TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E

ORDINANCE NO. 004-2015

RE: AN ORDINANCE ADOPTING REVISED GENERAL ORDINANCE CHAPTER XVII (CONSTRUCTION OF BULKHEADS) OF THE CODE OF UPPER TOWNSHIP AND AMENDING REVISED GENERAL ORDINANCE CHAPTERS XIX (LAND SUBDIVISION, SITE PLAN AND LAND USE ADMINISTRATION) AND XX (ZONING) OF THE CODE OF UPPER TOWNSHIP

WHEREAS, the Township Committee desires to adopt an ordinance regulating the construction of bulkheads and amending the existing ordinances with respect to land subdivision, site plan, land use administration and zoning; and

WHEREAS, at its meeting on November 20, 2014, and memorialized pursuant to Special Resolution 06-14, the Township Planning Board reviewed and considered proposed amendments to the Township ordinances, accepted public comment regarding same and found the proposed amendments satisfactory such that the amendments to Chapter XVII (construction of bulkheads), Chapter XIX (land subdivision, site plan and land use administration) and Chapter XX (zoning) are substantially consistent with the Upper Township Master Plan and Master Plan Reexamination; and

WHEREAS, the Upper Township Planning Board further recommended a zoning change of the Wyndom Way Subdivision from CM-2 (Commercial District) Zoning District, to an R-2 (Moderate Density Residential) Zoning District as set forth in said Special Resolution 06-14 of the Upper Township Planning Board.

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 17 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be adopted as hereinafter provided:

CHAPTER 17. CONSTRUCTION OF BULKHEADS

17-1 PURPOSE.

The Township of Upper desires to create uniform regulations for the construction, reconstruction, repair or renovation of existing or new bulkheads within the Township of Upper along any waterway or beach of Upper Township. It is the purpose of this Chapter to promote public health, safety and general welfare, and to minimize public and private losses due to flood conditions. Bulkheads are an integral component for Flood Damage Control and are designed to:

a. Protect human life and health.
b. Protect public and private infrastructure.
c. Minimize expenditure of public and private money for costly repairs from flood damage.
d. Minimize prolonged interruptions to business and residential activities due to street flooding.
e. Reduce the extent of flood waters that may flow across public and private property which may cause flood damage.
f. Reduce flood wave velocities.

17.2 BULKHEAD REQUIRED.

A bulkhead shall be provided on properties as required by Revised General Ordinance Section 20-5.19.

17.3 PERMIT REQUIRED.

A permit shall be required before beginning the construction, reconstruction, repair or renovation of any bulkhead on any waterway or beach within the Township of Upper. Applications for a bulkhead permit shall be submitted to the Municipal Engineer. The fee for said permit shall be Four Hundred Dollars ($400.00).

All applications shall be on the form provided by the Township and accompanied by plans showing the size, shape, configuration and location of such bulkheads, the specifications of material to be used in construction, reconstruction, renovation or repair, the manner in which materials shall be incorporated into the bulkhead and the fee for review. Bulkhead plans and specifications must be designed by an engineer licensed to practice in the State of New Jersey and signed and sealed by such engineer. The plan must contain the label "issued for construction". Two (2) copies of the plan shall be provided along with an electronic copy in pdf format.

17-4 PERMIT APPROVALS.

The Municipal Engineer shall review the plans and grant or deny the application within twenty (20) business days upon receipt of a completed application. The review by the Municipal Engineer shall be in conformity with this Chapter, consistent with the minimum specifications and performance standards contained herein. For bulkhead repairs valued at less than One Thousand Dollars ($1,000.00), the requirements for meeting minimum specifications and performance standards, including the requirements for engineered plans, may be waived by the Municipal Engineer.

17-5 NOTIFICATION OF COMMENCEMENT OF CONSTRUCTION.

The Municipal Engineer shall receive notice of commencement of construction at least two (2) business days in advance of said construction.

17-6 FINAL INSPECTION.

Notice of project completion shall be given to the Municipal Engineer within seven (7) days of substantial completion of the project. The Municipal Engineer shall make a final inspection and receive a certification from a licensed engineer or land surveyor of the elevations of completed bulkhead height and adjacent water body soundings.

17-7 STATE AND FEDERAL APPROVALS.

Application for bulkhead work must be made to appropriate agencies of the State or Federal government including but not limited to the New Jersey Department of Environmental Protection and the United States Army Corps of Engineers. No permit for work shall be issued until a valid permit is received from appropriate State or Federal Agencies having jurisdiction over the work. If the bulkhead is required by this Ordinance but the State or Federal agency having jurisdiction over the work denies the application then said denial shall supersede this Ordinance.

17-8 MINIMUM SPECIFICATIONS.

The minimum specifications for construction, reconstruction, repair or renovation of bulkheads are as follows:

a. Bulkhead design shall provide for expected toe scour or proposed dredge depth and shall be shown on plans.
b. Non-Oceanfront Bulkheads
    1. The minimum elevation of the top of the bulkhead shall be as follows:
        a. Along Strathmere Bay (Blocks 750, 756, 757, 825, 826, 841, 842, 849 and 850): 7.0' NAVD, 1988 Datum.
        b. Along Great Egg Harbor (Block 479, 682 and 735): 10.0' NAVD, 1988 Datum.
        c. Along Tuckahoe River (Block 12, 15, 19 and 310): one (1') above the existing bank along the spring high tide line.
        d. Along Tuckahoe River (Block 348): 9.0' NAVD, 1988 Datum.
    2. Additional outfall piping requires written approval from the Municipal Engineer. If drainage conditions require piping, all new infrastructure must have an approved tide-control device.
    3. Existing privately owned outfall piping will be extended and fitted with an approved tide-control device.
    4. Existing Township owned storm drains that penetrate private bulkheads shall be extended and maintained by the private property owner.
    5. Bulkhead construction shall not adversely effect the depth of the adjacent water body.
c. Oceanfront Bulkheads
    1. Oceanfront Bulkheads shall be required when adjacent to the Atlantic Ocean and extending along Corson's Inlet to the Corson's Inlet Bridge.
    2. The minimum elevation of the top of the bulkhead shall be 11.0' NAVD, 1988 datum. The existing timber bulkhead along the oceanfront shall be considered grandfathered as meeting these standards.
    3. If the proposed construction methods shall require access and/or disturbance of Township property, a detailed plan outlining the proposed limits of disturbance and proposed restoration shall be provided for approval by the Township Engineer. Township property shall be restored to a condition equal to preconstruction conditions.

