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

ORDINANCE NO. 011-2018

RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE CHAPTER XX (ZONING) OF THE CODE OF UPPER TOWNSHIP

WHEREAS, the Township Planning Board recently undertook a Master Plan Reexamination and adopted the 2018 Master Plan Reexamination Report on August 8, 2018 in accordance with N.J.S.A. 40:55D-89; and

WHEREAS, the Township Planning Board also adopted Master Plan revisions to the Township's Housing Element and Fair Share Plan and Spending Plan on August 8, 2018; and

WHEREAS, the Township filed a Declaratory Judgment Action in Superior Court in July 2015 in accordance with the New Jersey Supreme Court's March 10, 2015 decision commonly referred to as "Mount Laurel IV" and sought court approval of its Housing Element and Fair Share Plan and obtained a Court Order approving a Settlement Agreement between the Township and the Fair Share Housing Center on April 23, 2018; and

WHEREAS, the Township's 2018 Master Plan Reexamination Report and the Township's 2018 Housing Element and Fair Share Plan and Spending Plan incorporate the terms of the aforesaid Settlement Agreement as required pursuant to said Court Order; and

WHEREAS, the Township Committee desires to adopt local land use ordinance provisions incorporating the recommendations and provisions of the 2018 Master Plan Reexamination Report and the 2018 Housing Element and Fair Share Plan and Spending Plan as well as the terms of the court approved Settlement Agreement; and

WHEREAS, the Township Committee has referred this ordinance amendment to the Upper Township Planning Board pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26; and

WHEREAS, the Township Planning Board reviewed and discussed the proposed zoning ordinance amendment and adopted a resolution approving the proposed zoning ordinance amendment finding said amendment consistent with the 2018 Upper Township Master Plan Reexamination and Amended Master Plan; and

WHEREAS, this zoning ordinance revision and amendment is part of recommendations in connection with the periodic general reexamination of the Upper Township master plan as evidenced by the 2018 Master Plan Reexamination Report;

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 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:

Revise Section 20-3.1 as follows:

20-3.1 Zoning Districts.

For the purpose of this Chapter the Township is hereby divided into various districts. Within the Pinelands Area, these districts are consistent with the Pinelands Management Areas set forth in N.J.A.C. 7:50, Subchapter 5.

Symbol	**Zoning District**
AR	Agriculture and Rural Density Residential
R	Center Residential
R2	Moderate Density Residential
RR	Resort Residential
RC	Resort Commercial
TCC	Town Center Core
TC	Town Center
CM2	Commercial District
CM4	Rural Density Commercial District
CMP	Commercial District Pinelands
C	Conservation
RD	Rural Development
PV	Pinelands Village
F3	Rural Density Forest
F10	Low Density Forest
F25	Forest Conservation
RP	Recreation and Park
RPPV	Recreation and Park Pinelands Village
M	Mining
U	Utility
TV	Tuckahoe Village

TR	Tuckahoe Riverfront
MH	Mobile Home
AHGR	Affordable Housing Group Home
MTCD	Marmora Town Center District

Revise Section 20-3.2 as follows:

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 August 13, 2018. The Zoning Map is located at the end of Chapter XX.

Revise Section 20-4.7e as follows:

e. *Area and Yard Requirements.* The area and yard requirements pertaining to all permitted uses within the "TC" and "TCC" Districts are provided on Schedule C Area and Yard Requirements for Zone Districts except as modified or supplemented by this section.

1. The maximum building height shall be three (3) stories.
2. Standards for multifamily housing and townhouses are provided under subsection 20-4.7j.

Revise Section 20-4.20 as follows:

20-4.20 "MTCD" Marmora Town Center District.

a. *Purpose*. The purpose of the "MTCD" District is intended to promote a desirable mix of commercial, office, civic and inclusionary residential land uses within a vibrant, pedestrian-friendly, village environment with an emphasis on uses that service local needs. It is intended to encourage pedestrian flow throughout the area by generally permitting stores and shops and personal service establishments on the ground floor of buildings and promoting the use of upper floors for offices and inclusionary residential dwelling units in order to enhance the orientation of land uses toward pedestrian shopping and circulation within a village-style mixed-use environment. The district promotes a more dense development through the use of community wastewater treatment facilities or sanitary sewer connection. The MTCD District is intended to create a variety of residential housing densities and options including affordable housing units. The MTCD district is further intended to promote non-residential development and balance the mix of residential to non-residential uses.

b. *Goals.* The goals of the "MTCD" District includes ensuring design compatibility with existing development that considers building height, materials, colors, landscaping and signage, sharing off-street parking and stormwater detention opportunities, providing off-street parking that is well-screened from public view; controlling means of vehicular access and coordinating internal pedestrian and vehicular traffic flows relating to existing and proposed development patterns. All development shall reflect traditional village planning and design principles, including:

1. Provide a layout of buildings, open spaces and parking lot edges that encourage sidewalk and pathway interconnections.
2. Provide for focal points such as small parks or squares and other open spaces, as appropriate, such that a sense of place is enhanced and strengthened.
3. Promote the construction of affordable housing.
4. Promote the transition of land development into a new district that exhibits the design features of a traditional mixed-use village neighborhood promoting

pedestrian circulation, social gathering and interaction amongst commercial establishments supporting and servicing the residents of the community.

5. Create a district that offers a feeling of security.

6. Encourage a mix of inclusionary residences, stores and shops, personal service establishments, offices, workplaces and civic uses that are interwoven within a traditional mixed-use village neighborhood, all in close proximity.

7. Encourage a mix of uses that provide for predominately retail stores, offices, restaurants and personal service uses on the first floor or street level with office and residential uses located on upper floors.

   (a) Promote the design and arrangement of buildings in a manner that advances "green building" concepts to achieve sustainability.

   (b) Promote the creation of a district with architectural facade design and building scale typical for a mixed-use village neighborhood and representative of elements of Upper Township's historic character.

