1000	0.5739	S-1	72	STATE OF NJ BUREAU OF TIDELANDS	55900	0	55900	City Environmentally Constrained-Beach/Dunes
1000	28	1	320 BEACH AVE	1	341X1000 IRR	0	S-1	72	STEEGER, STEVEN R	766400	0	766400	City Environmentally Constrained-Beach/Dunes
1000	29.01	1	400 BEACH AVE	15C	3.028AC	3.028	S-1	72	CITY OF CAPE MAY	296900	0	296900	City Environmentally Constrained-Beach/Dunes
1000	30	1	426 BEACH AVE	15C	104X965	2.3039	S-1	72	CITY OF CAPE MAY	225400	0	225400	City Environmentally Constrained-Beach/Dunes
1000	31	1	502 BEACH AVE	15C	100X965	2.2153	S-1	73	CITY OF CAPE MAY	216600	0	216600	City Environmentally Constrained-Beach/Dunes
1000	32	1	510 BEACH AVE	15C	125X965	2.7692	S-1	73	CITY OF CAPE MAY	271500	0	271500	City Environmentally Constrained-Beach/Dunes
1000	33	1	518 BEACH AVE	15C	183X965	4.0541	S-1	73	CITY OF CAPE MAY	396900	0	396900	City Environmentally Constrained-Beach/Dunes
1000	34	1	610 BEACH AVE	1	369X965	8.1746	S-1	73	FITE, ROBERT S	800700	0	800700	Environmentally Constrained-Beach/Dunes
1000	37	1	728 BEACH AVE	15C	141X25	0.0809	S-1	74	CITY OF CAPE MAY	7800	0	7800	City Environmentally Constrained-Beach/Dunes
1000	38.01	1	REAR 724-730 BEACH AVE	15C	1.2 AC	1.2	S-1	74	CITY OF CAPE MAY	117600	0	117600	City Environmentally Constrained-Beach/Dunes
1000	42	1	802 BEACH AVE	15C	151X1000	3.4665	S-1	74	CITY OF CAPE MAY	340100	0	340100	City Environmentally Constrained-Beach/Dunes
1000	43	1	806 BEACH AVE	15C	85X1000	1.9513	S-1	74	CITY OF CAPE MAY	191100	0	191100	City Environmentally Constrained-Beach/Dunes
1000	44	1	810 BEACH AVE	15C	60X1000	1.3774	S-1	74	CITY OF CAPE MAY	135200	0	135200	City Environmentally Constrained-Beach/Dunes
1000	45	1	816 BEACH AVE	15C	66X1000	1.5152	S-1	74	CITY OF CAPE MAY	148000	0	148000	City Environmentally Constrained-Beach/Dunes
1000	46	1	820 BEACH AVE	15C	38X1000	0.8724	S-1	74	CITY OF CAPE MAY	85300	0	85300	City Environmentally Constrained-Beach/Dunes
1000	47	1	824 BEACH AVE	15C	60X1000	1.3774	S-1	74	CITY OF CAPE MAY	135200	0	135200	City Environmentally Constrained-Beach/Dunes
1000	48	1	902 BEACH AVE	15C	93X1000	2.135	S-1	74	CITY OF CAPE MAY	208700	0	208700	City Environmentally Constrained-Beach/Dunes
1000	49	1	904 BEACH AVE	15C	50X1000	1.1478	S-1	74	CITY OF CAPE MAY	112700	0	112700	City Environmentally Constrained-Beach/Dunes
1000	50	1	910 BEACH AVE	1	54X1000	1.2397	S-1	74	THE CAPE MAY TRUST @ S BURGOS	121500	0	121500	City Environmentally Constrained-Beach/Dunes
1000	51	1	922 BEACH AVE	15C	217X1000	4.9816	S-1	74	CITY OF CAPE MAY	488000	0	488000	City Environmentally Constrained-Beach/Dunes
1000	52	1	930 BEACH AVE	15C	54X1000	1.2397	S-1	75	CITY OF CAPE MAY	121500	0	121500	City Environmentally Constrained-Beach/Dunes
1000	53	1	932 BEACH AVE	15C	54X1000	1.2397	S-1	75	CITY OF CAPE MAY	121500	0	121500	City Environmentally Constrained-Beach/Dunes
1000	53.01	1	936 BEACH AVE	15C	49X1000	1.1249	S-1	75	CITY OF CAPE MAY	109800	0	109800	City Environmentally Constrained-Beach/Dunes
1000	54	1	938 BEACH AVE	1	60X1000	1.3774	S-1	75	STENER, STEVEN R	135200	0	135200	Environmentally Constrained-Beach/Dunes
1000	55	1	1002 BEACH AVE	1	45X1000	1.0331	S-1	75	FENNERTY, LAWRENCE TRUSTEE	100900	0	100900	Environmentally Constrained-Beach/Dunes
1000	56	1	1006 BEACH AVE	15C	100X1000	2.2957	S-1	75	CITY OF CAPE MAY	225400	0	225400	City Environmentally Constrained-Beach/Dunes
1000	57	1	1028 BEACH AVE	15C	300X1000	6.8871	S-1	75	CITY OF CAPE MAY	675200	0	675200	City Environmentally Constrained-Beach/Dunes
1000	59	1	1032 BEACH AVE	15C	147X1000	3.3747	S-1	75	CITY OF CAPE MAY	330300	0	330300	City Environmentally Constrained-Beach/Dunes
1000	60	1	1040 BEACH AVE	15C	376X375	3.2369	S-1	76	CITY OF CAPE MAY	316500	0	316500	City Environmentally Constrained-Beach/Dunes
1000	66	1	2102 BEACH AVE	15F	555.2 AC	555.2	S-2	67	US OF AMERICA ATTN: COMANDANT USCG	2715600	0	2715600	Environmentally Constrained-Beach/Dunes
