

Add the following to Section 20-2.1 Definitions of Township Wide Application.

Cupola shall mean a decorative roof structure that has a small roof and the shaft that supports it sitting on top of a building. A Cupola in the RR and RC district may exceed the maximum building height if it is decorative only, is no more than 4 feet above the maximum building height (not including spire or weather vane) and contains no more than thirty-six (36) Square Feet of space. If a cupola provides rooftop access in the RR and RC district it shall not exceed the maximum permitted building height.

Floor Area Ratio (FAR) shall mean all building area in a principal structure above Flood Protection Area divided by the lot area. In calculating FAR attics, elevators, and decks/porches shall not be included. Additionally, when located below the Flood Protection Elevation, storage areas and garages shall not be included in the FAR. The value in the FAR numerator shall be the area (in square feet) established by measuring from the exterior faces of exterior walls and shall include all building area having a floor to ceiling joist height of seven feet (7') and greater (if attics have a floor to ceiling height of seven-feet or greater they shall be included in the total floor area).

Open Deck shall mean an exterior part of a building outside of and extending beyond the exterior walls of the building, the exterior boundaries of which are completely and permanently open to the outside air and shall not have any enclosed space below or roof above (except for where two decks are stacked); provided that an open deck may have a solid wall in lieu of a railing, which wall extends not more than 36 inches above the floor of the deck or in accordance with applicable building code regulations. An open deck may be stacked such that a second open deck is above the lower deck.

Revise the following to Section 20-2.1 Definitions of Township Wide Application.

Building coverage shall mean the square footage or other area measurement by which all buildings occupy a lot as measured on a horizontal plane around the periphery of the foundations and including the area under the roof of any structure supported by columns, but not having walls, as measured around the outside of the outermost extremities of the roof above the columns. In the RR district open decks, up to 200 square feet, as defined herein are exempt from building coverage and shall be included in lot coverage. The area of any open deck over 200 square feet shall be included in building coverage.

Building height shall mean the vertical distance measured to the highest point from the mean elevation of the finished grade five (5') feet away from the foundation along the side(s) of building facing a street or a street line, whichever is closer to the foundation. On a corner lot, the height shall be measured on the street having the greatest slope. In all cases where this Chapter provides for height limitations by reference to specified height the intent is to limit height to the specified maximum footage. Properties located in the special flood hazard area or the advisory flood hazard area shall have the height measured from the flood protection elevation. Properties in the RR and RC zoning districts shall be limited to two (2) habitable stories above the flood protection elevation except as provided in Section 20-4.5b2(d)(iii).

Revise Section 20-3.1

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
<u>WTC</u>	<u>Waterfront Town Center</u>

Revise Section 20-3.2

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 December 19, 2019. The Zoning Map is located at the end of Chapter XX.

Revise Section 20-4.5 Resort Districts: "RR" Resort Residential and "RC" Resort Commercial.

20-4.5 Resort Districts: "RR" Resort Residential and "RC" Resort Commercial.

- a. *Purpose.* The purpose of the "RR" and "RC" Resort Districts are to provide for development specifically related to the barrier beach community of Strathmere and Whale Beach. The purpose of the "RR" District is to provide for the continuance of single-family

dwellings on Strathmere and Whale Beach Building coverages, Floor Area Ratios and heights are utilized to ensure the scale of the residential structures maintain the charm of Strathmere & Whale Beach and not result in larger structures. The purpose of the "RC" District is to provide locations on Strathmere where relatively small retail and service establishments may be located. It is intended that any development will take place in accordance with the requirements specified under the FEMA Flood Hazard Regulations in recognition of the precarious environmental situation. Additionally, minimum ground floor elevations are established to ensure protection against flooding and allow for the continued improvement of street networks.