   (c) Promote cross access and shared access to reduce the number of driveways along Route 9.

c. *Permitted Principal Uses.*

The permitted principal uses pertaining to the "MTCD" District are provided on Schedule B Commercial and Mixed Use Districts-Permitted Principal, Conditional and Accessory Uses except as modified or supplemented by this section.

1. Mixed-use projects shall provide a combination of residential and non-residential development in accordance with the following:

   a. Mixed-use developments shall have at least 70% of the total habitable space for non-residential development uses and 30% of the total habitable space for residential development uses.

   b. The residential may be upper level apartments or stand alone developments on the same parcel or contiguous parcel.

   c. All development along Route 9 would be non-residential with the option for upper level residential. No stand alone residential building will be permitted along Route 9.

   d. Phasing is required in accordance with Subsection "l." below.

   e. All residential must provide a set aside for affordable housing as required by Subsection "3f" below.

2. Within a mixed-use development the following non-residential uses are permitted:

   a. Retail stores, restaurants and personal services uses.

   b. General or professional offices.

   c. Repair and servicing, indoors only, of any article for sale which is permitted in this district.

   d. Banks and Similar Financial Institutions. Drive-through provided that such are compatible with the design of the building and are appropriately located at the side or rear of a building. Drive-through facilities serving such uses shall be permitted provided that the scale of the drive through windows and lanes is compatible with the design of the building and site design. A maximum of three (3) drive-through

lanes shall be permitted (inclusive of lanes for ATMs).

3. Residential uses within a mixed-use development are required in accordance with the following:

   a. A maximum residential density of 12 units per acre is permitted.

   b. Residential uses shall be on the upper levels of a mixed-use building or on a contiguous parcel.

   c. Residential uses are not permitted along the ground floor on Route 9.

   d. Residential uses shall require recreational amenities including but not limited to items such as pools, exercise rooms, outdoor recreational facilities or parks. The recreational amenities shall be part of any application for approval and reviewed by the Planning Board. The Board may permit entertainment or commercial recreational uses to fulfill this requirement as part of the mixed-use development.

   e. Residential units only permitted in mixed use projects with new non-residential construction.

   f. *Affordable Housing Requirements.* Each applicant for residential development shall provide a minimum of twenty (20) percent of all residential units as affordable units as required by the Township's housing plan and as determined by the New Jersey Committee on Affordable Housing ("COAH") regulations. To ensure that any units created by this ordinance generate affordable housing credits to be applied to the Township's affordable housing obligations, the affordable units within the Inclusionary Development shall comply with the Round 2 regulations of the New Jersey Council on Affordable Housing ("COAH"), the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC"), and all other applicable law, including a requirement that 13% of all affordable units are available to very low income households, and said Inclusionary Development shall be deed restricted for a period of at least 30 years. In the event COAH promulgates new applicable and lawful regulations, those new regulations shall control.

4. Parks, plazas and playgrounds.

5. Building structures and uses owned or operated by the Upper Township for municipal purposes.

d. *Permitted Accessory Uses.* The permitted accessory uses pertaining to the "MTCD" District are provided on Schedule B Commercial and Mixed Use Districts— Permitted Principal, Conditional and Accessory Uses except as modified or supplemented by this section.

   1. Recreational and/or open space facilities, including, but not limited to, walkways, courtyards and plazas.

   2. Off-street parking and loading located to the rear of principal buildings or appropriately screened from public view.

   3. Signage standards shall be compatible to the architectural design of the buildings. Monument signs, wall and hanging signs shall be limited in size and compatible with the pedestrian scale of the center. Pylon signs are prohibited.

   4. Street furnishings, planters, street lights, and exterior, garden type, shade structures (gazebos).

   5. Sidewalk cafes associated with permitted restaurants.

6. Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design.

7. Decks, patios and terraces, which shall complement the architectural style, type and design of the building and the overall project design.

e. *Area and Yard Requirements.* The area and yard requirements pertaining to all permitted uses within the "MTCD" District are provided on Schedule C Area and Yard Requirements for Zone Districts except as modified or supplemented by this section.

1. Within the Marmora Town Center District (MTCD) the following shall apply:

(a) The maximum front yard setback of structures shall be zero (0') feet from the build-to line along Route 9.

(b) The majority of the building must be at the build-to line, but twenty-five (25%) percent of the façade may be set back at a maximum of ten (10') feet to create one or more alcoves enclosed on three (3) sides. Outdoor dining, canopies and balconies are permitted within such alcove areas.

(c) The side yard (each side) shall be a minimum of zero (0') feet, if attached to an adjacent building or a minimum of five (5') feet if not attached to an adjacent building.

(d) The maximum building height shall be five (5) stories, except for buildings attached to a hotel use there shall be no maximum limit on stories.

2. Standards for multifamily housing and townhouses are provided under subsection 20-4.20i.

f. *Parking Standards.*

1. The following off-street parking standards in the MTCD District shall be subject to subsection 20-5.7 except that offices shall be provided at a ratio of four (4) spaces per one thousand (1,000) square feet gross floor area. Residential parking shall comply with New Jersey Residential Site Improvement Standards ("RSIS"). A reduction in overall parking requirements may be permitted for shared parking use in mixed use developments based upon appropriate documentation provided to the Planning Board at the time of site plan approval by a qualified traffic expert.

2. Where off-street parking areas are visible from existing public streets of the development, they shall be screened by landscaping or a low masonry wall.

3. Off-street parking areas within a shopping center may reduce the stall size from ten feet by twenty (10' x 20') feet to nine feet by eighteen (9' x 18') feet for fifty (50%) percent of the total spaces over one hundred (100) spaces.

4. Parking shall not be permitted in the front yard along any road.

5. For single uses or shopping centers that have more than a total of eighty thousand (80,000) square feet, seventy-five (75%) percent of the required parking shall be provided within a parking garage or other structure with two (2) or more stories.

6. Parking garages shall not be considered a building for the calculation of building coverage but must meet all other requirements for accessory setbacks and impervious coverage limits. If the parking garage is attached to the principal building then that portion dedicated to the parking of vehicles shall not be included in the calculation of building coverage.