1001	1	1	NINTH AVENUE	15C	.02AC	0.02	S-2	01	CITY OF CAPE MAY	100	0	100	City Environmentally Constrained-Beach/Dunes
1002	1	1	EIGHTH AVE	15C	.0121AC	0.0121	S-2	01	CITY OF CAPE MAY	400	0	400	City Environmentally Constrained-Beach/Dunes
1002	2	1	BEACH AVE	15C	.5050AC	0.505	S-2	01	CITY OF CAPE MAY	1500	0	1500	City Environmentally Constrained-Beach/Dunes
1003	1	1	SEVENTH AVE	15C	.6942AC	0.6942	S-2	01	CITY OF CAPE MAY	2100	0	2100	City Environmentally Constrained-Beach/Dunes
1003	14	1	BEACH AVE	15C	.5050AC	0.505	S-2	01	CITY OF CAPE MAY	1500	0	1500	City Environmentally Constrained-Beach/Dunes
1003	20	1	EIGHTH AVE	15C	.1377AC	0.1377	S-2	01	CITY OF CAPE MAY	400	0	400	Environmentally Constrained-Beach/Dunes
1003	22	1	EIGHTH AVE	1	25X100 IRR	0	S-2	01	WOLF, WILBERT @ LEWIS R WOLF	200	0	200	Environmentally Constrained-Beach/Dunes
1004	1	1	SEVENTH AVE	15C	1.6563AC	1.6563	S-2	01	CITY OF CAPE MAY	5000	0	5000	City Environmentally Constrained-Beach/Dunes
1004	2	1	MT VERNON AVE & SIXTH AVE	15F	130X120	0.3581	S-2	01	STATE OF NJ DEP NATURE CONSERVANCY	1100	0	1100	State Environmentally Contained-Beach/Dunes
1004	4	1	SIXTH AVE	15C	1.1042AC	1.1042	S-2	01	CITY OF CAPE MAY	3300	0	3300	City Environmentally Constrained-Beach/Dunes
1004	14	1	BEACH AVE	15C	.5968AC	0.5968	S-2	01	CITY OF CAPE MAY	1800	0	1800	City Environmentally Constrained-Beach/Dunes
1005	1	1	MT VERNON AVE	15C	.0878AC	0.0878	S-2	01	CITY OF CAPE MAY	300	0	300	City Environmentally Constrained-Beach/Dunes
1006	1	1	SIXTH AVE & MT VERNON AVE	15F	120X100	0.2755	S-2	01	STATE OF NJ DEP NATURE CONSERVANCY	800	0	800	State Environmentally Contained-Beach/Dunes
1006	2	1	MT VERNON AVE	15F	60X120	0.1653	S-2	01	STATE OF NJ DEP NATURE CONSERVANCY	500	0	500	State Environmentally Contained-Beach/Dunes
1006	4	1	FIFTH AVE	15F	120X100	0.2755	S-2	01	STATE OF NJ DEP NATURE CONSERVANCY	800	0	800	State Environmentally Contained-Beach/Dunes
1006	8	1	FIFTH AVE	15C	120X130	0.3581	S-2	01	CITY OF CAPE MAY	1100	0	1100	City Environmentally Constrained-Beach/Dunes
1006	9	1	FIFTH AVE	15C	.6267AC	0.6267	S-2	01	CITY OF CAPE MAY	1900	0	1900	City Environmentally Constrained-Beach/Dunes
1006	13	1	BEACH AVE	15C	.8356AC	0.8356	S-2	01	CITY OF CAPE MAY	2500	0	2500	City Environmentally Constrained-Beach/Dunes
1006	17	1	SIXTH AVE	15C	.8953AC	0.8953	S-2	01	CITY OF CAPE MAY	2700	0	2700	City Environmentally Constrained-Beach/Dunes
1006	24	1	SIXTH AVE	15F	30X130	0.0895	S-2	01	STATE OF NJ DEP NATURE CONSERVANCY	300	0	300	State Environmentally Contained-Beach/Dunes
1007	1	1	SIXTH AVE	15C	.4924AC	0.4924	S-2	02	CITY OF CAPE MAY	1500	0	1500	City Environmentally Constrained-Beach/Dunes
1007	2	1	FIFTH AVE	15C	1.0236AC	1.0236	S-2	02	CITY OF CAPE MAY	3100	0	3100	City Environmentally Constrained-Beach/Dunes
1008	1	1	FIFTH AVE & MT VERNON AVE	15F	250X138 IRR	0	S-2	03	STATE OF NJ DEP NATURE CONSERVANCY	2400	0	2400	City Environmentally Constrained-Beach/Dunes
1008	2	1	FOURTH AVE & MT VERNON AV	15F	250X138 IRR	0	S-2	03	STATE OF NJ DEP NATURE CONSERVANCY	2400	0	2400	City Environmentally Constrained-Beach/Dunes
1008	7	1	FOURTH AVE	15C	.5325AC	0.5325	S-2	03	CITY OF CAPE MAY	1600	0	1600	City Environmentally Constrained-Beach/Dunes
1008	11	1	BEACH AVE	15C	.6813AC	0.6813	S-2	03	CITY OF CAPE MAY	2000	0	2000	City Environmentally Constrained-Beach/Dunes
1008	15	1	FIFTH AVE	15C	.5280AC	0.528	S-2	03	CITY OF CAPE MAY	1600	0	1600	City Environmentally Constrained-Beach/Dunes
1009	1	1	FIFTH AVE	15C	1.6591AC	1.6591	S-2	02	CITY OF CAPE MAY	5000	0	5000	City Environmentally Constrained-Beach/Dunes
1009	2	1	FOURTH AVE	15C	1.8592AC	1.8592	S-2	02	CITY OF CAPE MAY	5600	0	5600	City Environmentally Constrained-Beach/Dunes
1010	1	1	FOURTH AVE	15F	300X130	0.8953	S-2	03	STATE OF NJ DEP NATURE CONSERVANCY	2700	0	2700	City Environmentally Constrained-Beach/Dunes
1010	2	1	THIRD AVE	15F									