17-9 PERFORMANCE STANDARDS.

All bulkhead construction, reconstruction, repair or renovation must meet the following performance standards in addition to the minimum specifications set forth above. Applicants utilizing innovative methods of construction must be prepared to show how such methods will meet the performance standards.

a. Bulkheads also function as flood protection. All bulkheads shall be designed to function as such.
b. All bulkhead reconstruction shall utilize generally accepted engineering principles and practices.
c. Material selection must include evaluation of environmental impacts that are caused by the materials.
d. Bulkhead construction shall not adversely affect adjacent properties.
e. Bulkhead shall extend the entire length of the property with appropriate returns and connections to adjacent bulkheads.

f. Bulkhead construction shall meet the requirements of the New Jersey Department of Environmental Protection.

17-10 UTILITIES.

It is the responsibility of the applicant to protect all existing utilities. The applicant is responsible for obtaining current "utility mark-out" for appropriate State or Local Agencies prior to commencement of construction.

17-11 MAINTENANCE, DUTY TO REPAIR.

All private bulkheads within the Township of Upper shall be maintained so they shall not pose a danger to the health, safety or welfare of the citizens of the Township of Upper or to property within the Township of Upper. The bulkheads shall be kept in a state of repair to prevent erosion or damage to abutting, adjacent or adjoining properties. Whenever a bulkhead has deteriorated to such a degree that it poses a danger to the property, or adjoining properties, the Municipal Engineer shall notify the property owner, in writing, of the nature of the deterioration and require the owner to make the necessary repairs. Said repairs shall be made in conformance with this Chapter. The property owner shall submit a plan of corrective action to the Municipal Engineer no later than thirty (30) days from receipt of the notice. Upon approval of the corrective action by the Municipal Engineer, the property owner shall complete all necessary repairs forthwith. If permits are required from the State of New Jersey or the Federal government, such permits shall be immediately applied for. In the event the property owner fails to submit a corrective action plan or fails to implement that plan, he shall be liable for the penalties and violations contained herein.

17-12 VIOLATION; PENALTIES.

Anyone violating any of the provisions of this Chapter shall be subject to a fine not to exceed the sum of One Thousand Dollars ($1,000.00) and/or imprisonment not to exceed ninety (90) days for each violation. Each day of a continuing violation shall be a separate offense and shall be punishable as a separate offense.

SECTION 2. Chapter 19 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:

Section 19-9.2 Requirements.

Replace the Checklist with Exhibit A attached hereto to add the following application items to the Checklist:

65. Neighborhood Map showing aerial map 500' beyond the subject property. Required for all applications.
66. Electronic copy of the full application including: application, photos, maps, reports, plans and other exhibits in pdf format. Electronic copy may be in separate files. Required for all applications.
67. Buy and sell letters to adjacent property owners for any variance for bulk requirements pursuant to N.J.A.C. 40-55d-70c.(1) on forms provided by Township.

SECTION 3. Chapter 20 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:

Section 20-2.1 Definitions of Township Application.

Add, replace or delete the following Definitions:

Building shall mean any structure or extension therefor or addition thereto having a roof supported by such things as columns, posts, piers or walls intended for the shelter, business, housing or enclosing of persons, animals or property. Open uncovered decks or raised patios less than eighteen inches (18") above grade, are considered parts of the building. For purposes of permitted encroachments any overhangs, soffits, chimney, bay windows or similar structure that extends more than eighteen inches (18") beyond the face of the building shall be considered parts of the building.

Flag Lot – delete

Habitable Space. A space in a building for living, sleeping, eating or cooking. Garage, storage, stairs, halls or utility and other similar spaces are not considered habitable spaces.

Impervious coverage. Any surface that has been compacted or covered with a layer of material so that it prevents, impedes or slows infiltration or absorption of fluid, including stormwater directly into the ground, and results in either reduced groundwater recharge or increased stormwater runoff sufficient to be classified as impervious in Urban Areas by the United States Department of Agriculture, Natural Resources Conservation Service Title 210 – Engineering, 210-3-1 – Small Watershed Hydrology (WINTR-55) Version 1.0. Such surfaces may have varying degrees of permeability and shall include building coverage.

Mezzanine. An intermediate level or levels between the floor and ceiling of any story and shall be considered a 1/2 story when determining number of stories for building height.

Monument Sign. A free-standing sign, generally having a low profile where the base of the sign structure is on the ground or a maximum of twelve inches (12") above the lowest point of the ground adjacent to the sign such that the sign has the appearance of a solid base. The maximum height shall be eight feet (8') from the ground and the width of the sign base shall be at least 75% of the sign face at its widest point.

Story, Habitable. Shall mean a story that has more than ten percent (10%) of the gross building floor area is considered a habitable story.

Tree Preservation shall mean an area of tree(s) that must be maintained with natural tree(s) on a parcel of land. Said area shall be restricted from clearing or removal of any trees two inches (2") in diameter or greater, except dead trees greater than five inches (5") in diameter or greater and trees within 35' of the principal structure may be removed to prevent a safety hazard. The area shall be measured along the perimeter of the canopy of the tree(s). The area beneath the canopy of the tree(s) may be maintained or unmaintained.

Waterfront Property shall mean any property where the principal structure is located within fifty feet (50') of the mean high water line or the toe of the waterward side of the primary frontal dune whichever is closer.

Section 20-3.2 Zoning Map

The map is amended to reflect the zoning boundary changes as set forth on the revised zoning map of the Township of Upper prepared by Paul E. Dietrich, Sr., Upper Township Engineer, dated January 12, 2004 and revised through February 23, 2015 and attached hereto as Exhibit B.

Section 20-4.6d General Requirements.

Add the following to Section 20-4.6d:

7. Outside sales display area shall be permitted subject to the following:

(a) Display area shall be limited to fifty (50) square feet for every fifty feet (50') of road frontage and not to exceed a total of two hundred (200) square feet.

(b) Items within the display area shall not exceed a height of six feet (6').

(c) Items shall not be located within the sight triangle of any driveway or roadway intersection or inhibit pedestrian or vehicle circulation.

(d) Temporary display areas shall be permitted two (2) nonconsecutive 45 day periods per year. Temporary zoning permit shall be required for each period at least 10 days prior to the start of the temporary display area.