7. Parking garages shall be provided with an architectural facade that screens the structure and is compatible with the principal use on the lot and shall comply with the standards set forth in paragraph i. below to the maximum extent practicable.

g. *Minimum Off-Street Loading.*

1. Each commercial activity shall provide for off-street loading and unloading with adequate ingress and egress from streets and shall provide such area(s) at

the side or rear of the building. Each space shall be at least fifteen by forty (15' x 40') feet. One (1) space shall be provided for the first seven thousand (7,000) square feet of gross floor area or fraction thereof in each building, and one (1) additional space for each additional ten thousand (10,000) square feet of gross floor area or fraction thereof. There shall be no loading or unloading from the street. Loading area requirements may be met by combining the floor areas of several activities taking place under one (1) roof and applying the above ratios.

2. There shall be at least one (1) trash or garbage pickup location provided by each building which shall be separated from the parking spaces by either a location within the building or in a pickup location outside the building.

3. The trash and/or garbage shall be stored in an enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a masonry wall and planting.

h. *Architectural Design Standards.* All buildings shall be designed to convey a small-scale town or village character. Buildings shall contain the following design elements:

1. Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior. Long, monotonous, uninterrupted walls or roof planes are not permitted. Building wall offsets, including projections such as balconies, canopies, and signs, recesses, and changes in floor level shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roof-line offsets, dormers, or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

2. A variety of building setbacks, roof lines, color schemes, elevations and heights shall be developed, relative to adjacent structures, to avoid a repetitious and monotonous streetscape. At least one-half (1/2) of the developed facade must be two (2) stories in appearance.

3. The architectural treatment of the front facade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors and details. Blank wall or service area treatment of side and/or rear elevations visible from public view are discouraged.

4. The exteriors of all buildings in the development, including any permitted accessory buildings, shall be architecturally compatible and be constructed of quality materials.

5. Architectural detail, style, color, proportion and massing shall reflect the continuity of treatment through the district, obtained by maintaining the building scale or by subtly graduating changes; by maintaining bases courses; by maintaining cornice lines in buildings of the same height; by use in surrounding buildings. Upper story windows shall be vertically aligned with the location of windows and doors on the ground level.

6. Ground floor retail, services, and restaurant uses shall have large pane display windows. Such windows shall be framed by the surrounding wall and shall not exceed seventy-five (75%) percent of the total ground level facade area.

7. An orderly relationship among windows, doors, porches and roof forms shall be provided for.

8. Natural materials such as wood and masonry are recommended. High-quality manmade siding materials are permitted. Stucco may be used as an accent in limited areas.

9. Pitched roofs (6 /12 to 12 /12) are recommended. Both gable and hipped roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall. Flat and mansard-type roofs are not permitted, however, such roof treatments may be allowed if the architectural detail is provided to give the appearance of a pitched roof.

10. All entrances to a building shall be defined and articulated by architecture compatible with the style, materials, colors and details of the building as well as shall the doors.

11. Corner buildings shall be designed to appear as landmark buildings, since they have at least two (2) front facades visibly exposed to the street. One possible treatment to achieve this goal would have buildings designed with additional height or architectural embellishments, such as corner towers, to emphasize their location.

12. Building facade shall create a defining wall along the streetscape. Covered archways (minimum eight (8') feet wide and maximum fifty (50') feet wide) connecting buildings, enabling pedestrian circulation, shall be permitted to achieve the defining wall.

13. Heating, ventilating and air-conditioning (HVAC) systems, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be inconspicuous as viewed from the public right-of-way and adjacent properties.

14. Street furnishings such as benches, street lamps, bicycle racks, trash receptacles, bus stop shelters, landscape planters and hanging baskets shall be provided.

15. Street-level store fronts and building entrances shall be open and inviting to pedestrians. Building entrance shall be enhanced by decorative pavements, detailed landscape and appropriate street furnishing.

16. Decorative paving shall be required for pedestrian crossings within parking areas and elsewhere.

i. *Residential Standards for Townhouses and Multifamily Buildings.*

1. Inclusionary Residential units are permitted in mixed-use projects only and may be either townhouse units or multi-family apartments. Residential units that are part of a mixed-use development may be on the upper levels or stand-alone on the same parcel or contiguous parcel and must be inclusionary pursuant to Section 3 above

2. Public water and a community wastewater treatment facility or sanitary sewer connection shall be provided.

3. Maximum density for residential dwelling units shall not exceed twelve (12) units per acre.

4. All common parking facilities shall be located at the rear of all dwelling units or in locations to be approved by the Planning Board. There shall be no parking or parking facilities in the required front yard setback of the property.

5. Townhouses.

(a) With respect to townhouses, the distance between two (2) adjacent buildings side to side shall not be less than thirty (30') feet. The distance between two (2) adjacent buildings rear to rear shall not be less than fifty (50') feet and side to rear shall not be less than thirty (30') feet.

(b) No townhouse building shall be designed for or occupied by more than eight (8) dwelling units.

(c) No townhouse building shall exceed one hundred eighty (180') feet in length in its longest dimension, provided; however, that buildings may exceed the foregoing length so long as they do not contain more than six (6) dwelling units. In addition, not more than two (2) consecutive units shall be designed without at least a five-foot offset in the building line.

(d) There shall be no fewer than two (2) exterior wall exposures for each unit, each of which shall be properly placed so as to provide thorough ventilation for each unit.

(e) Individual townhouse lots. Parcel may be subdivided into separate lots. Requirements for individual lots shall be as follows.

Minimum lot area	2,500 square feet
Maximum building coverage	60%
Maximum impervious coverage	70%
Minimum lot width	25 feet
Minimum lot frontage	25 feet
Minimum lot depth	100 feet
Maximum building height	3 stories
Minimum front yard setbacks	5 feet
Maximum front yard setbacks	20 feet
Minimum side yard setback (one/both)	0 feet/0 feet
Minimum rear yard setback	25 feet
Minimum unit width	20 feet
Accessory structures: (Minimum side yard and rear yard setback)	5 feet

6. Multifamily Buildings.

   (a) A multifamily building shall not exceed one hundred eighty (180') feet in length; in addition, not more than two (2) consecutive units shall be designed without at least a five-foot offset in the building line.