1031	51	1	213 NORTH ST	1	20X67	0.0306	R-S	07	BRIANT, PATRICIA K	53100	0	53100	Vacant drive
1031	56	1	309 CONGRESS ST	1	23X116	0.0612	R-S	07	MAZZITILLI, MATTHEW & SUSAN M	74100	0	74100	Vacant drive
1031	59	1	315.5 CONGRESS ST	1	99X20	0.0455	R-2	07	BRIANT, PATRICIA K	35600	0	35600	Vacant drive
1031	65.01	1	310 CLAGHORN PLACE	15F	.0643AC	0.0643	R-2	07	CAPE MAY COUNTY MUA	212900	0	212900	Vacant drive
1031	66	1	308 CLAGHORN PLACE	1	.0265AC	0.0265	R-2	07	LEO, JOHN E & ERUTH	11700	0	11700	Vacant-abutts Cape Island Creek
1031	68	1	316 CLAGHORN PLACE	1	9X25	0.0052	R-2	07	POINTER, JAMES F	8800	0	8800	Vacant-abutts Cape Island Creek
1031	73	1	318 CLAGHORN PLACE	1	6X89	0.0123	R-2	07	GIBBONS, KIM E	10500	0	10500	Vacant-abutts Cape Island Creek
1031	88	1	240 PERRY ST	15C	34X85	0.0663	R-S	07	CITY OF CAPE MAY	102300	0	102300	Vacant-abutts Cape Island Creek
1034	11	1	4 ATLANTIC TERRACE	15C	.0677AC	0.0677	C-2	09	CITY OF CAPE MAY	390500	0	390500	Vacant-parking
1040	1	1	530 BANK ST	15C	1.12AC	1.12	C-5	10	CITY OF CAPE MAY	1361900	0	1361900	City Parking
1040	8	1	608 BANK ST	15C	1.130AC	1.13	C-5	10	CITY OF CAPE MAY	1088500	0	1088500	Environmentally Constrained-Cape Island Creek
1041	10.01	1	114.5 DECATUR ST	1	2X65	0.003	R-S	09	DEFALCO, CARMINE & ANNA MARIA	6300	0	6300	Vacant-2' wide and narrow
1041	11	1	110 DECATUR ST	1	26X116	0.0692	R-S	09	106 DECATUR REALTY LLC	483800	0	483800	Vacant-parking
1041	14	1	102-104 DECATUR ST	1	50X125	0.1435	R-S	09	106 DECATUR REALTY LLC	684700	0	684700	Vacant-parking
1046	1	1	418 BANK ST	1	44X92 IRR	0	C-1	10	MULLOCK, ROBERT	252500	0	252500	Vacant-parking
1047	5	1	10 OCEAN ST	1	150X136	0.4683	C-2	15	7 OCEAN LLC	973000	0	973000	Vacant-Parking for Block 1056 Lot 13.02 Inn of Cape May
1049	3	1	206 OCEAN ST	1	40X100 IRR	0	R-S	09	GAZAK, LLC	60800	0	60800	Vacant-parking for Block 1049 Lot 4
1054	22	1	523 BANK ST	2	50X119	0.1366	R-3	11	LAWRENCE A PRAY BUILDERS INC	256400	0	256400	Vacant
1055	1	1	611 BANK ST	15C	.2212AC	0.2212	C-5	12	CITY OF CAPE MAY	400	0	400	Environmentally Constrained-Cape Island Creek
1055	2	1	614 ELMIRA ST	15C	.4625AC	0.4625	C-5	12	CITY OF CAPE MAY	900	0	900	Environmentally Constrained-Cape Island Creek
1055	3	1	606-610 ELMIRA ST	1	200X125	0.5739	C-5	12	ATLANTIC CITY ELECTRIC CO R/E DEPT	425300	0	425300	Utility and Environmentally Contained Cape Island Creek
1055	5	1	602 ELMIRA ST	1	125X100	0.287	C-5	12	ATLANTIC CITY ELECTRIC CO R/E DEPT	55800	0	55800	Utility and Environmentally Contained Cape Island Creek
1055	8	1	607-609 BANK ST	1	150X125	0.4304	C-5	12	ATLANTIC CITY ELECTRIC CO R/E DEPT	69800	0	69800	Utility and Environmentally Contained Cape Island Creek
1058	3	1	660.5 WASHINGTON ST	15C	.0119AC	0.0119	C-1	14	CITY OF CAPE MAY	39300	0	39300	Vacant-landlocked and small
1058	21	1	641.5 HUGHES ST	1	95X37	0.0807	R-S	14	NEWMAN, ROSEMARY ELAINE, TRUSTEE	137400	0	137400	Vacant-landlocked and small
1060	1	1	602 BROAD ST	15C	40X109 IRR	0	C-1	11	CITY OF CAPE MAY	236200	0	236200	Cape May Welcome Center Parking
1060	2	1	604 BROAD ST	15C	40X67	0.0615	C-1	11	CITY OF CAPE MAY	50400	0	50400	Cape May Welcome Center Parking
1060	3	1	606 BROAD ST	15C	55X70 IRR	0	C-1	11	CITY OF CAPE MAY	55400	0	55400	Cape May Welcome Center Parking
1060	4.02	1	611 LAFAYETTE ST	15C	.5200AC	0.52	C-1	11	STATE OF NJ DOT COMMUTER OPER AGENCY	685800	0	685800	Cape May Seashore Lines
1060	34	1	413-417 ELMIRA ST	15C	42X96 IRR	0	C-1	11	CITY OF CAPE MAY	66500	0	66500	Cape May Welcome Center Parking
1060	37	1	624.5 BROAD ST	1	73X87 IRR	0	R-3	11	CURRAN, THOMAS J	85800	0	85800	Vacant-landlocked
1061	1.01	1	551 ELMIRA ST	4A	150X124	0.427	C-5	105 C-4	ELMIRA 555 LLC	683600	0	683600	Vacant lot
1061	14	1	541 ELMIRA ST	15C	50X124	0.1423	C-5	12	CITY OF CAPE MAY	88200	0	88200	Vacant-Partial Environmentally Contained
1061	16.01	1	551 ELMIRA ST	2	150X124	0.427	C-5	105 C-4	ELMIRA 555 LLC	280300	0	280300	Vacant lot
1061	16.02	1	553 ELMIRA ST	4A	150X124	0.427	C-5	105 C-4	ELMIRA 555 LLC	280300	0	280300	Vacant lot
1061	17	1	557 ELMIRA ST	1	30X122	0.084	C-5	12	ATLANTIC CITY ELECTRIC CO R/E DEPT	36500	0	36500	Utility and Environmentally Contained Cape Island Creek
1061	18	1	559 ELMIRA ST	15C	.1717AC	0.1717	C-5	12	STATE OF NJ DOT COMMUTER OPER AGENCY	62000	0	62000	Rail Spur to Cape May Beach
1061	20	1	565 ELMIRA ST	15C	1.0400AC	1.04	C-5	12	CITY OF CAPE MAY	861400	0	861400	Environmentally Constrained-Cape Island Creek
1061	21	1	619.5 BROAD ST	15C	.4300AC	0.43	C-5	12	STATE OF NJ DOT COMMUTER OPER AGENCY	900	0	900	Environmentally Constrained-Cape Island Creek
1061	22	1	565.25 ELMIRA ST	15A	1.15AC	1.15	C-5	12	CAPE MAY BOARD OF EDUCATION	2300	0	2300	Environmentally Constrained-Cape Island Creek
1061	23	1	565.5 ELMIRA ST	15C	4.09AC	4.09	C-5	12	CITY OF CAPE MAY	8200	0	8200	Environmentally Constrained-Cape Island Creek
1061	30	1	619 BROAD ST	15F	3.890AC	3.89	C-5	12	STATE OF NJ DOT COMMUTER OPER AGENCY	635400	0	635400	Cape May Seashore Lines