b. *"RR" Resort Residential District.*

1. Permitted Uses. The permitted uses pertaining to the "RR" Resort Residential District is provided on Schedule A Residential Districts—Permitted Principal, Conditional and Accessory Uses* except as modified or supplemented by this section.
2. Area and Yard Requirements. The area and yard requirements pertaining to all permitted uses in the "RR" District are provided on Schedule C Area and Yard Requirements for Zone Districts* except as modified or supplemented by ~~this section~~ the specific standards of the RR district under 20-4.5(b) in its entirety:
 - (a) Lot depth: Any existing lot appearing on the Tax Map as of July 1, 1995 which has a depth of ninety-five (95') feet and a minimum frontage of forty (40') feet shall be deemed to meet the requirements of this section. (All lots located in Strathmere on the west side of Commonwealth Avenue generally have a depth of ninety-five (95') feet.
 - (b) Roof top decks are permitted provided they do not exceed 25% of the total building footprint.
 - (c) A maximum building coverage of 27% is permitted. Open decks are excluded from the building coverage in the RR district or in the RC district when developed as single-family detached residential.
 - (d) A maximum Floor Area Ratio (FAR) of 0.54 is permitted.
 - (i) In calculating the floor area ratio decks/porches are excluded from the total floor area.
 - (ii) If a property owner encloses a deck or porch that area shall become part of the calculated floor area and subject to the maximum FAR.
 - (iii) Foyers, habitable space and storage areas are permitted above the flood protection elevation on the ground floor with two (2) stories above provided such areas do not exceed more than 30% of the total floor area on the ground level. All area above the flood protection elevation shall be included in the FAR calculation as floor area.
 - (e) Side yard setbacks shall be provided in accordance with the following:

<u>Lot Width</u>	<u>Individual Side Yard</u>	<u>Aggregate Side Yard Setback</u>

<u>less than 50 feet</u>	<u>6 feet</u>	<u>12 feet</u>
<u>50 feet to less than 70 feet</u>	<u>6 feet</u>	<u>15 feet</u>
<u>70 feet to less than 90 feet</u>	<u>6 feet</u>	<u>16 feet</u>
<u>90 feet or greater</u>	<u>6 feet</u>	<u>18 feet</u>

Existing single-family dwellings with less than the required aggregate are grandfathered and may raise and/or expand their footprint provided that no one setback is less than 6-feet and all other provisions of section 20-4.5 are meet.

- (f) All outside showers, HVAC equipment and generators shall be setback from the property line a minimum of 6-feet.

3. Building Height

- (a) Buildings shall not be more than thirty-five (35) feet above the Flood Protection Elevation.
- (b) Roof structures or cupolas for stairway or elevator access are not permitted above the maximum permitted building height.
- (c) No more than eighteen (18) inches of exposed rail is permitted on roof decks.
- (d) Any building having a roof slope less than 4:1 for more than 25% of the building shall be considered a flat roof and the prescribed building height limit shall be reduced by four (4') feet
- (e) Building height shall be measured from the Flood Protection Elevation.

4.3. Minimum Gross Floor Area. Minimum gross floor area for a single-family detached dwelling shall be one thousand (1,000) square feet.

5.4. Private residential swimming pools are prohibited in the "RR" District.

6. Garages shall not be converted to habitable space.

c. "RC" Resort Commercial District.

1. Permitted Uses.

- (a) The permitted uses pertaining to the "RC" Resort Commercial District are provided on Schedule B Commercial and Mixed Use Districts Permitted Principal Condition and Accessory Uses*
- (b) Single-Family Detached Residential uses in the RC district are a permitted conditional use except in Block 850, with the conditions being the standards under Section 20-4.5(b). Any variation from these standards require a variance under N.J.A.C. 40:55D-70d from the Board of Adjustment.

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

3. Building Height

- (a) Buildings shall not be more than thirty-five (35') feet above the Flood Protection Elevation
- (b) Roof structures or cupolas for stairway or elevator access are not permitted above the maximum permitted building height.
- (c) No more than eighteen (18) inches of exposed rail is permitted on roof decks.
- (d) Any building having a roof slope less than 4:1 for more than 25% of the building shall be considered a flat roof and the prescribed building height limit shall be reduced by four (4') feet
- (e). Building height shall be measured from the Flood Protection Elevation.