Section 20-4.7. "TC" Town Center and "TCC" Town Center Core

Add the following to Section 20-4.7

l. Outside sales display area for commercial uses shall be permitted subject to the following:

1. Display area shall be limited to fifty (50) square feet for every fifty feet (50') of road frontage and not to exceed a total of two hundred (200) square feet.
2. Items within the display area shall not exceed a height of six feet (6').
3. Items shall not be located within the sight triangle of any driveway or roadway intersection or inhibit pedestrian or vehicle circulation.
4. Temporary display areas shall be permitted two (2) nonconsecutive 45 day periods per year. Temporary zoning permit shall be required for each period at least 10 days prior to the start of the temporary display area.

Section 20-5.8 Performance Standards For All Uses.

Revise and replace the following in Section 20-5.8:

An application for subdivision or site plan shall provide documentation that the intended use will comply with the performance standards enumerated below. In the case of a structure being built where the future use is not known, a construction permit may be issued with the condition that no Certificate of Occupancy will be issued until such time as this documentation is submitted with respect to the particular occupant. It shall be the burden of the applicant to prove beyond a reasonable doubt that the proposed use meets the standards required by this Chapter.

a. Unchanged
   1. Unchanged.
   2. Unchanged.
   3. Unchanged.
   4. Unchanged.
   5. Residential Buffer. This type of buffer is appropriate buffer between two adjacent residential uses which is provided to soften the impact of the land use on the community. Properties may provide additional buffer but is not required to provide such buffer as long as they provide the minimum vegetation in subsection (b) below.
      (a) All existing trees should be preserved and the plans must specify appropriate grading and tree protection details to assure the preservation of the vegetation.
      (b) Areas void of significant vegetation shall receive landscape plantings as follows for every one hundred (100') linear feet of buffer area:

Type	Quantity
Evergreen or Shade Tree	2
Ornamental Tree	2
Shrubs	5

   6. General Landscape Standards. All areas not occupied by structures, impervious cover and natural vegetation shall be maintained and planted as follows:

(a) Area shall be kept clean of all debris, rubbish, weeds and tall grass (over twelve inches (12") in height).
(b) Area shall be planted with grass or ground cover to prevent erosion of soil in accordance with the Cape-Atlantic Soil Conservation District Standards.
(c) An underground irrigation system shall be provided for non-residential properties.
(d) Landscape areas shall be permanently maintained, and plant material which does not live shall be replaced within one (1) year or one (1) growing season.
(e) Landscape buffer plan material shall be so placed that at the maturity, the plant will be no closer than three feet (3') from any street.
(f) The buffer area shall not be broken unless specifically approved by the Planning Board or Zoning Board of Adjustment.
(g) Plant material within the buffer shall be the following: a minimum height of six feet (6') to eight feet (8') for evergreen trees, two feet (2') to two and half feet (2.5') for shrubs and a minimum caliper of one inch (1") to one and half inches (1.5") for ornamental trees and a minimum caliper of two inches (2") and two and half inches (2.5") for shade trees.
(h) The plant material shall be of a species common to the area, be of nursery stock, shall be free of insect and disease, and shall be otherwise conform to the landscaping provisions of subsection 20-5.14c. which are applicable within the Pinelands Area.
(i) No roads, parking or buildings or structures shall be located within prescribed landscape buffer with the exception of access driveways serving the development, sidewalks and bike/jogging paths.
(j) Off-street parking lots shall be landscaped in accordance with Section 20-5.7a.4.
(k) At a minimum ten percent (10%) of the lot area shall be landscaped. The landscaping shall be located in protected areas along walkways, in center islands, adjacent to the building and in all irregular spaces not used for parking. The landscape areas shall include a combination of ground cover, shrubbery, ornamental plantings and shall include one canopy tree per 1,225 square feet of required landscape area. Said area shall be in addition to the required landscape buffer requirements.

Section 20-5.9 Principal Use.

Revise Section 20-5.9 as follows:

a. *Structures*. No more than one (1) principal structure shall be permitted on one (1) lot, except as allowed in the TC, TCC, CM2, CM4 and CMP or otherwise specified for in a particular zoning district.
b. *Use*. No more than one (1) principal use shall be located on one (1) lot, except for forestry, agriculture, horticulture, fish and wildlife management, recreational development or agricultural lands and as allowed in the TC, TCC, CM2, CM4 and CMP zones or otherwise specified for in a particular zoning district.

Add the following Section 20-5.19:

Section 20-5.19 Bulkheads.

a. The Township of Upper desires to create uniform regulations for the construction, reconstruction, repair or renovation of existing or new bulkheads within the Township of Upper along any waterway or beach of Upper Township. It is the purpose of this section to promote public health, safety and general welfare, and to minimize public and private losses due to flood conditions. Bulkheads are an integral component for Flood Damage Control and are designed to:
   1) Protect human life and health.

2) Protect public and private infrastructure.
3) Minimize expenditure of public and private money for costly repairs from flood damage.
4) Minimize prolonged interruptions to business and residential activities due to street flooding.
5) Reduce the extent of flood waters that may flow across public and private property which may cause flood damage.
6) Reduce flood wave velocities.

b. A bulkhead shall be provided for all new development and existing development which is being substantially improved in accordance with the standards of Chapter 18 – Flood Damage Control which is located on a waterfront property as follows:
   1) Non-Oceanfront Bulkheads
      i. Along Strathmere Bay (Tax Blocks 750, 756, 757, 825, 826, 841, 842, 849 and 850 as shown on the current official Tax Map)
      ii. Along Great Egg Harbor (Tax Blocks 479, 682 and 735 as shown on the current official Tax Map)
      iii. Along Tuckahoe River (Tax Blocks 12, 15, 19, 310 and 348 as shown on the current official Tax Map)
   2) Oceanfront Bulkheads
      i. Oceanfront Bulkheads shall be required when adjacent to the Atlantic Ocean and extending along Corson's Inlet to the Corson's Inlet Bridge.

c. The bulkhead shall obtain a permit, be designed and constructed in accordance with Chapter 17 – Construction of Bulkheads.