1061	31	1	621 BROAD ST	1	40X107 IRR	0	R-3	12	JOHNSON, MINGO TRYNTHIA	66200	0	66200	Vacant
1061	37.02	1	641.5 BROAD ST	15C	2.32AC	2.32	R-3	13	CITY OF CAPE MAY	7000	0	7000	Environmentally Constrained-Cape Island Creek
1061	38	1	711.5 LAFAYETTE ST	15C	3.31AC	3.31	R-3	13	CAPE MAY BOARD OF EDUCATION	514600	0	514600	Environmentally Constrained-Cape Island Creek Laf. St. Park Open Sp
1061	42	1	825 ST JOHN ST	15C	25X50	0.0287	R-3	13	CITY OF CAPE MAY	26100	0	26100	Vacant-Environmentally Constrained ICPL cleanup
1061	43	1	821 ST JOHN ST	1	78X50	0.0895	R-3	13	JERSEY CEN P&L @ FIRSTENERGY SVC CO	100	0	100	Vacant-Environmentally Constrained ICPL cleanup
1061	44	1	817 ST JOHN ST	15C	58X50	0.0666	R-3	13	CITY OF CAPE MAY	181100	0	181100	Public Property
1061	47	1	811 ST JOHN ST	15C	63X50	0.0723	R-3	13	CITY OF CAPE MAY	148800	0	148800	Public Property
1061	48	1	801 ST JOHN ST	1	95X50	0.109	R-3	13	JERSEY CEN P&L @ FIRSTENERGY SVC CO	100	0	100	Vacant-Environmentally Constrained ICPL cleanup
1061	50	1	705 LAFAYETTE ST	1	75X145	0.2497	R-3	13	JERSEY CEN P&L @ FIRSTENERGY SVC CO	100	0	100	Vacant-Environmentally Constrained ICPL cleanup
1061	51	1	711 LAFAYETTE ST	15C	1.0685AC	1.0685	R-3	13	CITY OF CAPE MAY	486700	0	486700	Vacant-Environmentally Constrained ICPL cleanup Laf. St. Park
1061	52	1	541 LAFAYETTE ST	15C	150X493	1.6977	R-3	13	CITY OF CAPE MAY	2339600	0	2339600	Vacant-Environmentally Constrained ICPL cleanup Laf. St. Park
1061	54.02	1	805 LAFAYETTE ST	15A	18.472AC	18.472	R-3	19	CAPE MAY CITY	3601700	0	3601700	Vacant lot Laf. Street Park
1061	56	1	937.5 LAFAYETTE ST	15A	4.82AC	4.82	R-3	22	CAPE MAY BOARD OF EDUCATION	14500	0	14500	BOE Environmentally Constrained-Cape Island Creek
1061	66	1	1045-1047 LAFAYETTE ST	1	70X198	0.3182	R-2	32	CORLISS, EDWARD III & KAREN	116200	0	116200	Vacant Land
1061	66	1	1045-1047 LAFAYETTE ST	1	70X198	0.3182	R-2	32	CORLISS, EDWARD III & KAREN	116200	0	116200	Vacant Land
1061	73	1	1169.5 LAFAYETTE ST	15C	3.61AC	3.61	R-2	33	CITY OF CAPE MAY	10800	0	10800	Environmentally Constrained-Cape Island Creek
1061	80	1	1203.5 LAFAYETTE ST	15F	1.61AC	1.61	R-2	33	STATE OF NJ DEP	139200	0	139200	NJDEP Environmentally Constrained-Cape Island Creek
1061	82.02	1	1207.5 LAFAYETTE ST	1	1.01ACRES	1.01	R-2	33	SWAINS PROPERTY MANAGEMENT, LLC	333400	0	333400	Environmentally Constrained-Cape Island Creek
1061	83.03	1	1209.5 LAFAYETTE ST	2	60X145	0.1997	R-2	33	BOETTCHER, MITCHELL G ETALS	295000	0	295000	Environmentally Constrained-Cape Island Creek
1061	84.02	1	1211.5 LAFAYETTE ST	1	0.920AC	0.92	R-2	33	SWAIN, TERRI L	319900	0	319900	Environmentally Constrained-Cape Island Creek
1061	101.06	1	3 PHARO LANE	2	68X85	0.1327	C-6	49	MUSKETEER LAND DEVELOPERS LLC	1090300	0	1090300	Vacant-SFD approved
1061	101.12	1	144 ROSEMAN LANE	1	40X75	0.0689	C-6	49	HILL, KATHLEEN & ROBERTS, JOSEPH V	449300	0	449300	Vacant-SFD approved
1061.01	5	1	109 ROSEMAN LANE	1	40X75	0.0689	C-6	49	PETRICK, ALYSSA ROSE & MICHAEL RYAN	312000	0	312000	Vacant-SFD approved
1061.01	109	1	1275.5 LAFAYETTE ST	1	15X40	0.0138	C-6	49	LEHMAN, HERBERT P	15000	0	15000	Vacant-SFD approved
1064	11	1	102 HOWARD ST	1	58X90	0.1198	C-2	16	CMC OF CAPE MAY LLC	560700	0	560700	Parking for Lot 1C
1064	13	1	100 HOWARD ST	1	70X95	0.1527	C-2	16	CRYS-DAPH INC	606700	0	606700	Parking for lot 15
1073	14	1	314.5 JEFFERSON ST	1	64X85 IRR	0	R-S	17	GOLDBERG, J @ WEBER GALLAGHER, LLP	92900	0	92900	Vacant-landlocked
1073	17	1	310 JEFFERSON ST	1	154X84 IRR	0	R-S	17	GOLDBERG, J @ WEBER GALLAGHER, LLP	226700	0	226700	Vacant-landlocked
1077	15	1	509 PEARL ST	1	40X87 IRR	0	R-S	17	DE ROSA, SUSAN L	440800	0	440800	Vacant and undevelopable
1081	22	1	913.5 BEACH AVE	15C	.0062AC	0.0062	R-S	26	CITY OF CAPE MAY	13000	0	13000	Vacant and undevelopable
1090	20	1	5 LIBERTY ST	1	112X199 IRR	0	R-3	24	LIBERTY STREET ASSOC, ETAL	349100	0	349100	Vacant and undevelopable
1090	27	1	924.5 CORGIE ST	1	10X98	0.0225	R-3	24	HARDIN, CRYSTAL L	19400	0	19400	Vacant and undevelopable
1090	33	1	714 MADISON AVE	1	80X106	0.1947	R-3	24	HAMMER RENTALS LLC	390700	0	390700	Vacant and undevelopable
1090	50	1	902 PAGE ST	1	48X68 IRR	0	R-3	24	WHITE, ROBERT & WHITE, BRANDY	80300	0	80300	Parking for lot 49
1090	51	1	904 PAGE ST	1	40X72 IRR	0	R-3	24	WHITE, BRANDY OWENS	76600	0	76600	Parking for lot 49
1090	52	1	908 PAGE ST	2	80X80 IRR	0	R-3	24	JOHNSON, WALTON R JR & SIOBHAN C	443800	0	443800	Vacant and undevelopable
1090	56	1	911 PAGE ST	1	40X67	0.0615	R-3	24	705 JEFFERSON LLC	73000	0	73000	Vacant and undevelopable
1092	27	1	813 JEFFERSON ST	1	10X105 IRR	0	R-3	18	MC LEAN, HAWA J & HAWA C & ANNA M	19300	0	19300	Vacant and undevelopable
1092	34	1	806 DALE PLACE	1	28X56	0.036	R-3	18	ALOYSIUS HULL	35700	0	35700	Vacant and undevelopable
1096	1	1	105 QUEEN ST	2	106X100	0.2433	R-S	26	WENZEL, WILLIAM JR & KAREN	694000	0	694000	Vacant and undevelopable
1096	7	1											

