

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

**ORDINANCE NO. 013-2021**

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

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**WHEREAS**, the Upper Township Committee finds that Chapter XIX and Chapter XX of the Code of Upper Township require revisions; and

**WHEREAS**, the Upper Township Planning Board reviewed and discussed the proposed revisions to Chapters XIX and XX and found same to be consistent with the Upper Township 2020 Master Plan Reexamination and Land Use Plan Element; and

**WHEREAS**, the municipal clerk has provided notice pursuant to N.J.S.A. 40:55D-62.1 of the proposed change in zoning boundary resulting in a zone change from Conservation (C) to Resort Residential (RR) for certain developed lots;

**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 19 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Add the following to **Section 19-6.2a Details of Sketch Plat-Subdivision**:

19. Boundary for Special Flood Hazard Area, flood hazard designation and line of Limit of Moderate Wave Action (LIMWA).

Add the following to **Section 19-6.2b Details of Sketch Plat-Subdivision**:

6. Boundary for Special Flood Hazard Area, flood hazard designation and line of Limit of Moderate Wave Action (LIMWA).

Add the following to **Section 19-6.3 Details of Preliminary Plat – Major Subdivision**:

- aa. Boundary for Special Flood Hazard Area, flood hazard designation and line of Limit of Moderate Wave Action (LIMWA).

Add the following to **Section 19-6.4 Details of Final Plat – Major Subdivision**:

- j. Boundary for Special Flood Hazard Area, flood hazard designation and line of Limit of Moderate Wave Action (LIMWA).

Add the following to **Section 19-6.5 Site Plan Details for Preliminary Approval**:

- g. Boundary for Special Flood Hazard Area, flood hazard designation and line of Limit of Moderate Wave Action (LIMWA).

Add the following to **Section 19-6.6 Site Plan Details for Final Approval**:

- g. Boundary for Special Flood Hazard Area, flood hazard designation and line of Limit of Moderate Wave Action (LIMWA).

Replace **Section 19-7.3a Curbs, Gutters and Catch Basins** as follows:

Curbs and catch basins shall be installed in the following districts established in the Upper Township Zoning Ordinance:

CM2	Commercial District
CM4	Rural Density Commercial District
CMP	Commercial District Pinelands
MTCD	Marmora Town Center District
RR	Resort Residential
RC	Resort Commercial
TC	Town Center
TCC	Town Center Core
TV	Tuckahoe Village
WTC	Waterfront Town Center

Replace **Section 19-7.4 Sidewalks** as follows:

- a. Sidewalks shall be provided in the following zones as designated in the Upper Township Zoning Ordinance:

CM2	Commercial District
CM4	Rural Density Commercial District
CMP	Commercial District Pinelands
MTCD	Marmora Town Center District
RR	Resort Residential
RC	Resort Commercial
TC	Town Center
TCC	Town Center Core
TV	Tuckahoe Village
WTC	Waterfront Town Center

- b. Where required sidewalks shall be five (5') feet wide and located within the street right-of-way four feet from the curb face. The sidewalk shall be constructed of concrete in accordance with New Jersey Department of Transportation Specifications.
- c. All sidewalks shall be constructed of four inches of concrete except where the sidewalk acts as a driveway apron at which is shall be at least six inches.
- d. The street right-of-way outside the cartway shall be graded to produce a slope of ¼ inch per foot, sloping towards the cartway. This slope shall also be applied to the sidewalks.

Replace **Section 19-7.7d Stormwater Control** as follows:

Procedures. In addition to other development review procedures set forth in the Code of Upper Township, major developments shall comply with the stormwater management requirements and specifications set forth in this subsection or as superseded by N.J.A.C. 7:8 et seq. New agricultural development that meets the definition of major development in Subsection e of this subsection shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of N.J.A.C. 5.4(b) 7:8.

**SECTION 2.** 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 the following to **Section 20-2.1 Definitions of Township Wide Application**:

*Farm* shall mean:

- a. Principal Uses: A lot of at least five acres in area used for the growing and harvesting of crops and the raising and breeding of certain animals, including truck farms, nurseries and greenhouses, dairies, livestock, produce, and aquaculture.
- b. Accessory Uses: Buildings incidental to farms, such as: tenant houses (outside the Pinelands area), greenhouses, buildings for housing seasonal workers for the farm's own use; barns, packing, grading and storage buildings for produce raised on the premises, except that no processing of produce shall be permitted; buildings for keeping poultry and permitted livestock; boarding and training of permitted livestock; and garages for the keeping of equipment and trucks used in farm operations.

*Residential Agriculture* shall mean the growing and harvesting of plant life and the keeping of farm animals for the enjoyment of the residents on the properties and not primarily for commercial purposes. Agricultural commercial structures and uses are permitted under this definition provided such structures and uses meet all applicable accessory building setback (side and rear) and coverage requirements and are set back from the front street line at least 20 feet and be located on a lot with a minimum lot area of two acres or the minimum lot area required for the zone district, whichever is greater, except up to six (6) egg laying chickens may be permitted as long as they are contained upon the property and no roosters are permitted. Agricultural commercial structures and uses may not extend 10 feet in height. (For permitted signs, see Subsection 20-5.10.)

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 July 12, 2021. The Zoning Map is located at the end of Chapter XX.

