

TOWNSHIP OF UPPER

CAPE MAY COUNTY

ORDINANCE

ORDINANCE NO. 008-2014

RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XIX OF THE CODE OF UPPER TOWNSHIP WITH RESPECT TO FEES CHARGED FOR APPLICATIONS FOR LAND USE APPROVAL AND AMENDING CHAPTER XX OF THE CODE OF UPPER TOWNSHIP TO CLARIFY THE REQUIREMENTS FOR AN AFFORDABLE SINGLE FAMILY HOME

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

SECTION 1. Chapter XIX, Sections 19-1 and 19-11, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

CHAPTER XIX – LAND SUBDIVISION, SITE PLAN AND LAND USE ADMINISTRATION

19-1 TITLE AND SHORT TITLE.

19-1.1 Title.

The long title of this Chapter shall be “An ordinance establishing rules, regulations and standards governing the subdivision of land, approval of site plans and land use administration within the Township of Upper, County of Cape May, and the State of New Jersey, pursuant to the authority set forth in N.J.S.A. 40:55D-1 et seq., setting forth the procedures to be followed by the Planning Board and Zoning Board of Adjustment in applying and administering rules, regulations and standards and providing penalties for the violation thereof.” (Ord. #006-2002, §1)

19-1.2 Short Title.

This Chapter shall be known and may be cited as The Land Subdivision, Site Plan and Land Use Administration Chapter of the Township of Upper. (Ord. #006-2002, §1)

19-2 to 19-10 Unchanged.

19-11 FEES.

19-11.1 Reviews and Requests for Approvals

- a. Applications for the following reviews and requests for approvals shall be accompanied by checks payable to the Township of Upper in accordance with the following fee schedule:

FEES

<i>Type of Application</i>	<i>Nonrefundable Application Fee</i>	<i>Escrow Review Fee</i>
Minor Subdivision	\$200.00	\$800.00
D Variance	\$300.00	\$1,000.00
C Variance	\$250.00	\$600.00
Major Subdivision-Sketch Plat	\$200.00	\$600.00
Major Subdivision-Preliminary	\$500.00 plus \$50.00 per lot	\$150.00 per lot
Major Subdivision-Final	\$500.00 plus \$50.00 per lot	\$100.00 per lot
Site Plan-Preliminary (under 10 acres)	\$300.00	\$1,500.00
Site Plan-Preliminary (10 acres and above)*	\$600.00	\$1,500.00 plus \$150.00 per add'l acre over 10 acres
Site Plan-Final**	\$300.00	\$1,000.00
Conditional Use	\$300.00	\$1,000.00
Planning Variance	\$300.00	\$1,000.00
Extension	\$200.00	\$400.00
Site Plan Waiver	\$200.00	\$800.00
Request for Rezoning	\$400.00	\$5,000.00
Special Meeting	\$500.00	--
Concept Plan Review (Planning Board only)***	\$200.00	\$1,000.00
Application Not Listed	\$300.00	\$1,000.00
Tax Map Changes		
Minor Subdivision	\$150.00	--
Major Subdivision		
1-5 lots	\$240.00	--
6-15 lots	\$325.00	--
Over 15 lots	\$440.00	--
Street Vacation	\$100.00	--
Lot Consolidation	\$100.00	--

Zoning Permit for fence, sign, shed	\$10.00	--
Zoning Permit for pool, detached garage, clearing	\$25.00	--
Zoning Permit Revision of house	\$25.00	--
Zoning Permit for buildings, additions or for any other purpose	\$50.00	--

*Partial acres are considered full acres for purposes of determining escrow amount.

**If applicant is applying for both preliminary and final site plan approval at the same time, the applicant shall deposit fees equal to both preliminary and final approval.

***Applications for concept plan review require full notice to property owners and publication pursuant to N.J.S.A. 40:55D-12.