   (b) The distance between multifamily buildings shall be a minimum of fifty (50') feet.

   (c) Area and yard setbacks shall comply with Schedule C—Area and Yard Requirements for Zone Districts except as modified under subsection 20-4.20.e and 20-4.20.i.

j. *Open Space Plaza Design Standards.*

1. One (1) open space plaza shall be provided directly adjacent to a principal structure for each eighty (80,000) square feet of nonresidential building.

2. Open space plaza shall meet the following standards.

   (a) Encompass two (2%) percent of the lot area but shall not be less than two thousand (2,000) square feet in size.

   (b) One (1) tree per one thousand two hundred fifty (1,250) square feet of plaza.

   (c) Planting bed area of one hundred fifty (150) square feet per one thousand two hundred fifty (1,250) square feet of plaza.

   (d) Pedestrian-scaled lighting must maintain an average of 0.50 foot candle illumination within the plaza.

   (e) Benches and picnic tables with one (1) seat or twenty-four (24") inches of bench area per two hundred (200) square feet of plaza.

   (f) One (1) trash and recycling receptacle per two thousand (2,000) square feet of plaza.

   (g) One (1) bike rack per eight thousand (8,000) square feet of plaza.

   (h) Plazas over eight thousand (8,000) square feet shall provide one (1) piece of public art or water feature.

3. The open space plaza shall be maintained by the property owner.

k. 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 (50') feet 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 (6') feet.

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 ten (10) days prior to the start of the temporary display area.

l. Phasing.

1. A phasing plan is required within the MTCD zone for each development tract as part of the site plan approval. The phasing plan shall demonstrate that there is a ratio of 70% non-residential habitable area to 30% residential habitable area before any approval may be granted for the proposed mixed-use development. The permitted residential density is 12 units per acre.

2. A construction phasing plan is required as part of a site plan approval. The construction phasing plan shall provide for the completion of non-residential to residential in accordance with the following:

   a. 25% of the Non-Residential Space shall be completed with a certificate of occupancy before any residential units are occupied.

   b. 50% of the Non-Residential Space shall be completed with a certificate of occupancy before 25% of the Residential units are completed and occupied.

   c. 75% of the Non-Residential Space shall be completed with a certificate of occupancy before 50% of the Residential units are completed and occupied.

   d. 100% of the Non-Residential Space shall be completed with a certificate of occupancy before 75% of the Residential units are completed an occupied.

   e. The phasing for the Affordable Housing Units shall be in accordance with the Uniform Housing Affordability Controls (N.J.A.C. 5:80) and Section 20-14 of this ordinance.

3. The phasing of the commercial and residential may permit the commercial to be completed prior to the residential. The development shall include a site plan for the residential development at the required density for future construction.

m. *On-site Security.*

On-site security plans consisting of personnel and/or systems shall be included with all applications for development. The plans shall be coordinated and approved by the Director of the Department of Public Safety. The use of personnel or systems shall be based upon the size of the development as determined appropriate by the Director of the Department of Public Safety and as may be modified by the Planning Board.

Revise Section 20-5.3a as follows:

20-5.3 Fences.

a. *In the "R," "R2," "AR," "MTCD," 'TC," "TCC," "RR," "RC," "C," "PV," "RD," "F-3," "F-10," "F-25," "TV," "TR" Zones.* No fence shall be erected of barbed wire, topped with metal spikes or constructed of any material or in any manner which may be dangerous to persons or animals. Fences or walls permitted under this subsection shall not be erected or altered to be over four (4') feet in height in the front yard areas and six (6') feet in height in the side and rear yard areas.

Revise Section 20-5.9 as follows:

20-5.9 Principal Use.

a. Structures. No more than one (1) principal structure shall be permitted on one (1) lot, except as allowed in the MTCD, 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 MTCD, TC, TCC, CM2, CM4 and CMP zones or otherwise specified for in a particular zoning district.

Revise Section 20-5.10 as follows:

20-5.10 Signs.

a.2. Freestanding signs, where permitted, shall be supported by one (1) or more columns or uprights which are firmly embedded in the ground, except within the MTCD, TC and TCC zone districts, pole signs shall not be permitted. Exposed guy wires, chains or other connections shall not be made in permanent support of the freestanding signs.

b.3. Commercial "MTCD," "TC," "TCC," "CM2," "CM4," and "CMP" District (lot size under three (3) acres).

(a) Attached signs: One (1) unlighted or lighted sign for each occupant of the building. The total area of the sign shall not exceed ten (10%) percent of the areas of the face of the wall upon which such sign is attached or thirty (30) square feet, whichever is smaller. Where building(s) is (are) designed for rear or side entrances, one (1) unlighted sign may be attached flat against the building at the rear and side entrances, each sign not to exceed an area equivalent to half that of the sign on the front of the building.

(b) Freestanding signs: One (1) unlighted or lighted freestanding sign for each principal building or group of attached principal buildings (except auto service stations) except all freestanding signs in the MTCD, TC or TCC zones shall be monument signs.

(1) Height: Thirty-five (35') feet or the height of the principal building, whichever is shorter except within the MTCD, TC or TCC zone where the height shall not exceed eight (8') feet.

(2) Setback: At least twenty (20') feet from all street lines and fifty (50') feet from all side property lines. Where existing development or roadway alignment prevent adequate visibility of signs meeting the setback requirements of this Chapter, signs may be constructed up to the street line provided that adequate sight distance is provided and further provided that no portion of any sign extends beyond the street line.

(3) Area:

Lot frontage: <150' Not to exceed thirty-two (32) square feet.