## **APPENDIX B**

### **VACANT LAND ANALYSIS MAP**

1160	69	1	1444 TEXAS AVE	15C	15X45	0.0155	R-3	51	CITY OF CAPE MAY	60700	0	60700	Environmentally Constrained-Devil's Beach
1160	90	1	CAPE MAY HARBOR	15C	227AC	227	HDPW	00	CITY OF CAPE MAY	68100	0	68100	Environmentally Constrained-Devil's Beach
1161	1.04	1	1412 NEW JERSEY AVE	1	75X150	0.2583	R1PW	41	NAGLE, CHRISTOPHER N & STEPHANIE S	1137500	0	1137500	Vacant and undevelopable
1162	1.04	1	1405 NEW JERSEY AVE	1	75X125	0.2152	R1PW	41	KANE, DAVID D & BARBARA J	1120600	0	1120600	Vacant and undevelopable
1162	1.07	1	1417 NEW JERSEY AVE	1	75X250	0.4304	R1PW	41	PHILLIPS, ELLEN A	1188100	0	1188100	Vacant and undevelopable
1163	7	1	1421 NEW YORK & MARYLAND	15C	175X250	1.0044	R1PW	42	CITY OF CAPE MAY	1058800	0	1058800	Vacant and undevelopable (Diversion Comp.)
1163	8	1	1431 NEW YORK & MARYLAND	15C	300X250	1.7218	R1PW	42	NEW JERSEY STATE DEPARTMENT OF ENV	5200	0	5200	Vacant and Environmentally Constrained ECM
1164	6	1	1421 MARYLAND & IDAHO	15C	175X250	1.0044	R-3	42	CITY OF CAPE MAY	881900	0	881900	Vacant and Environmentally Constrained ECM (Diversion Comp.)
1164	7	1	1431 MARYLAND & IDAHO	15C	300X250	1.7218	R-3	42	NEW JERSEY STATE DEPARTMENT OF ENV	5200	0	5200	Vacant and Environmentally Constrained ECM
1165	1	1	409 PITTSBURGH AVE	15C	50X125	0.1435	R-3	43	CITY OF CAPE MAY	495000	0	495000	Vacant and Environmentally Constrained ECM (Diversion Comp.)
1165	4.02	1	401 PITTSBURGH AVE	1	50X125	0.1435	R-3	43	SPRING, BRIAN & SHANNON	495000	0	495000	Vacant lot
1165	6	1	1421 IDAHO & CAPE MAY	15C	175X250	1.0044	R-3	43	CITY OF CAPE MAY	634400	0	634400	Vacant and Environmentally Constrained ECM (Diversion Comp.)
1165	7	1	1431 IDAHO & CAPE MAY	15C	300X250	1.7218	R-3	43	NEW JERSEY STATE DEPARTMENT OF ENV	5200	0	5200	Vacant and Environmentally Constrained ECM
1166	3	1	1431 CAPE MAY & OHIO	15C	300X250	1.7218	R-3	43	NEW JERSEY STATE DEPARTMENT OF ENV	5200	0	5200	Vacant and Environmentally Constrained ECM
1167	1.01	1	601 PITTSBURGH AVE	1	125X125	0.3587	R-3	44	EAST CAPE MAY ASSOCIATES	52500	0	52500	Vacant-Environmentally Constrained
1167	1.02	1	609 PITTSBURGH AVE	1	125X125	0.3587	R-3	44	EAST CAPE MAY ASSOCIATES	52500	0	52500	Vacant-Environmentally Constrained
1167	2	1	1421 OHIO & VIRGINIA	15C	175X250	1.0044	R-3	44	CITY OF CAPE MAY	164100	0	164100	Vacant-Environmentally Constrained(Diversion Comp.)
1167	3	1	1431 OHIO & VIRGINIA	15C	300X250	1.7218	R-3	44	NEW JERSEY STATE DEPARTMENT OF ENV	5200	0	5200	Vacant-Environmentally Constrained
1168	2	1	1425 VIRGINIA & ILLINOIS	15C	125X250	0.7174	R-3	44	CITY OF CAPE MAY	262500	0	262500	Vacant and Environmentally Constrained ECM (Diversion Comp.)
1168	3	1	1431 VIRGINIA & ILLINOIS	15C	300X250	1.7218	R-3	44	NEW JERSEY STATE DEPARTMENT OF ENV	5200	0	5200	Vacant and Environmentally Constrained ECM
1169	4	1	1431 ILLINOIS & PENNA	15C	300X250	1.7218	R-3	44	NEW JERSEY STATE DEPARTMENT OF ENV	5200	0	5200	Vacant and Environmentally Constrained ECM
1172	3.26	1	1 HARBOR COVE	1	7.545AC	7.545	R1PW	52	C M HARBOR VILLAGE & YACHT ASSOC	767300	0	767300	Vacant and undevelopable approved open space
1172	4.02	1	34 HARBOR COVE	2	132X100	0.303	G1PW	52	TIBURZIO, PETER A JR	1084000	0	1084000	Vacant land - APPROVED LOT - CAPE MAY COVE SUB (DIDONATO TR)
1172	4.03	1	36 HARBOR COVE	1	67X100	0.1538	G1PW	52	CAPE MAY COVE, LLC	954000	0	954000	Vacant land - APPROVED LOT - CAPE MAY COVE SUB (DIDONATO TR)
1172	4.04	1	38 HARBOR COVE	1	67X100	0.1538	G1PW	52	CAPE MAY COVE, LLC	954000	0	954000	Vacant land - APPROVED LOT - CAPE MAY COVE SUB (DIDONATO TR)
1172	4.05	1	40 HARBOR COVE	1	135X100	0.3099	G1PW	52	CAPE MAY COVE, LLC	880600	0	880600	Vacant land - APPROVED LOT - CAPE MAY COVE SUB (DIDONATO TR)
1173	1	1	1410 HARBOR LANE	15C	295X424 IRR	0	R1PW	52	CITY OF CAPE MAY	2259400	0	2259400	City Open Space - Harborview Park
1176.01	1.01	1	1501 VELVENTO AVE	1	106X102	0.2482	R1PW	56	PELLA, LLC	900800	0	900800	Vacant land - APPROVED LOT PELLA SUBDIV.
1176.01	1.02	1	1503 VELVENTO AVE	1	102X102	0.2388	R1PW	56	PELLA, LLC	893600	0	893600	Vacant land - APPROVED LOT PELLA SUBDIV.
1176.01	1.03	1	1505 VELVENTO AVE	1	96X102	0.2248	R1PW	56	PELLA, LLC	882800	0	882800	Vacant land - APPROVED LOT PELLA SUBDIV.
1176.01	1.04	1	1507 VELVENTO AVE	1	102X102	0.2388	R1PW	56	PELLA, LLC	893600	0	893600	Vacant land - APPROVED LOT PELLA SUBDIV.
1176.01	1.05	1	1509 VELVENTO AVE	1	102X102	0.2388	R1PW	56	PELLA, LLC	893600	0	893600	Vacant land - APPROVED LOT PELLA SUBDIV.
1176.01	1.06	1	1511 VELVENTO AVE	1	102X100	0.2342	R1PW	56	DENZEL, ANDREW & MEGAN	893600	0	893600	Vacant land - APPROVED LOT PELLA SUBDIV.
1176.01	1.07	1	1513 VELVENTO AVE	1	105X97	0.2338	R1PW	56	PELLA, LLC	891800	0	891800	Vacant land - APPROVED LOT PELLA SUBDIV.
1176.02	1.03	1	1504 VELVENTO AVE	2	89X107	0.2186	R1PW	56	PACE, NICHOLAS D & TARA J	876800	0	876800	Vacant land - APPROVED LOT PELLA SUBDIV.
1176.02	1.08	1	1514 VELVENTO AVE	1	89X113	0.2309	R1PW	56	PELLA, LLC	883300	0	883300	Vacant land - APPROVED LOT PELLA SUBDIV.
1177	1	1	1501 MARYLAND & IDAHO	1	752X250 IRR	0	R1PW	56	RAJ REALTY AND INVESTMENTS LLC	13600	0	13600	Vacant-Environmentally Constrained
1178	1	1	1501 IDAHO & CAPE MAY	1	792X250 IRR	0	RCPW	55	RAJ REALTY AND INVESTMENTS LLC	13600	0	13600	Vacant-Environmentally Constrained
1179	1	1	1501 CAPE MAY & OHIO	15C	850X250	4.8783	RCPW	55	NEW JERSEY STATE DEPARTMENT OF ENV	14600	0	14600	Vacant-Environmentally Constrained