4. General Requirements.

- (a) One (1) building may contain more than one (1) use provided that the total building coverage of the combined uses does not exceed the maximum building coverage specified for the district and, further, that each use occupies a minimum gross floor area of five hundred (500) square feet.
- (b) No merchandise, products or similar material or objects shall be displayed or stored outside unless appropriately screened and maintained. Any use resulting in the storage of vehicles outside shall have such area entirely enclosed by a fence, wall, plant material or combination thereof in order to provide a visual barrier between the storage areas and any street, residential zoning district or existing residential use. Such outside storage area shall not exceed thirty (30%) percent of the lot area and shall be located in the rear yard only.
- (c) All buildings shall be compatibly designed whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes which shall not include unpainted or painted cinder block or concrete block walls.
- (d) All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or similar plantings and maintained in good condition.
- (e) Each activity shall provide for off-street loading and unloading with adequate ingress and egress from streets and shall provide for such an area at the side or rear of the building.
- (f) 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. The trash and/or garbage shall be stored in a steel-like, totally enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a fence, wall, planting or combination of three (3). If located within the building, the doorway may serve both the loading and trash/garbage functions. If a container is used for trash/garbage functions and is located outside the

building, it may be located adjacent to or within the general loading area(s) provided the container in no way interferes with or restricts loading and unloading functions.

5. Private residential swimming pools are prohibited in the "RC" District.

d. Stormwater Control

1. Each property shall provide stormwater control to help alleviate the stormwater runoff in the RC and RR zones as set forth below.
2. Stormwater control shall meet Section 19-7.7 for all new development or shall provide the following minimum which the Municipal Engineer has calculated to meet the standards:
 - (a) Provide drywell constructed in accordance with NJAC 7:8-5.9(a)a.iii.
 - (b) Drywell shall be at least one hundred feet (100') of 24"x24" clean stone trench with 6" perforated pipe connected to downspouts that direct the runoff from at least 90% of the roof area.
 - (c) Prior to placement of stone in the drywell the excavation shall be inspected by the Municipal Engineer to verify that the soils meet the permeability standards of NJAC 7:8.
3. Pervious paving for driveway area is recommended and shall not be included in the calculation of impervious lot coverage.

e. Ground Floor Elevation

1. All new construction and substantial improvement to any structure shall have the ground floor elevated to Elevation 7.0 N.A.V.D. or higher except if the following conditions are met:
 - (a) If the change in slope from the roadway to ground floor Elevation 7.0 N.A.V.D. shall be more than two (2') feet; and
 - (b) If the ceiling height of the ground floor and all door jamb headers are constructed to allow for future construction of a ground floor at Elevation 7.0 N.A.V.D. without having to raise the entire structure.

Delete **Section 20-4.9 "U" Utility.**

20-4.9. Reserved.

Revise the following subsections in **Section 20-4.20 "MTCD" Marmora Town Center District.**

20-4.20c. 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.~~ shall require a mixed-use development limited to the following:

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 40%~~ 70% of the total habitable space for non-residential development uses and ~~60%~~ 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~~ shall 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 required by Subsection "3f" below.

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

- a. Retail stores, restaurants and personal service 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 servicing 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).
- e. Day Care Centers.
- f. Indoor theaters and bowling alleys.
- g. Retail garden centers.
- h. School of dance, drama. Karate, or any similar instructional institution.
- i. Recreation, exercise and health clubs and facilities.
- j. Shopping Centers including any of the above uses.
- k. Hotels and Motels including ancillary uses such as conference halls, banquet rooms, and recreational facilities.

20-4.20d. 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.
8. Parking Garages.

20-4.201.1 Phasing

A phasing plan is required within the MTC zone for each development tract as part of the site plan approval. The phasing plan shall demonstrate that there is a ratio of ~~40%~~ 70% non-residential habitable area to ~~60%~~ 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.

Add new Section 20-4.22 "WTC" Waterfront Town Center.