Lot frontage: >= 150' Not to exceed seventy-five (75) square feet.

b.4. Commercial "MTCD," "TC," "TCC," "CM2," "CM4," and "CMP" District (lot size of three (3) acres.

(a) Attached signs: One (1) unlighted or lighted sign for each occupant of the building. The total sign area of the sign shall not exceed ten (10%) percent of the areas of the face of the store wall upon which such sign is attached or seventy-five (75) square feet, whichever is smaller. Where building(s) is (are) designed for rear or side entrances, one (1) unlighted sign may be attached flat against the building at the rear and side entrances, each sign not to exceed an area equivalent to half that of the sign on the front of the building.

(b) Freestanding signs: One (1) unlighted or lighted freestanding sign for each principal building or shopping center except all freestanding signs in the MTCD, TC or TCC zones shall be monument signs.

(1) Height: Thirty- five (35') feet or the height of the principal building, whichever is shorter except within the MTCD, TC or TCC zone where the height shall not exceed eight (8') feet.

(2) Setback: At least thirty (30') feet from any street or lot line. Where existing development or roadway alignment prevent adequate visibility of signs meeting the setback requirements of this Chapter, signs may be constructed up to the street line provided that adequate sight distance is provided and further provided that no portion of any sign extends beyond the street line.

(3) Area:

Lot frontage: <250' Not to exceed seventy-five (75) square feet.

Lot frontage: >= 250' Not to exceed one hundred (100) square feet.

Replace Section 20-14 as follows:

20-14 Affordable Housing

Section 20-14.1 General Program Purposes, Procedures

A. Affordable Housing Obligation.

(1) This section of the Township Code sets forth regulations regarding the low and moderate income housing units in the Township consistent with the provisions known as the "Substantive Rules of the New Jersey Committee on Affordable Housing", *N.J.A.C.* 5:93 et seq., the Uniform Housing Affordability Controls ("UHAC"), *N.J.A.C.* 5:80-26.1 et seq. except where modified by the terms of a Settlement Agreement between the Township and Fair Share Housing Center ("FSHC") such that the statutory requirement to provide very-low income units equal to 13% of affordable units approved and constructed after July 1, 2008, to be affordable to households at 30% of the regional median income, overrides the UHAC requirement that 10% of all low- and moderate-income units must be affordable at 35% of the regional median income, and the Township's constitutional obligation to provide a fair share of affordable housing for low and moderate income households. In addition, this section applies requirements for very low income housing as established in P.L. 2008, c.46 (the "Roberts Bill", codified at *N.J.S.A.* 52:27D-329.1).

(2) This Ordinance is intended to assure 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. This Ordinance shall apply to all inclusionary developments and 100% affordable developments (including those funded with low-income housing tax credit financing)_except where inconsistent with applicable law.

(3) The Upper Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at *N.J.S.A.* 40:55D-1, et seq. The Plan has also been endorsed by the Township Committee of the Township of Upper. The Fair Share Plan describes the ways the Township shall address its fair share for low- and moderate-income housing as determined by the Superior Court and documented in the Housing Element.

(4) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of *N.J.A.C.* 5:93, as may be amended and supplemented.

(5) The Township shall file monitoring and status reports with the Superior Court and place the reports on its municipal website. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring evaluation report prepared by the Special Master in accordance with *N.J.A.C.* 5:91 shall be available to the public at the Upper Township Municipal Building, 2100 Tuckahoe Road, Petersburg, New Jersey 08270.

(6) On or about September 27 of each year through the end of the period of Third Round Judgment of Repose, the Township will provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to all parties to the Township's Court-approved Settlement Agreements, using forms previously developed for this purpose by the Committee on Affordable Housing or any other forms endorsed by the Special Master and Fair Share Housing Center ("FSHC").

(7) The Fair Housing Act includes two provisions regarding action to be taken by the Township during the ten-year period of protection provided in the Township's agreement with FSHC. The Township agrees to comply with those provisions as follows:

(a) By July 1, 2020, the Township must prepare a midpoint realistic opportunity review, as required pursuant to N.J.S.A. 52:27D-313, which the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues. In the event the Court determines that a site or mechanism no longer presents a realistic opportunity and should be replaced or supplemented, then the municipality shall have the opportunity to supplement or revise its plan to correct any deficiency.

(b) Within 30 days of September 27, 2020 and September 27, 2023 the Township shall prepare a review of compliance with the very low income housing requirements required by N.J.S.A. 52:27D-329.1 and its Settlement Agreement with Fair Share Housing Center. The Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein and in the Township's Settlement Agreement with FSHC. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income housing obligation.

(8) Any project that has received approval to provide affordable housing prior to August 27, 2018 shall have to continue to provide affordable housing in accordance with their approved site plan unless amended by the Planning Board or Zoning Board of Adjustment.

B. Definitions. As used herein the following terms shall have the following meanings:

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or

accessory building, or by the construction of a new accessory structure on the same site.

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (*N.J.S.A.* 52:27D-301 et seq.).

"Adaptable" means constructed in compliance with the technical design standards of the Barrier Free Subcode, *N.J.A.C.* 5:23-7.

"Administrative agent" means the entity responsible for the administration of affordable units in accordance with this ordinance, *N.J.A.C.* 5:91, *N.J.A.C.* 5:93 and *N.J.A.C.* 5:80-26.1 et seq.

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to *N.J.A.C.* 5:80-26.15.

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

"Affordable" means, a sales price or rent within the means of a low- or moderate-income household as defined in *N.J.A.C.* 5:93-7.4; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in *N.J.A.C.* 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in *N.J.A.C.* 5:80-26.12, as may be amended and supplemented.

"Affordable development" means a housing development all or a portion of which consists of restricted units.

"Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

"Affordable housing program(s)" means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

"Affordable unit" means a housing unit proposed or created pursuant to the Act, credited pursuant to *N.J.A.C.* 5:93, and/or funded through an affordable housing trust fund.

"Agency" means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (*N.J.S.A.* 55:14K-1, et seq.).