Add the following Section 20-5.20:

Section 20-5.20 Used Clothing Containers.

a. Generally. Used clothing donation steel or similar storage containers (hereinafter referred to in this section as "bins") are prohibited in the Township of Upper.

b. Exceptions. Registered 401(c) nonprofit organizations are permitted to place used clothing bins on nonresidential property in accordance with the following:
   1. Nonresidential premises are permitted to have only three (3) used clothing donation bins on the property, which are devoted to nonprofit purposes.
   2. The bin(s) shall be appropriately located so as not to interfere with sight triangles, on-site circulation, required accessory side yard setbacks, landscaping, parking, and any other requirements that may have been imposed as part of the site plan approval for the premises, and shall be placed on a concrete surface.
   3. The bin(s) shall be of the type that are enclosed by use of a receiving door and locked so that the contents of the bin(s) may not be accessed by anyone other than those responsible for the retrieval of the contents.
   4. Each bin shall not cover a ground surface area in excess of five feet (5') by five feet (5') nor be more than six feet (6') in height.
   5. Each bin must be regularly emptied of its contents so that it does not overflow, resulting in used clothing being strewn about the surrounding area.
   6. Each bin shall be maintained in good working order and be free of graffiti and rust.
   7. A permit for used clothing donation bin(s) shall be required. The permit shall be issued by the Clerk's Office, but can only be granted when it is determined by the Zoning Officer that:
      (a) The bin(s) are for use by a duly registered nonprofit organization;
      (b) The proper types of bin(s) are being used as described by this section;
      (c) The bin(s) are being placed in a proper location as described by this section;
      (d) Letter of authority/permission from the owner of the property upon which the bin(s) are to be and/or are already located; and

(e) Name, address and phone number of the nonprofit organization or Church displayed on each bin.

c. If any used clothing donation bins are placed without a permit, or an inspection reveals that such bins are not in compliance with this section, enforcement and abatement shall take place as generally provided under this article.

Section 20-6.5 Flag Lots – This section is deleted

Section 20-12.1 Penalty for Violation.

Replace Section 20-12.1 as follows:

Any person, firm or corporation that shall violate any provision of this Chapter, shall, upon conviction thereof by any court authorized by law to hear and determine the manner, be subject to the General Penalty established in Chapter I, Section 1-5 of this code and be required to abate the violation by complying with the applicable standards of this Chapter.

The owner of any building or structure, lot or land or part thereof, and/or the tenant or occupant of any building or structure, lot or land or part thereof, where anything in violation of this Chapter shall be placed or shall exist or be suffered, allowed or permitted to exist, and any architect, builder, developer, contractor, agent, person or corporation engaged in connection therewith and who assists in the commission of any such violation, shall each be guilty of a separate violation and upon conviction thereof shall each be liable to the fine or imprisonment or both specified above.

Schedule A in Chapter 20: Delete the reference to Flag Lots in Schedule A and replace Schedule A with attached Exhibit C.

Schedule C in Chapter 20: Delete Note 3 and add Note 11 in Schedule C and replace Schedule C with attached Exhibit D.

SECTION 4: EFFECTIVE DATE: This ordinance shall take effect immediately upon adoption and publication as required by law.

SECTION 5: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 6: 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 7: CODIFICATION: This Ordinance shall be codified as indicated in Chapters 17, 19 and 20 of the Upper Township Code.

ATTEST:

BARBARA L. YOUNG, Township Clerk

EDWARD BARR, Deputy 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 23rd DAY OF FEBRUARY, 2015 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 30th DAY OF MARCH, 2015 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: February 23, 2015

Publication: February 27, 2015

Newspaper(s): The Press of Atlantic City

Second Reading and Public Hearing: March 30, 2015

Final Adoption: March 30, 2015

Final Publication Date: April 2, 2015

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on March 30, 2015 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on April 2, 2015.

BARBARA L. YOUNG, Township Clerk

EXHIBIT A

TOWNSHIP OF UPPER

CHECKLIST - REQUIRED APPLICATION ITEMS
(Section 19-9)

				Subdivision			*Site Plan*	
	Conditional Use	*Variance*		*Minor*	*Major*			
		C	*D*		*Preliminary*	*Final*	*Preliminary*	*Final*
1. Plat clearly and legibly drawn or reproduced at scale not smaller than 1 inch equals 100 feet.	X	X	X	X	X	X	X	X
2. Name and address of owner and applicant.	X	X	X	X	X	X	X	X
3. Name, signature, license number, seal and address of engineer, land surveyor, architect, professional planner, and/or landscape architect, as applicable, involved in preparation of plat	X	X	X	X	X	X	X	X
a. Sealed by engineer					X		X	X
b. Sealed by surveyor				X (minor only)		X		
4. Title block denoting type of application, tax map sheet, county, name of municipality, block and lot, and street location.	X	X	X	X	X	X	X	X
5. A key map at specified scale showing location of tract with reference to surrounding properties, streets, municipal boundaries, etc., within 500 feet.	X			X	X		X	X
a. A key map showing soil types and freshwater and saltwater wetlands.					X		X	X
6. Zoning district boundaries of the parcel.	X	X	X	X	X		X	X
7. A schedule of required and provided zone district(s) requirements including lot area, width, depth, yard setbacks, building coverage, open space, parking, etc.	X	X	X	X	X		X	X

8. North arrow and scale.	X	X	X	X	X		X	X
9. Proof that taxes are current.	X	X	X	X	X		X	X
10. Signature blocks for Chairman, Secretary and Municipal Engineer.				X	X	X		
11. Appropriate certification blocks as required by Map Filing Law.				X (minor only)		X		
12. Monumentation as specified by Map Filing Law.				X (minor only)		X		
13. For future item(s)								
14. Metes and bounds description showing dimensions, bearings, curve data, etc. for all lots and streets.					X			
15. Proof of ownership of property. Comment: Report of title, certified copy of deed, affidavit or other documentation evidencing ownership.	X	X	X	X	X	X	X	
16. Area of parcel and each new lot in square feet or in acres to the nearest hundredth of an acre.		X		X (minor only)	X	X	X	
17. Copy and original of any existing or proposed deed restrictions, covenants, Homeowners Association Agreements, etc. in recordable form.	X	X	X	X	X	X	X	
18. Original deed in recordable form conveying any proposed easement or lands dedicated to public use.	X	X	X	X	X	X	X	X
19. Development stages or phases, if any.					X		X	
20. List of required regulatory approvals or permits.	X	X	X	X	X	X	X	X
21. List of variances required or requested.		X	X	X (minor only)	X		X	X
22. Requested or obtained design waivers or exceptions.	X			X	X		X	X