- a. Purpose. The purpose of the "WTC" District is intended to promote the redevelopment of the BL England property and surrounding area while promoting the waterfront area. Existing land uses enhancing the waterfront area include restaurants, beach access, and water related recreational rentals.
- b. Goals. The goals of the "WTC" District include an appropriate reuse and/or redevelopment of the existing BL England property.
- c. Permitted Principal Uses.
The permitted principal uses pertaining to the "WTC" District are as follows:
 1. Recreational Facilities and Entertainment uses
 2. Jet-ski rental facilities
 3. Restaurants
 4. Retail stores and personal service uses.
 5. General or professional offices.
 6. Hotels and Motels including ancillary uses such as conference halls, banquet rooms, and recreational facilities.
 7. Parks, plazas and playgrounds.
 8. Building structures and uses owned or operated by the Upper Township for municipal purposes.
- d. Permitted Accessory Uses. The permitted accessory uses are as follow:
 1. Marinas
 2. Recreational and/or open space facilities, including, but not limited to, walkways, courtyards and plazas.
 3. Off-street parking and loading located to the rear of principal buildings or appropriately screened from public view.

4. 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.
 5. Street furnishings, planters, street lights, and exterior, garden type, shade structures (gazebos).
 6. Outdoor cafes associated with permitted restaurants.
 7. Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design.
 8. Decks, patios and terraces, which shall complement the architectural style, type and design of the building and the overall project design.
- e. Permitted Conditional Uses.
1. Electrical Substations
 - a. The total land area devoted to electrical substations shall not exceed 10 acres.
 - b. Electrical substations are permitted adjacent to the existing substation, but must be 1,200 feet from the most waterward side of Lot 76.01 and 1,400 feet from North Shore Road.
 - c. Any new connections to the existing or future substations shall be underground.
- f. Area and Yard Requirements. The area and yard requirements pertaining to all permitted uses within the "WTC" District are provided on Schedule C Area and Yard Requirements for Zone Districts except as modified or supplemented by this section.

Revise the following subsection **Section 20-5.3a**

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," "WTC" 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 following **Section 20-5.9 Principle Use**

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, WTC, 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, WTC, CM2, CM4 and CMP zones or otherwise specified for in a particular zoning district.

Revise following subsections in **Section 20-5.10 Signs**

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, WTC, 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," "WTC," "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, WTC, 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, WTC, 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," "WTC," "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, WTC, 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, WTC, 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.

Revise **Section 20-6.3 Height Limits**

20-6.3 Height Limits

- a. No building shall exceed the height limits as prescribed in Section 20-4.
- b. Roof structures for the housing of stairways, tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the building; skylights; spires; cupolas; flagpoles; chimneys; or similar structures may be erected above the height limits prescribed by this Chapter, but in no case more than twenty-five (25%) percent more than the maximum height prescribed for the use in the district. Farm silos shall have no height restrictions. Roof structures or cupolas for stairway or elevator access are not permitted above the required building height in the RR and RC Zones.
- c. Any building having a roof slope less than 4:1 for more than 25% of the building shall be considered a flat roof and the prescribed building height limit in Section 20-4 shall be reduced by four (4') feet.

Revise the following subsections to **Section 20-11.1c Application. Application for zoning permit shall be:**

1. Unchanged
2. Unchanged
3. Unchanged.
4. Unchanged.
5. Accompanied by a plot plan with the following information:
 - (a.) drawn to scale with dimensions showing the exact size, shape, and location of all existing and proposed buildings and structures.
 - (b.) The proposed building or structure in its exact relation to lot and street lines.
 - (c.) Zoning schedule showing existing and proposed area and yard requirements.

- (d.) Existing and proposed grading to show there will not be an impact to off-site properties.
- (e.) The Zoning Officer may waive the plot plan requirements on minor applications not affecting structural change.
- (f.) The Zoning Officer may require an as-built survey showing compliance with the information provided in (a) through (d) above.

Revise the following subsection **Section 20-11.5a(h) Special Procedures Regarding Development in the Pinelands Area**

- (h) The demolition of any structure constructed since 1925.

Revise the following subsection **Section 20-15.4a1 Residential Development Fees.**

a. Imposed Fees.

1. Within all residential zone districts, Marmora Town Center District (MTCD), Waterfront Town Center (WTC), Town Center (TC) and Town Center Core (TCC) Zone Districts, and other zone districts which permit residential uses, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and one-half (1.5%) percent of the equalized assessed value of the land and improvements for all new residential construction on an unimproved lot or lots provided no increased density is permitted.

Revise **Schedule B & C**