1180	1	1	1501 OHIO & VIRGINIA	15C	890X250	5.1079	RCPW	54	NEW JERSEY STATE DEPARTMENT OF ENV	15300	0	15300	Vacant-Environmentally Constrained
1181	1	1	1501 VIRGINIA & ILLINOIS	15C	930X250	5.3375	RCPW	54	NEW JERSEY STATE DEPARTMENT OF ENV	16000	0	16000	Vacant-Environmentally Constrained
1182	1	1	1501 ILLINOIS & PENNA	15C	972X250	5.5785	RCPW	54	NEW JERSEY STATE DEPARTMENT OF ENV	16700	0	16700	Vacant-Environmentally Constrained
1184	1	1	1551 DELAWARE AVE	15C	4.41AC	4.41	R3PW	53	CITY OF CAPE MAY	1106600	0	1106600	City Open Space Environmentally Constrained CM Harbor
1184	3	1	1021 BALTIMORE AVE	15C	4076AC	4.076	R3PW	53	CITY OF CAPE MAY	542600	0	542600	City Open Space Environmentally Constrained CM Harbor
1185	21.01	1	1611 BEACH AVE	1	75X150	0.2583	R-S	57	O'DONNELL, LAWRENCE & SUSAN	2075000	0	2075000	Vacant and undevelopable
1188	1	1	1601 MARYLAND AVE	1	600X250	3.4435	RCPW	56	RAJ REALTY AND INVESTMENTS LLC	10300	0	10300	Vacant-Environmentally Constrained
1189	1	1	1601 IDAHO & CAPE MAY	1	600X250	3.4435	RCPW	55	RAJ REALTY AND INVESTMENTS LLC	10300	0	10300	Vacant-Environmentally Constrained
1190	1	1	1601 CAPE MAY & OHIO	15C	600X250	3.4435	RCPW	55	NEW JERSEY STATE DEPARTMENT OF ENV	10300	0	10300	Vacant-Environmentally Constrained
1191	1	1	1601 OHIO & VIRGINIA	15C	600X250	3.4435	RCPW	61	NEW JERSEY STATE DEPARTMENT OF ENV	10300	0	10300	Vacant-Environmentally Constrained
1192	1	1	1601 VIRGINIA & ILLINOIS	15C	600X250	3.4435	RCPW	61	NEW JERSEY STATE DEPARTMENT OF ENV	10300	0	10300	Vacant-Environmentally Constrained
1193	1	1	1601 ILLINOIS & PENNA	15C	600X250	3.4435	RCPW	62	NEW JERSEY STATE DEPARTMENT OF ENV	10300	0	10300	Vacant-Environmentally Constrained
1194	2	1	1604 DELAWARE AVE	15C	65X125	0.1865	R3PW	62	CITY OF CAPE MAY	975000	0	975000	City Open Space Environmentally Constrained Nature Center
1194	5	1	1616-1624 DELAWARE AVE	15C	150X125	0.4304	R3PW	62	CITY OF CAPE MAY	1162000	0	1162000	City Open Space Environmentally Constrained Nature Center
1194	8	1	1628 DELAWARE AVE	15C	100X125	0.287	R3PW	62	CITY OF CAPE MAY	1052000	0	1052000	City Open Space Environmentally Constrained Nature Center
1195	1	1	1601 DELAWARE AVE	15C	3.99AC	3.99	R3PW	63	CITY OF CAPE MAY	1199500	0	1199500	City Open Space Environmentally Constrained CM Harbor
1197	1	1	1700 NEW YORK AVE	1	75X250	0.4304	R1PW	58	SCHLENGER, JAMES P III & MARIE TE	1836000	0	1836000	Vacant and undevelopable
1197	3	1	1716 NEW YORK AVE	1	75X250	0.4304	R1PW	58	TRUCKSESS, ANDREW & JANICE C/O YOH	2295000	0	2295000	Vacant and undevelopable
1198	3	1	1717 NEW YORK AVE	1	75X125	0.2152	R1PW	59	TRUCKSESS, ANDREW & JANICE C/O YOH	860000	0	860000	Vacant and undevelopable
1198	4	1	1725 NEW YORK AVE	1	75X125	0.2152	R1PW	59	TRUCKSESS, ANDREW & JANICE C/O YOH	860000	0	860000	Vacant and undevelopable
1199	1	1	1701 MARYLAND & IDAHO	15C	600X250	3.4435	R1PW	59	NEW JERSEY STATE DEPARTMENT OF ENV	10300	0	10300	City Open Space Environmentally Constrained CM Harbor
1200	1	1	1701 IDAHO & CAPE MAY	15C	600X250	3.4435	RCPW	60	NEW JERSEY STATE DEPARTMENT OF ENV	10300	0	10300	City Open Space Environmentally Constrained CM Harbor
1201	1	1	1701 CAPE MAY & OHIO	15C	600X250	3.4435	RCPW	60	NEW JERSEY STATE DEPARTMENT OF ENV	10300	0	10300	Vacant-Environmentally Constrained
1202	1	1	1701 OHIO & VIRGINIA	15C	600X250	3.4435	RCPW	61	NEW JERSEY STATE DEPARTMENT OF ENV	10300	0	10300	Vacant-Environmentally Constrained
1203	1	1	1701 VIRGINIA & ILLINOIS	15C	600X250	3.4435	RCPW	61	NEW JERSEY STATE DEPARTMENT OF ENV	10300	0	10300	Vacant-Environmentally Constrained
1206	1	1	1701 DELAWARE AVE	15C	3.99AC	3.99	R3PW	63	CITY OF CAPE MAY	1406700	0	1406700	City Open Space Environmentally Constrained CM Harbor
1207	11	1	1861 BEACH & NEW JERSEY	1	200X300	1.3774	S-2	58	BEACH CLUB OF CAPE MAY, INC	2100	0	2100	Vacant-Environmentally Constrained Beach ad Dunes
1208	2	1	1861 NEW JERSEY & NEW YORK	1	200X250	1.1478	R1PW	58	BEACH CLUB OF CAPE MAY, INC	73100	0	73100	Vacant-Environmentally Constrained Beach ad Dunes
1210	1	1	1800 IDAHO AVE	15C	600X125	1.7218	R1PW	59	NEW JERSEY STATE DEPARTMENT OF ENV	5200	0	5200	Vacant-Environmentally Constrained ECM
1211	1	1	1801 IDAHO & CAPE MAY	15C	600X250	3.4435	RCPW	60	NEW JERSEY STATE DEPARTMENT OF ENV	10300	0	10300	Vacant-Environmentally Constrained ECM
1212	1	1	1801 CAPE MAY & OHIO	15C	600X250	3.4435	RCPW	60	NEW JERSEY STATE DEPARTMENT OF ENV	10300	0	10300	Vacant-Environmentally Constrained ECM
1213	1	1	1801 OHIO & VIRGINIA	15C	600X250	3.4435	RCPW	65	NEW JERSEY STATE DEPARTMENT OF ENV	10300	0	10300	Vacant-Environmentally Constrained ECM
1214	1	1	1801 VIRGINIA & ILLINOIS	15C	600X250	3.4435	RCPW	65	NEW JERSEY STATE DEPARTMENT OF ENV	10300	0	10300	Vacant-Environmentally Constrained ECM
1217	1.01	1	1 CHICAGO & DELAWARE AVES	15C	29X50	0.0333	R3PW	64	CITY OF CAPE MAY	39000	0	39000	City Open Space Environmentally Constrained CM Harbor
1217	1.02	1	1801 DELAWARE AVE	1	2.33	2.33	RSPW	64	CORINTHIAN YACHT CLUB	93600	0	93600	City Open Space Environmentally Constrained CM Harbor
1219	1	1	1960 NEW JERSEY AVE	15C	80X150	0.2755	S-2	66	CITY OF CAPE MAY	1400	0	1400	City Open Space-Environmentally Constrained
1219	3	1	1901 BEACH AVE	15C	600X150	2.0661	S-2	66	CITY OF CAPE MAY	10100	0	10100	City Open Space-Environmentally Constrained
1220	1	1	2000 NEW JERSEY AVE	15C	4.13AC	4.13	S-2	66	CITY OF CAPE MAY	20200	0	20200	City Open Space-Environmentally Constrained
1221	1	1	1731 BEACH AVE	15C	6.54AC	6.54	S-2	58	CITY OF CAPE MAY	819600	0	819600	City Open Space-Environmentally Constrained
1221	9.01	1	1801 NEW YORK AVE	1									