23. Payment of application fees.	X	X	X	X	X	X	X	X
24. Property owners and lines of all parcels within 200 feet identified on most recent tax map sheet.	X	X	X		X			
25. All existing streets, water courses, flood plains, wetlands or other environmentally sensitive areas, wooded areas, and other natural features on and within 200 feet of site.					X			
26. Existing rights-of-way and/or easements on tract.	X	X	X	X	X	X	X	X
27. Existing and proposed contour intervals based on U.S.C. and G.S. datum. Contours to extend at least 200 feet beyond subject property as follows: up to 3% grade = 1 foot 3% + grade = 2 feet.					X		X	X
28. Existing system of drainage of subject site and of any larger tract or basin of which it is a part.					X		X	X
29. Soil Erosion and Sediment Control Plan. Comment: Required for soil disturbance over 5,000 sq. ft.					X		X	X
30. Road and paving cross-sections and profiles.					X		X	X
31. Proposed street names. Comment: Applicable only when new road is proposed. Shall not be similar to any existing street name.					X	X		
32. New block and lot numbers confirmed with local assessor or municipal engineer.						X		
33. Drainage calculations.					X		X	X
34. Building setback lines (dashed) and their dimensions from the street line.				X (minor only)	X	X		

35. Identification of lots or parcels to be reserved or dedicated to public use, if any.					X			
36. Test hole data, which shall conform with N.J.A.C. 7:9A-5, containing the following data and certified by an engineer licensed to practice in the State of New Jersey:								
a) Date, location and soil log, seasonal high-ground water, ground water level at the time of boring and soil types of each hole. One test hole shall be required for each lot to be created in the proposed subdivision.					X		X	
b) Locations shall include critical conditions and areas where drainage structures requiring seepage are to be constructed.					X		X	
37. Plans of proposed utility layouts including sewers, storm drains, water, gas, telephone and electricity and showing feasible connections to existing or any proposed utility systems.					X		X	
38. The preliminary plat shall show or be accompanied by plans showing existing and proposed sanitary sewerage facilities serving the subdivision.					X (Treatment plant only)			
39. Lot grading plan showing all proposed areas of fill which shall not exceed 25 inches.					X			
40. Lighting plan and details.							X	X
41. Landscape plan and details.					X		X	X
42. Solid and liquid waste management plan.							X	X
43. Site identification signs, traffic control signs, and directional signs.							X	X
44. Sight triangles.					X		X	X
45. Plan for containment of any volatile, toxic, or hazardous materials.							X	X
46. Vehicular and pedestrian circulation patterns.							X	X

47. Parking plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.							X	X
48. Chart showing off-street parking requirements by proposed use(s).							X	X
49. Preliminary architectural plan and elevations, and areas and type of each proposed use.	X	X					X	X
50. Fully signed contract for installation of electric service.						X		
51. Written acceptance of performance guarantee, maintenance bonds and street light deposit by Township Committee.						X		
52. NJ Pinelands Commission Certificate of Filing.	X	X	X	X	X	X	X	X
53. CAFRA waiver or development approval.					X		X	
54. US Army Corps of Engineers approval of development adjoining freshwater wetlands.					X		X	
55. Cape May County Planning Board review.	X	X	X	X	X	X	X	X
56. Notice in compliance with NJSA 40:55D-12.	X	X	X		X		X	X
57. Consent of property owner to development project.	X	X	X	X	X	X	X	X
58. Names of partners and shareholders holding 10% interest in developer NJSA 40:55D-48.1, 48.2.	X	X	X	X	X	X	X	X
59. Proof of compliance with specific Pinelands Development Standards. <u>Comment:</u> Required for site plan approval of development located in Pinelands Area.	X	X	X	X	X	X	X	X
60. Plan for payment for off-site improvements.					X		X	
61. Recreation Plan showing compliance with subsection 19-6.9.					X	X		

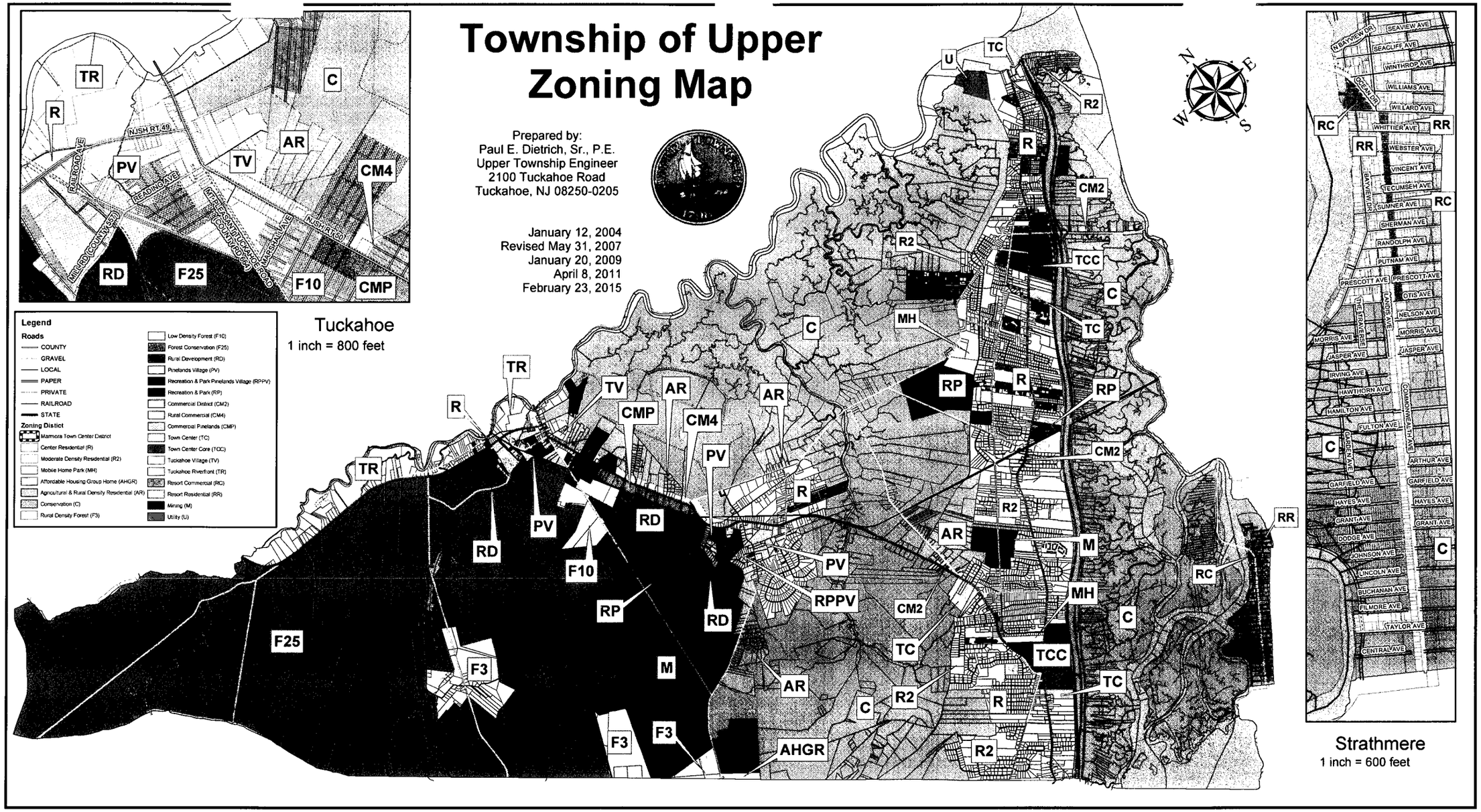
62. Fire Safety Plan Showing compliance with subsection 20-5.5b.					X	X	X	
63. Environmental Assessment showing compliance with subsection 19-7.16. Required for Site Plan—Preliminary, Major Subdivision—Preliminary and for variances when specifically requested by the Zoning Board of Adjustment.					X		X	
64. Traffic impact study if required by subsection 19-7.1. Required for Major Subdivision—Preliminary and Final; Site Plan—Preliminary.					X	X	X	
65. Neighborhood Map showing aerial map 500' beyond the subject property.	X	X	X	X	X	X	X	
66. Electronic copy of the full application including: application, photos, maps, reports, plans and other exhibits in pdf format. Electronic copy may be in separate files.	X	X	X	X	X	X	X	
67. Buy and sell letters to adjacent property owners for any variance for bulk requirements pursuant to N.J.A>C. 40-55d-70c.(1) on forms provided by the Township.		X	X					