"Age-restricted unit" means a housing unit designed to meet the needs of, and exclusively for, the residents of 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; or 2) at least 80% 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 the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Alternative living arrangement" means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangement includes, but is not limited to: transitional facilities for the homeless, Class A, B, C, D, and E boarding homes as regulated by the New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

"Assisted living residence" means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

"Certified household" means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

"COAH" means the Committee on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (*N.J.S.A.* 52:27D-301 et seq.).

"DCA" means the State of New Jersey Department of Community Affairs.

"Deficient housing unit" means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

"Developer" means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to *N.J.S.A.* 40:55D-1 et seq.

"Fair Share Plan" means the plan that describes the mechanisms, strategies and the funding sources, if any, by which the Township proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of *N.J.A.C.* 5:93-5.

"Housing Element" means the portion of the Township's Master Plan, required by the Municipal Land Use Law ("MLUL"), *N.J.S.A.* 40:55D-28b(3) and the Act, that includes the information required by *N.J.A.C.* 5:93-5.1 and establishes the Township's fair share obligation.

"Inclusionary development" means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

"Low-income household" means a household with a total gross annual household income equal to 50% or less of the median household income.

"Low-income unit" means a restricted unit that is affordable to a low-income household.

"Major system" means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating,

electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

"Market-rate units" means housing not restricted to low- and moderate-income households that may sell or rent at any price.

"Median income" means the median income by household size for the applicable county, as adopted annually by COAH or approved by the NJ Superior Court.

"Moderate-income household" means a household with a total gross annual household income in excess of 50% but less than 80% of the median household income.

"Moderate-income unit" means a restricted unit that is affordable to a moderate-income household.

"Non-exempt sale" means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

"Random selection process" means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

"Regional asset limit" means the maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by adopted/approved Regional Income Limits.

"Rehabilitation" means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, *N.J.A.C.* 5:23-6.

"Rent" means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

"Restricted unit" means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of *N.J.A.C.* 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

"Special master" means an expert appointed by a judge to make sure that judicial orders are followed. A master's function is essentially investigative, compiling evidence or documents to inform some future action by the court.

"UHAC" means the Uniform Housing Affordability Controls set forth in *N.J.A.C.* 5:80-26.1 et seq.

"Very low-income household" means a household with a total gross annual household income equal to 30% or less of the median household income.

"Very low-income unit" means a restricted unit that is affordable to a very low-income household.

"Weatherization" means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

C. New Construction. The following requirements shall apply to all new or planned developments that contain low- and moderate- income housing units.

(1) Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low and moderate income units whether developed in a single phase development, or in a multi-phase development:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate- Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

(2) Design. In inclusionary developments, to the extent possible, low- and moderate- income units shall be integrated with the market units.

(3) Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

(4) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

(a) The fair share obligation shall be divided equally between low- and moderate- income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.

(b) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.

(c) Within rental developments, of the total number of affordable rental units, at least 13% shall be affordable to very low income households.

(d) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

(i) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;

(ii) At least 30% of all low- and moderate-income units shall be two bedroom units;

(iii) At least 20% of all low- and moderate-income units shall be three bedroom units; and

(iv) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

(e) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary

development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

(5) Accessibility Requirements:

(a) The first floor of all new restricted townhouse dwelling units and all restricted multistory dwelling units attached to at least one (1) other dwelling unit shall be subject to the technical design standards of the Barrier Free Subcode, *N.J.A.C.* 5:23-7.

(b) All restricted townhouse dwelling units and all restricted multistory dwelling units attached to at least one (1) other dwelling unit shall have the following features:

(i) An adaptable toilet and bathing facility on the first floor;

(ii) An adaptable kitchen on the first floor;

(iii) An interior accessible route of travel on the first floor;

(iv) An interior accessible route of travel shall not be required between stories within an individual unit;

(v) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

(vi) An accessible entranceway as set forth at P.L. 2005, c. 350 (*N.J.S.A.* 52:27D-311a et seq.) and the Barrier Free Subcode, *N.J.A.C.* 5:23-7, or evidence that the Township has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

[1] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

[2] To this end, the builder of restricted units shall deposit funds within the Township of Upper's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.

[3] The funds deposited under paragraph [2] herein, shall be used by the Township for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

[4] The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township of Upper.

[5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, *N.J.A.C.* 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the

Township of Upper's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

[6] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, *N.J.A.C.* 5:23-7.

(6) Maximum Rents and Sales Prices.

(a) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and by the Superior Court, utilizing the regional income limits established.

(b) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52% of median income.

(c) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.

(i) At least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income.

(d) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.

(e) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be met:

(i) A studio or efficiency unit shall be affordable to a one-person household;

(ii) A one-bedroom unit shall be affordable to a one and one-half person household;

(iii) A two-bedroom unit shall be affordable to a three-person household;

(iv) A three-bedroom unit shall be affordable to a four and one-half person household; and

(v) A four-bedroom unit shall be affordable to a six-person household.

(f) In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be met:

(i) A studio or efficiency unit shall be affordable to a one-person household;

(ii) A one-bedroom unit shall be affordable to a one and one-half person household; and

(iii) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

(g) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under *N.J.A.C.* 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of *N.J.A.C.* 5:80-26.3, as may be amended and supplemented.

(h) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate household size as determined under *N.J.A.C.* 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of *N.J.A.C.* 5:80-26.3, as may be amended and supplemented.

(i) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

Income limits for all units for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Township annually within 30 days of the publication of determinations of median income by HUD as follows:

(i) Regional income limits shall be established for the Region 6 based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in Region 6. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family

of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

(ii) The income limits calculated each year shall be the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for the relevant fiscal year, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.

(iii) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

(j) The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

(k) Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

C. Condominium and Homeowners Association Fees.

For any affordable housing unit that is part of a condominium association and/or homeowner's association, the Master Deed shall reflect that the association fee assessed for each affordable housing unit shall be established at 100% of the market rate fee.