# EXHIBIT B

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

**ORDINANCE NO. 591-2026**

**AN ORDINANCE AMENDING CHAPTER 525 OF THE CITY  
ZONING CODE TO PROMOTE AFFORDABLE HOUSING IN THE  
C-5 ZONING DISTRICT**

**WHEREAS**, the C-5 Service Business–Light Industrial District includes certain areas fronting on Elmira Street and Bank Street and is located in proximity to Cape Island Creek; and

**WHEREAS**, pursuant to Section 525-26 of the City Code, the purposes of the C-5 District are to provide adequate space for service-oriented and light industrial businesses in designated areas, while ensuring compatibility among uses and accessibility to essential facilities; to maximize light and air through appropriate building height and spacing; and to safeguard these districts from incompatible intrusions. By promoting a well-planned pattern of land use, the City seeks to foster stable growth, protect the character and value of commercial and industrial zones, strengthen the economic base, and support municipal revenues. Additionally, these guidelines aim to preserve natural, historical, and physical resources, ensuring that permitted uses align with the long-term viability and overall economic well-being of the community; and

**WHEREAS**, consistent with the City’s obligation to provide realistic opportunities for affordable housing, and in accordance with the Consent Order entered into with Fair Share Housing Center in the City’s Fourth Round declaratory judgment case entitled In the Matter of the Application of the City of Cape May, Docket No. CPM-L-37-25, the City Council intends to promote affordable housing within the City of Cape May through the application of an overlay in the C-5 District where realistic development opportunities exist. For reference, the proposed overlay standards for bulk and density set forth below are similar to those that exist in the R-3 and R-S zones; 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.** Section 525 of the Cape May City Code is hereby amended to include the following **NEW LANGUAGE**:

**§ 525-26.1 C-5(O) - Service Business-Light Industrial Affordable Housing Overlay District.**

- A. Intent. In addition to the goals stated in § 525-2 of this chapter, this district is established in accordance with the planning policies as described in the City's Comprehensive Development Plan and are intended to achieve the following:**

- (1) Provide sufficient space in appropriate locations for various types of affordable housing uses anticipated by the City plan.

**B. Use regulations.**

- (1) Conditional Uses by right. In any C-5(O) District, land, buildings, or premises may be used by right for the following purposes:

- (a) Attached dwellings.
- (b) Multifamily dwellings.