EXHIBIT B

Township of Upper Zoning Map

Prepared by:
Paul E. Dietrich, Sr., P.E.
Upper Township Engineer
2100 Tuckahoe Road
Tuckahoe, NJ 08250-0205

January 12, 2004
Revised May 31, 2007
January 20, 2009
April 8, 2011
February 23, 2015



0 3,125 6,250 12,500 18,750 25,000 Feet

1 inch = 0.5 miles

EXHIBIT C

SCHEDULE A

RESIDENTIAL DISTRICTS
PERMITTED PRINCIPAL (P), CONDITIONAL (CU) AND ACCESSORY (A) USES

	R	R2	AR	C	RR	PV	RD	F3	F10	F25	RP	RPPV	TR	MH	AHGR
Uses	*Center Residential*	*Moderate Density Residential*	*Agriculture and Rural Density Residential*	*Conservation*	*Resort Residential*	*Pinelands Village*	*Rural Development*	*Rural Density Forest*	*Low Density Forest*	*Forest Conservation*	*Recreation and Park*	*Recreation and Park Pinelands Village*	*Tuckahoe Riverfront*	*Mobile Home*	*Affordable Housing Group Home*
Farms on a minimum 5 acre lot		P	P	P			P	P	P	P	P	P	P		
Detached dwelling units	P	P	P	P	P	P	P	P	P	P			P		
Conservation residential cluster (See subsection 20-6.2)			P	P			P	P	P	P					
Adult retirement community (See subsection 20-6.4)	CU														
Public playgrounds, conservation areas, parks and public purpose uses (For F3, F10 and F25 Districts, see Note #2)	P	P	P	P	P	P	P	P	P	P	P	P	P		
Mobile home developments (See subsection 20-4.17)														P	
Privately licensed facilities for developmentally disabled															P
Detached dwelling units on lots of at least five (5) acres. (See Note #1)				P											
Public and private elementary or high schools not operated for profit. (For F3, F10 and F25 Districts also see Note #2)	P	P	P	P		P	P	P	P	P					
Houses of worship and/or cemeteries (For F3, F10 and F25 Districts, see Note #2)	P	P	P	P	P	P	P	P	P	P			P		
Marinas and boat yards and boat mooring basins including such ancillary services as boating repair and sale of motor boat fuel	CU	CU	CU	P											
Swimming pools											P	P			
Indoor commercial recreation facilities											P	P			
Equestrian centers and trails											P	P			
Golf courses (See subsection 20-6.4)		CU	CU				CU				CU	CU			
Forestry								P	P	P					
Miniature golf and golf driving ranges											CU	CU			

Schedule A, Residential Districts—Continued

Uses	R *Center Residential*	R2 *Moderate Density Residential*	AR *Agriculture and Rural Density Residential*	C *Conservation*	RR *Resort Residential*	PV *Pinelands Village*	RD *Rural Development*	F3 *Rural Density Forest*	F10 *Low Density Forest*	F25 *Forest Conservation*	RP *Recreation and Park*	RPPV *Recreation and Park Pinelands Village*	TR *Tuckahoe Riverfront*	MH *Mobile Home*	AHGR *Affordable Housing Group Home*
Athletic fields, tennis courts, basketball courts, hockey rinks, skate parks											P	P			
Recreation - community centers											P	P			
Community residences for the developmentally disabled and community shelters for victims of domestic violence	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU					CU
Adult retirement communities (See subsection 20-6.4)	CU														
Public utility uses (See subjection 20-6.4)	CU	CU	CU		CU	CU							CU	CU	CU
Primitive campgrounds				CU											
Boat mooring slips, catwalks, piers, docks, landings or observation decks on waterfront lots (See Note #3)	A	A	A	A	A										
Private residential swimming pools (See subsection 20-5.11)	A	A	A	A		A	A	A	A	A			A	A	
Private residential tool sheds with a maximum 10' height (See Note #3)	A	A	A	A	A	A	A	A	A	A			A	A	A
Travel trailers and campers (See Note #4)	A	A	A	A	A	A	A	A	A	A				A	
Off-street parking and private garages (See subsection 20-5.7)	A	A	A		A	A	A	A	A	A				A	A
Detached garages not exceeding a maximum 20' height	A	A	A	A	A	A	A	A	A	A			A	A	
Signs (See subsection 20-5.10)	A	A	A	A	A	A	A	A	A	A	A	A		A	A
Fences and walls (See subsection 20-5.3)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Residential agriculture	A	A	A	A		A	A	A	A	A			A		
Home occupation			A			A	A	A	A	A					
Temporary construction trailers (See Note #5)	A	A	A	A											
Trailers for temporary dwelling (See Note #6)			A	A			A	A	A	A					
Garages and storage buildings											A	A			A
Bicycle (nonmotorized) and jogging paths											A	A			A
Gazebos (See Note #7)	A	A	A	A	A	A	A	A	A	A	A	A	A		A