Section 20-14.2. Affordable Unit Controls and Requirements

A. Purpose. The requirements of this section apply to all developments that contain affordable housing units, including any currently unanticipated future developments that will provide low- and moderate- income housing units.

B. Affirmative Marketing.

(1) The Township shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with *N.J.A.C.* 5:80-26.15, as may be amended and supplemented.

(2) The affirmative marketing plan is a regional marketing strategy 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 housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 6 and covers the period of deed restriction.

(3) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 6, comprised of Atlantic, Cape May, Cumberland and Salem Counties.

(4) The Administrative Agent designated by the Township shall assure the affirmative marketing of all affordable units is consistent with the Affirmative Marketing Plan for the municipality.

(5) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

(6) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.

(7) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township of Upper.

C. Occupancy Standards.

(1) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:

(a) Provide an occupant for each bedroom;

(b) Provide separate bedrooms for parents and children;

(c) Provide children of different sexes with separate bedrooms; and

(d) Prevent more than two persons from occupying a single bedroom.

(2) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

D. Selection of Occupants of Affordable Housing Units.

(1) The administrative agent shall use a random selection process to select occupants of low- and moderate- income housing.

(2) A waiting list of all eligible candidates will be maintained in accordance with the provisions of *N.J.A.C.* 5:80-26 *et seq.*

E. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

(1) Control periods for restricted ownership units shall be in accordance with *N.J.A.C.* 5:80-26.5, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years, until the municipality takes action to release the controls on affordability.

(2) Rehabilitated owner-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.

(3) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

(4) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

(5) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under *N.J.A.C.* 5:80-26.5(a), as may be amended and supplemented.

F. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices. Price restrictions for restricted ownership units shall be in accordance with *N.J.A.C.* 5:80-26.1, as may be amended and supplemented, including:

(1) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.

(2) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

(3) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.

(4) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

G. Buyer Income Eligibility.

(1) Buyer income eligibility for restricted ownership units shall be in accordance with *N.J.A.C.* 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.

(2) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's certified monthly income.

H. Limitations on indebtedness secured by ownership unit; subordination.

(1) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.

(2) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with *N.J.A.C.*5:80-26.6(b).

I. Control Periods for Restricted Rental Units.

(1) Control periods for restricted rental units shall be in accordance with *N.J.A.C.* 5:80-26.11, and each restricted rental unit shall remain subject to the controls on affordability for a period of at least 30 years, until the municipality takes action to release the controls on affordability.

(a) Restricted rental units created as part of developments receiving nine percent (9%) Low Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period.

(2) Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.

(3) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Cape May. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

(4) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:

(a) Sublease or assignment of the lease of the unit;

(b) Sale or other voluntary transfer of the ownership of the unit; or

(c) The entry and enforcement of any judgment of foreclosure.

J. Price Restrictions for Rental Units; Leases.

(1) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

(2) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

(3) Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

K. Tenant Income Eligibility.

(1) Tenant income eligibility shall be in accordance with *N.J.A.C.* 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

(a) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.

(b) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.

(c) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.

(2) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to *N.J.A.C.* 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

(a) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

(b) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

(c) The household is currently in substandard or overcrowded living conditions;

(d) The household documents the existence of assets with which the household proposes to supplement the rent payments; or

(e) The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

(3) The applicant shall file documentation sufficient to establish the existence of the circumstances in (2)a through e above with the Administrative Agent, who shall counsel the household on budgeting.

L. Conversions.

Each housing unit created through the conversion of a non-residential structure shall be considered a new housing unit and shall be subject to the affordability controls for a new housing unit.

M. Alternative Living Arrangements.

(1) The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:

(a) Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;

(b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

(2) With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

(3) The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

Section 20-14.3. Administration.

A. Municipal Housing Liaison.

(1) The position of Municipal Housing Liaison for the Township of Upper is hereby established. The Municipal Housing Liaison shall be appointed by duly adopted resolution of the Governing Body and be subject to the approval by the Superior Court.

(2) The Municipal Housing Liaison must be either a full-time or part-time employee of the Township of Upper.

(3) The Municipal Housing Liaison must meet the requirements for qualifications, including initial and periodic training found in *N.J.A.C.* 5:93.

(4) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Upper, including the following responsibilities which may not be contracted out to the Administrative Agent:

(a) Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;

(b) The implementation of the Affirmative Marketing Plan and affordability controls.

(c) When applicable, supervising any contracting Administrative Agent.

(d) Monitoring the status of all restricted units in the Township of Upper's Fair Share Plan;

(e) Compiling, verifying and submitting annual reports as required by the Superior Court;

(f) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and

(g) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Superior Court.

B. Administrative Agent.

(1) The Township shall designate by resolution of the Governing Body, subject to the approval of the Superior Court, one or more Administrative Agents to administer newly constructed affordable units in accordance with *N.J.A.C.* 5:93 and UHAC.

(2) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Superior Court. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).

(3) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in *N.J.A.C.* 5:80-26.14, 16 and 18 thereof, which includes:

(a) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Superior Court;

(b) Affirmative Marketing;

(c) Household Certification;

(d) Affordability Controls;

(e) Records retention;

(f) Resale and re-rental;

(g) Processing requests from unit owners; and

(h) Enforcement, although the ultimate responsibility for retaining controls on the units rests with the municipality.

(i) The Administrative Agent shall, as delegated by the Governing Body, have the authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

C. Enforcement of Affordable Housing Regulations.

(1) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

(2) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

(a) The municipality may file a court action pursuant to *N.J.S.A.* 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner,

Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:

(i) A fine of not more than $500.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;

(ii) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Upper Affordable Housing Trust Fund of the gross amount of rent illegally collected;

(iii) In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.

(b) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.

(3) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

(4) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

(5) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the

purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

(6) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

(7) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

(8) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

D. Appeals. Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Township.

Section 20-14.4 Affirmative Marketing Plan

A. In accordance with the rules and regulations pursuant to N.J.A.C. 5:94 et seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et seq., the Township of Upper adopts the following as an affirmative marketing plan.