- b. All application fees and escrowed review fees pursuant to the scheduled listed above shall be submitted at the time of the application. These monies are intended to cover all necessary and reasonable costs incurred by the technical and/or professional staff retained by the Planning Board or Zoning Board of Adjustment to review and make recommendations on such applications. The technical and professional staff is intended to include but not be limited to the following: Board Attorneys, Municipal Planner, Municipal Engineer, other professionals as may be required on particular applications. The fee for the services of the technical and professional staff shall be determined by resolution of the Planning Board, Zoning Board of Adjustment or Township, as appropriate.
- c. The amount specified for escrow deposits are estimates, and it is recognized additional escrow fees may be necessary in particular applications. In the event that more than the amount specified for escrow is required in order to pay the reasonable costs incurred, the applicant shall, prior to being permitted to move forward in the approval procedure, or prior to obtaining construction permits or Certificates of Occupancy for any portion of the application project, pay all additional required sums.
- d. Escrow fees shall be controlled by the Township Chief Financial Officer. In the event that the escrow deposit is more than required to pay necessary and reasonable costs of the technical and professional staff, the excess funds shall be returned to the applicant within one hundred eighty (180) days of publication of the resolution approving the application.
- e. Additionally, if the Planning Board or Zoning Board of Adjustment creates a condition of any approval, a requirement that ongoing inspections or approvals are necessary by the professional staff or Township officials to insure compliance as a condition of approval by an applicant, then it shall be the obligation of the applicant to bear the cost of the additional fees by placing a sum designated by the Planning Board, Zoning Board of Adjustment or the Township, as appropriate, in an escrow fund. When all approvals or inspections have been completed to the satisfaction of the Planning Board, Zoning Board of Adjustment or Township as appropriate, any excess escrow fund shall be returned to the application within sixty (60) days of the last approval or inspection.
- f. When applications for preliminary and final approval are made simultaneously the Planning Board or Zoning Board of Adjustment shall have the right to waive the payment of additional deposits.

19-12 Unchanged.

SECTION 2. Chapter XX, Section 20-5.6, of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

20-5.6 Nonconforming Uses, Structures and Lots.

- a. Unchanged.
- b. Unchanged.
- c. Unchanged.
- d. Unchanged.
- e. Unchanged.
- f. Unchanged.
- g.
 - 1. Unchanged.
 - 2. Unchanged.
 - 3. Deleted.
- h. Unchanged.
- i. Unchanged.
- j. Any lot in a residential zoning district, except for lots situated in the "PV", "RD", "F3", "F10" and "F25", not meeting the zoning requirements for a single-family residential unit may have a construction permit issued for an affordable housing single-family home provided that all of the following conditions are met:
 - 1. The owner of the lot does not own any adjacent land and cannot either sell the lot to an adjacent owner or purchase adjacent land. The following documentation shall be submitted with zoning permit application to determine if the subject lot is an isolated lot which cannot acquire more land or be sold to an adjacent owner:
 - (a) Real estate appraisal of the property by a licensed real estate appraiser determining its fair market value as a single family affordable housing building lot as defined in subsection j.2. below with the home to be constructed in accordance with the bulk standards contained in subsection j.3. to 17. below; and
 - (b) Letter offering to buy adjacent vacant property and/or sell your property to an adjacent owner at said fair market value pursuant to subsection j.1.(a) above; and
 - (c) Provide evidence by copy of the letter sent with the return receipt requested sent to all adjacent property owners; and
 - 2. The lot shall be deed restricted in perpetuity such that the residential unit shall be occupied by and affordable to households as defined by the Affordable Housing Rules as promulgated from time to time by

the State of New Jersey, such that as of the adoption of this Section 20-5.6.j., adopted November 14, 2011, said deed restriction shall require the property be occupied by households earning no more than thirty (30%) percent of the median income for Region 6 as adjusted for family size; and

3. Said lot shall contain a minimum of four thousand (4,000) square feet; and
4. Building coverage shall not exceed twenty-five (25%) percent; and
5. Impervious coverage shall not exceed fifty (50%) percent; and
6. Parking requirements as defined by this chapter are met; and
7. Minimum side yard setback shall be six (6') feet; and
8. Minimum rear yard setback shall be fifteen (15') feet; and
9. Minimum lot frontage and width shall be forty (40') feet; and
10. Front yard depth and setback shall conform to those of adjoining property owners; and
11. Maximum accessory structure coverage shall be five (5%) percent; and
12. Minimum accessory structure rear or side yard setback shall be five (5') feet; and
13. Maximum building height shall be twenty (20') feet; and
14. Minimum building size shall be eight hundred (800) square feet; and
15. Maximum gross floor area shall be one thousand two hundred (1,200) square feet; and
16. Maximum number of bedrooms shall be no more than two (2) bedrooms; and
17. Roof slope shall be a minimum of 4:1 slope.

SECTION 3: REPEALER: All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 4: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 5: EFFECTIVE DATE: This Ordinance shall take effect upon final

adoption and publication as required by law.

SECTION 6: CODIFICATION: This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

ATTEST:


BARBARA L. YOUNG, Township Clerk


RICHARD PALOMBO, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 28th DAY OF APRIL, 2014 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 27th DAY OF MAY 2014 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

Legislative History:

Introduced: April 28, 2014

Publication: May 2, 2014

Newspaper(s): The Press of Atlantic City

Second Reading & Public Hearing: May 27, 2014

Final Adoption: May 27, 2014

Final Publication Date: May 30, 2014

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on May 27, 2014 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on May 30, 2014.


BARBARA L. YOUNG, Township Clerk