Schedule A, Residential Districts—Continued

	R	R2	AR	C	RR	PV	RD	F3	F10	F25	RP	RPPV	TR	MH	AHGR

Uses	*Center Residential*	*Moderate Density Residential*	*Agriculture and Rural Density Residential*	*Conservation*	*Resort Residential*	*Pinelands Village*	*Rural Development*	*Rural Density Forest*	*Low Density Forest*	*Forest Conservation*	*Recreation and Park*	*Recreation and Park Pinelands Village*	*Tuckahoe Riverfront*	*Mobile Home*	*Affordable Housing Group Home*
Pole barns (See Note #8		A	A	A			A	A	A	A			A		
Portable tents (See subsection 20-5.1)	A	A	A	A		A	A	A	A	A			A		

Schedule A Notes

1 Detached dwelling units on lots of at least five (5) acres, provided that:
(a) The dwelling unit will be the applicant's principal place of residence;
(b) The applicant has not developed a dwelling unit under this subsection within the previous five (5) years; and
(c) The applicant can demonstrate a cultural or social link to the Township's Conservation Zone under the following tests:
(1) The parcel of land on which the dwelling is to be located was owned by the applicant or a member of his immediate family on January 30, 1986, and
(2) The applicant is a member of a two-generation extended family that has resided in the Township for at least ten (10) years.

2 Provided such uses will not generate subsidiary development, have adequate public service infrastructure available and are primarily designed to serve the needs of the Forest Zones.

3 Greenhouses, bathhouses, and playhouses are permitted.

4 Travel trailers, campers, boats and boat trailers to be parked or stored in the rear and side yards only. Their dimensions shall not be counted in determining total building coverage and they shall not be used for temporary or permanent living quarters while situate on a lot. (Ord. No. 008-2011)

5 Temporary construction trailers and one (1) sign not exceeding thirty-two (32) square feet advertising the prime contractor, subcontractors, architect, financing institution, or similar data for the period of construction beginning with the issuance of a construction permit and concluding with issuance of a Certificate of Occupancy, or one (1) year, whichever is less, provided said trailer(s) and sign are on the site where construction is taking place and set back at least fifteen (15') feet from the street and lot lines. Temporary construction trailers may not be located on the street or on right-of-way unless application is made to the Construction Official, who may, for exceptional reasons, grant a temporary permit for the location of such construction trailer on the street or road right-of-way, which permit shall be effective for a period of ninety (90) days and be renewed for good cause shown, for an additional period of ninety (90) days. Within the "M" Mining District, the sign may not exceed one hundred (100) square feet.

6 Trailer For Temporary Dwelling. A mobile home owned by the property owner, occupied by the owner for one (1) year during the construction of a single-family residence on the same lot. Before occupancy owner must obtain a Certificate of Compliance from the Cape May County Health Department and a Certificate of Occupancy from the Upper Township Construction Department.

7 Gazebos shall not exceed ten (10') feet in diameter and ten (10') feet in height.

8 Pole barns shall not exceed twenty-five (25') feet in height and one thousand two hundred (1,200) square feet in size.

EXHIBIT D

SCHEDULE C

AREA AND YARD REQUIREMENTS FOR ZONE DISTRICTS

		Principal Building												*Accessory Building*			
	Zoning District	*Minimum Lot Area*	*Minimum Lot Frontage*	*Minimum Lot Width*	*Minimum Lot Depth*	*Minimum Yards (feet)*			*Height (1)*	*Maximum Building Coverage*	*Maximum Impervious Lot Coverage*	*Tree Preservation*	*Landscape Buffer (11)*	*Minimum Yards (feet)*		*Distance to Other Building*	*Maximum Building Coverage*
		(s.f.)	*(feet)*	*(feet)*	*(feet)*	*Front*	*Side one/both*	*Rear*	*(feet)*			*(11)*	*(feet)*	*(Side one/both*	*Rear*	*(feet)*	
	Residential Zones																
AR	Agriculture and Rural Density Residential	120,000	200	200	300	80	50/100	100	35	3%	5%	70%	40	25/50	50	20	1.0%
	House of Worship and Cemeteries	120,000	200	200	200	50	50/50	50	55	5%	10%	50%	25	15/30	15	15	2.5%
	9-Hole Golf Courses	50 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%
	18-Hole Golf Courses	200 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%
R	Center Residential	40,000	140	140	175	50	25/50	50	35	10%	30%	35%	10	15/30	15	15	5.0%
	House of Worship and Cemeteries	60,000	200	200	200	50	50/50	50	55	10%	30%	35%	10	15/30	15	15	5.0%
R2	Moderate Density Residential	40,000	140	140	175	50	25/50	50	35	8%	20%	35%	10	15/30	15	15	4.0%
	House of Worship and Cemeteries	60,000	200	200	200	50	50/50	50	55	10%	30%	35%	10	15/30	15	15	5.0%
	9-Hole Golf Courses	50 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%
	18-Hole Golf Courses	200 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%
RR	Resort Residential	4,000	40	40	100	15	6/6	30	35	27%	45%	0%	0	6/6	10	10	2.5%
	Houses of Worship	6,000	50	50	100	15	8/8	30	55	20%	50%	0%	0	8/8	10	10	5.0%
TR	Tuckahoe Riverfront	2 acres	150	150	250	50	35/70	50	35	3%	5%	50%	25	35/70	50	20	1.5%
MH	Mobile Home	20 acres	200	200	400	75	7/150	75	35	35%	70%	25%	50	15/30	50	15	5.0%
AHGR	Affordable Housing Group Home	5 acres	200	200	400	100	60/120	60	45	30%	40%	25%	35	15/30	50	15	5.0%
C	Conservation	10 acres	400	400	400	(4) 200	50/50	70	35	1.5%	3%	70%	25	40/40	40	20	0.5%
PV	Pinelands Village	1 acre	120	120	150	(2) 70	25/50	50	35	6%	10%	50%	10	15/30	15	15	5.0%