(1) All affordable housing units shall be marketed in accordance with the provisions herein.

(2) The Township of Upper has an affordable housing obligation. This subsection shall apply to all developments that contain proposed low- and moderate-income units and any future developments that may occur.

(3) In implementing the affirmative marketing program, the Municipal Housing Liaison shall undertake all of the following strategies:

(a) Publication of one advertisement in a newspaper of general circulation within the Housing Region.

(b) Broadcast of one advertisement by a radio or television station broadcasting throughout the Housing Region.

(c) At least one additional regional marketing strategy using one of the other sources listed below.

(4) The affirmative marketing plan is a regional marketing strategy 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 housing units which are being marketed by a developer or sponsor of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the municipality is located and covers the period of deed restriction. The Township of Upper is in the Housing Region 6 consisting of Atlantic, Cape May, Cumberland and Salem Counties. The affirmative marketing program is a continuing program and shall meet the following requirements:

(a) All newspaper articles, announcements and requests for applications for low- and moderate-income units shall appear in the following daily regional newspaper/publication:

(i) The Atlantic City Press.

(ii) The Herald Times.

(b) The primary marketing shall take the form of at least one press release sent to the above publication and a paid display advertisement in the above newspaper. Additional advertising and publicity shall be on an "as needed" basis. The developer shall disseminate all public service announcements and pay for display advertisements. The developer shall provide proof of publication to the Housing Administrator. The Housing Administrator shall approve all press releases and advertisements in advance. The advertisement shall include a description of the:

(i) Location of the units;

(ii) Direction to the units;

(iii) Range of prices for the units;

(iv) Size, as measured in bedrooms, of units;

(v) Maximum income permitted to qualify for the units;

(vi) Location of applications;

(vii) Business hours when interested households may obtain an application; and

(viii) Application fees, if any.

(c) All newspaper articles, announcements and requests for applications for low- and moderate-income housing shall appear in the following neighborhood-oriented weekly newspapers within the region:

(i) Atlantic City Press.

(ii) Cape May County Herald.

(iii) The Herald Times.

(d) The following regional cable television station or regional radio station shall be used. The developer must provide satisfactory proof of public dissemination:

(i) South Jersey News Channel.

(ii) New Jersey 101.5 FM.

(iii) WNJZ 90.3 Public Radio (WHYY).

(e) The following is the location of applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program:

(i) Township of Upper Municipal Building.

(ii) Cape May County Public Library and Branches.

(iii) Upper Township Web site.

(iv) Developer's sales office.

(v) Municipal libraries and municipal administrative buildings in the region.

(vi) Cape May County Office of Municipal and County Government Services.

(vii) Cape May County Housing Authority.

(f) The following is a listing of community contact person(s) and/or organizations(s) in Atlantic, Cape May, Cumberland and Salem that will aid in the affirmative marketing program with particular emphasis on contracts that will reach out to groups that are least likely to apply for housing within the region:

(i) Lions Club.

(ii) Habitat for Humanity.

(iii) Rotary Club.

(iv) Houses of worship.

(v) New Jersey Housing Resource Center.

(vi) Fair Share Housing Center

(vii) The New Jersey State Conference of the NAACP

(viii) Latino Action Network

(ix) Mainland/Pleasantville, Mizpah, Atlantic City and Cape May County branches of the NAACP

(g) Quarterly flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

(i) Atlantic County Board of Realtors

(ii) Cape May County Board of Realtors

(iii) Cumberland County Board of Realtors

(iv) Salem County Board of Realtors

(5) Applications shall be mailed to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office.

(6) Additionally, quarterly informational circulars and applications shall be sent to the chief administrative employees of each of the following agencies in the counties of Atlantic, Cape May, Cumberland and Salem:

(a) Welfare or social services board

(b) Rental assistance office (local office of DCA)

(c) Office on Aging

(d) Housing Agency or Authority

(e) Library

(f) Area community action agencies

(7) A random selection method to select occupants of low- and moderate-income housing will be used by the Municipal Housing Liaison, in conformance with N.J.A.C. 5:80-26.16 (1).

B. The Municipal Housing Liaison is the person responsible to administer the program. The Municipal Housing Liaison has the responsibility to income qualify low- and moderate-income households; to place income-eligible households in low- and moderate-income units upon initial occupancy; to provide for the initial occupancy of low- and moderate-income units with income-qualified households; to continue to qualify households for reoccupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low- and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26. The Municipal Housing Liaison within the Township of Upper is the designated housing officer to act as liaison to the Township Administrator. Also, the Municipal Housing Liaison shall direct qualified low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law.

C. All developers of low- and moderate-income housing units shall be required to assist in the marketing of the affordable units in their respective developments.

D. The marketing program shall commence at least 120 days before the issuance of either temporary or permanent certificates of occupancy. The marketing program shall continue until all low-income housing units are initially occupied and for as long as affordable units are deed restricted and occupancy or reoccupancy of units continue to be necessary.

E. The Municipal Housing Liaison will comply with monitoring and reporting requirements as per N.J.A.C. 5:80-26.

Revise Schedule B and Schedule C to Chapter XX in accordance with the revised Schedule B and Schedule C dated August 13, 2018 and located at the end of Chapter XX.

SECTION 2: EFFECTIVE DATE: This ordinance shall take effect immediately upon the following:

(a) Certification by the Pinelands Commission in accordance with N.J.A.C. 7:50 Subchapter 3 for sections affecting the Pinelands Management Zone; and

(b) Publication as required by law.

SECTION 3: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency 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: 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 THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 13TH DAY OF AUGUST, 2018 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 27TH DAY OF AUGUST, 2018 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

Legislative History:

Introduced: August 13, 2018

Publication: August 16, 2018

Newspaper(s): The Press of Atlantic City

Second Reading and Public Hearing: August 27, 2018

Final Adoption: August 27, 2018

Final Publication Date: August 30, 2018

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on August 27, 2018, 2018 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on August 30, 2018, 2018.

BARBARA L. YOUNG, Township Clerk