Subject to the following Conditions:

- [1] Overall tract size must be at least 1 acre. Smaller lots may be created within the overall tract.
- [2] Project must include an onsite inclusionary zoning component with a presumptive maximum affordable housing set-aside of twenty percent (20%) of the total number of units in the development. All affordable units in such projects will be constructed and occupied in compliance with the Fair Housing Act (“FHA”), the Uniform Housing Affordability Controls (“UHAC”), the City’s Housing Element and Fair Share Plan, and the City’s Affordable Housing Ordinance.

- (2) Accessory uses. Only the following accessory uses may be permitted in any C-5(O) District:

- (a) Customary accessory uses related to attached dwellings and multifamily dwellings.
- (b) Off-street parking facilities.
- (c) Private and semi-private recreation facilities subject to § 525-62.
- (d) Residential accessory uses subject to § 525-55.
- (e) Uses which are clearly incidental and accessory to the uses by right.

**C. Area and bulk regulations.**

- (1) Minimum Requirements:

	<u>Attached Dwelling/Multifamily Dwellings</u>
<u>Minimum lot size</u>	<u>12,500 sq. ft.</u>
<u>Min. lot size per dwelling unit</u>	<u>2,500 sq. ft.</u>
<u>Building setback line</u>	<u>20 feet</u>
<u>Lot width</u>	<u>100 feet</u>
<u>Lot frontage</u>	<u>100 feet*</u>
<u>Habitable floor area per dwelling unit</u>	<u>500 sq. ft.</u>

	<u>Attached Dwelling/Multifamily Dwellings</u>
<u>Rear yard</u>	<u>25 feet</u>
<u>Total</u>	<u>20 feet</u>
<u>Each side</u>	<u>10 feet</u>

\*For corner lots and lots fronting on a cul-de-sac, see definition of lot frontage.

**(2) Maximum regulations:**

**TABLE 1**

	<u>Building Height</u>	<u>Lot Coverage</u>
<u>Attached dwellings</u>	<u>35 feet</u>	<u>75%</u>
<u>Multifamily dwellings</u>	<u>35 feet</u>	<u>75%</u>

**(3) Building heights are subject to § 525-59D.**

**D. Supplemental regulations. As required by Articles IX, X and XI, inclusive.**

**Section 2.** 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.

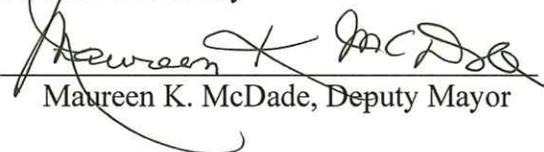
**Section 3.** This ordinance shall take effect 20 days after passage and publication, according to law.

ATTEST:



Erin C. Burke, City Clerk

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

BY:   
Maureen K. McDade, Deputy Mayor

**NOTICE**

Ordinance 591-2026 was introduced at a Regular meeting of the City Council of the City of Cape May, held on February 3, 2026, tabled on March 3, 2026, and was further considered for final passage during a Regular meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on March 17, 2026 at 5:00 P.M. at which time a Public Hearing was held.



Erin C. Burke, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
<b>Meier</b>	X					X
<b>McDade</b>	X				X	
<b>Bodnar</b>	X					
<b>Baldwin</b>	X					
<b>Mullock</b>	X					

Introduced: February 3, 2026  
 1<sup>st</sup> Publication: February 11, 2026  
 Tabled: March 3, 2026  
 2<sup>nd</sup> Reading & Adoption: March 17, 2026  
 Final Publication: March 18, 2026  
 Effective Date: April 7, 2026

cc: City Manager  
 Affordable Housing Counsel  
 City Solicitor  
 Planning Board

# EXHIBIT C

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

**ORDINANCE NO. 592-2026**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 59, ARTICLE V  
ENTITLED "AFFORDABLE HOUSING" OF THE CITY CODE**

**WHEREAS**, Chapter 59, Article V (Affordable Housing) of the General Ordinances of the City of Cape May has to be repealed and replaced in its entirety to comply with the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. ("FHA"), as was amended in 2024, the newly adopted Uniform Housing Affordability Controls ("UHAC") regulations, N.J.A.C. 5:80-26.1 et seq., and newly adopted N.J.A.C. 5:99-1 et seq; and

**WHEREAS**, this Ordinance establishes City wide regulations and standards to govern the development of very low, low and moderate-income affordable units for multifamily for-sale and rental residential developments that may be approved by the City or the City Planning Board, and is designed to regulate these very low, low- and moderate-income units in a manner consistent with the FHA, UHAC, N.J.A.C. 5:99-1 et seq., and applicable New Jersey Council on Affordable Housing (COAH) regulations; and

**BE IT ORDAINED** by the Mayor and Council of the City of Cape May, in the County of Union and State of New Jersey that Chapter 59, Article V (Affordable Housing) of the General Ordinances of the City of Cape May is hereby repealed and replaced as follows:

**Section 1.** Chapter 59, Article V, Affordable Housing, of the General Ordinances of the City of Cape May, shall be repealed and replaced as follows:

**§ 59-40 Introduction & Applicability.**

1. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in City of Cape May consistent with the provisions outlined in P.L. 2024, Chapter 2, including the amended Fair Housing Act ("FHA") at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services ("LPS") at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing ("COAH") at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan ("HEFSP").
2. This Ordinance is intended to ensure that very low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item 5.c. below.
3. The City of Cape May Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.

4. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L. 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
5. Applicability
  - a. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality's most recently adopted HEFSP, excluding those affordable housing units that were subject to a written agreement, rezoning or approval prior to the end of the Third Round on June 30, 2025.
  - b. This Ordinance shall also apply to any unanticipated future developments that will provide very low-, low- and moderate-income housing units.
  - c. Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

#### **§ 59-41 Definitions.**

As used herein the following terms shall have the following meanings:

“Accessory apartments” means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as “accessory dwelling units”.

“Act” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Adaptable” means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

“Administrative agent” means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

“Affirmative Marketing Plan” means the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

“Affirmative Marketing Process” or “Program” means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very low- low- and moderate-income units.

“Affordability assistance” means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner’s association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

“Affordability average” means an average of the percentage of regional median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

“Affordable” means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

“Affordable housing development” means a development included in a municipality’s housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

“Affordable Housing Dispute Resolution Program” or “the Program” refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

“Affordable Housing Monitoring System” or “AHMS” means the Department’s cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

“Affordable Housing Trust Fund” or “AHTF” means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the “Neighborhood Preservation Nonlapsing Revolving Fund” and “Balanced Housing” mean the AHTF.

“Affordable unit” means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

“Age-restricted housing” means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c. 530 (C.55:14K-1 et seq.).