Schedule C—Continued

		Principal Building												Accessory Building			
	Zoning District	*Minimum Lot Area*	*Minimum Lot Frontage*	*Minimum Lot Width*	*Minimum Lot Depth*	*Minimum Yards (feet)*			*Height (1)*	*Maximum Building Coverage*	*Maximum Impervious Lot Coverage*	*Tree Preservation*	*Landscape Buffer (11)*	*Minimum Yards (feet)*		*Distance to Other Building*	*Maximum Building Coverage*
		(s.f.)	*(feet)*	*(feet)*	*(feet)*	*Front*	*Side one/both*	*Rear*	*(feet)*			*(11)*	*(feet)*	*(Side one/both*	*Rear*	*(feet)*	
	Residential Zones																
RD	Rural Development	3.75 acres	~~(3)~~ 150	150	300	(4) 200	30/60	70	35	5%	10%	50%	10	30/30	30	15	2.0%
	House of Worship and Cemeteries	60,000	200	200	200	50	50/50	50	55	5%	10%	50%	25	15/30	15	15	2.0%
	9-Hole Golf Courses	50 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%
	18-Hole Golf Courses	200 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%
F3	Rural Density Forest	3.2 acres	(5) 150	150	325	(4) 200	50/100	75	35	3%	5%	70%	25	30/60	30	15	1.0%
F10	Low Density Forest	10 acres	(6) 175	175	350	(4) 200	50/100	100	35	2%	4%	70%	25	30/60	30	15	0.5%
F25	Forest Conservation	25 acres	(7) 200	200	350	(4) 200	50/100	100	35	0.5%	3%	70%	25	50/100	50	20	0.5%
RP	Recreation and Park	3.75 acres	150	150	300	200	50/100	75	35	5%	10%	70%	25	30/60	30	15	2.0%
	9-Hole Golf Courses	50 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%
	18-Hole Golf Courses	200 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%
RPPV	Recreation and Park Pinelands Village	3.75 acres	150	150	300	200	50/100	75	35	5%	10%	70%	25	30/60	30	15	2.0%
	9-Hole Golf Courses	50 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%
	18-Hole Golf Courses	200 acres	600	600	1,000	200	200/400	200	35	1%	10%	35%	20	50/100	50	20	0.1%
	Mixed Use Zones																
TCC	Town Center Core[10]	40,000-<5 ac.	100	100	200	50	(9) 25/50	(9) 50	45	35%	60%	15%	10	10/20	25	25	5.0%
		5 ac.-<10 ac.	250	250	300	50	(9) 25/50	(9) 50	45	25%	70%	15%	15	10/20	25	25	5.0%
		10 ac. and over	300	300	600	100	(9) 50/100	(9) 50	45	0.2	0.7	0.25	25	10/20	25	25	5.0%
TC	Town Center[10]	40,000-5 ac.	125	125	200	50	(9) 25/50	(9) 50	45	30%	50%	15%	10	10/20	25	25	5.0%
		5 ac.-<10 ac.	250	250	300	50	(9) 25/50	(9) 50	45	20%	60%	15%	15	10/20	25	25	5.0%
		10 ac. and over	300	300	600	100	(9) 50/100	(9) 50	45	15%	60%	25%	25	10/20	25	25	5.0%
TV	Tuckahoe Village	15,000	50	50	100	10	10/10	25	35	50%	70%	25%	10	6/12	6	10	5.0%

Schedule C—Continued

		Principal Building												Accessory Building			
	Zoning District	*Minimum Lot Area*	*Minimum Lot Frontage*	*Minimum Lot Width*	*Minimum Lot Depth*	*Minimum Yards (feet)*			*Height (1)*	*Maximum Building Coverage*	*Maximum Impervious Lot Coverage*	*Tree Preservation (11)*	*Landscape Buffer (11)*	*Minimum Yards (feet)*		*Distance to Other Building*	*Maximum Building Coverage*
		(s.f.)	*(feet)*	*(feet)*	*(feet)*	*Front*	*Side one/both*	*Rear*	*(feet)*			*(11)*	*(feet)*	*(Side one/both*	*Rear*	*(feet)*	
	Commercial Zones																
RC	Resort Commercial	6,000	50	50	100	15	8/16	30	35	30%	60%	0%	5	8/16	10	10	5.0%
CM2	Commercial	40,000-<5 ac.	150	150	200	50	(9) 25/50	(9) 50	35	20%	30%	50%	15	15/30	25	25	5.0%
		5 ac.-<10 ac.	250	250	300	100	(9) 25/50	(9) 50	35	15%	35%	50%	20	15/30	25	25	5.0%
		10 ac. and over	300	300	600	100	(9) 50/100	(9) 100	35	15%	35%	50%	25	15/30	25	25	1.0%
CM4	Rural Density Commercial	2 acres	200	200	250	100	50/100	50	35	5.0%	15%	70%	15	15/30	25	25	1.0%
CMP	Commercial Pinelands	3.2 acres	200	200	250	100	50/100	50	35	5.0%	15%	70%	15	15/30	25	25	1.0%

Schedule C Notes

[1] No building shall exceed maximum specified height, except that churches shall not exceed fifty-five (55') feet in height and except further as allowed in subsection 20-6.3.

[2] May be reduced to the average setback of the five (5) closest principal buildings.

[3] Reserved.

[4] May be reduced to one hundred (100') feet in agricultural areas or where environmental limitations require reduction.

[5] The lot frontage requirements may be reduced to fifty (50') feet for 3.2 acre flag lot.

[6] The lot frontage requirements may be reduced to fifty (50') feet for a 10 acre flag lot.

[7] The lot frontage requirements may be reduced to fifty (50') feet for a 25 acre flag lot.

[8] Reserved.

[9] An additional side and rear setback of twenty-five (25') feet shall be provided when the adjacent property is in a residential district.

[10] See additional TC and TCC front yard and side yard setback and height standards in subsection 20-4.7e. (Ord. #008-2011)

[11] Tree Preservation and Landscape Buffer shall not be required for properties with existing structures that existed prior to October 15, 2007.

(Ord. #002-2013)