**SECTION 3: EFFECTIVE DATE:** This ordinance shall take effect immediately upon the following publication as required by law.

**SECTION 4: REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

**SECTION 5: 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 6: CODIFICATION:** This Ordinance shall be codified in the Upper Township Code at the sections referred to above.

ATTEST:

\_\_\_\_\_  
BARBARA L. YOUNG, Township Clerk

\_\_\_\_\_  
RICHARD PALOMBO, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 12<sup>TH</sup> DAY OF JULY, 2021 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 9<sup>TH</sup> DAY OF AUGUST, 2021 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: July 12, 2021

Publication: July 16, 2021

Newspaper(s): The Press of Atlantic City

Second Reading and Public Hearing: August 9, 2021

Final Adoption: August 9, 2021

Final Publication Date: August 12, 2021

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on August 9, 2021 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on August 12, 2021.

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BARBARA L. YOUNG, Township Clerk

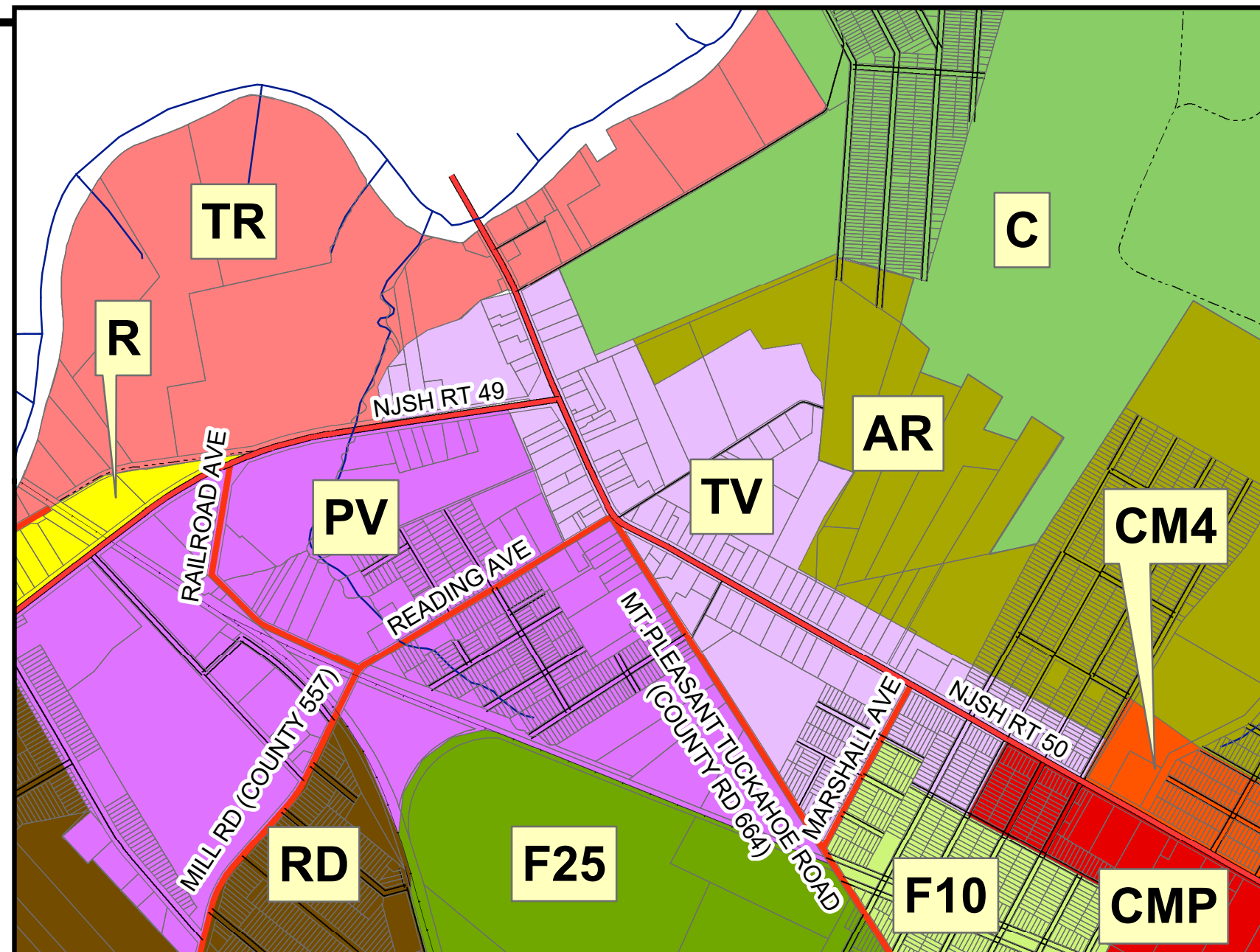
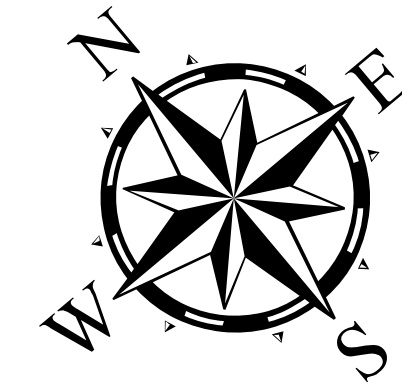


# Township of Upper Zoning Map

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

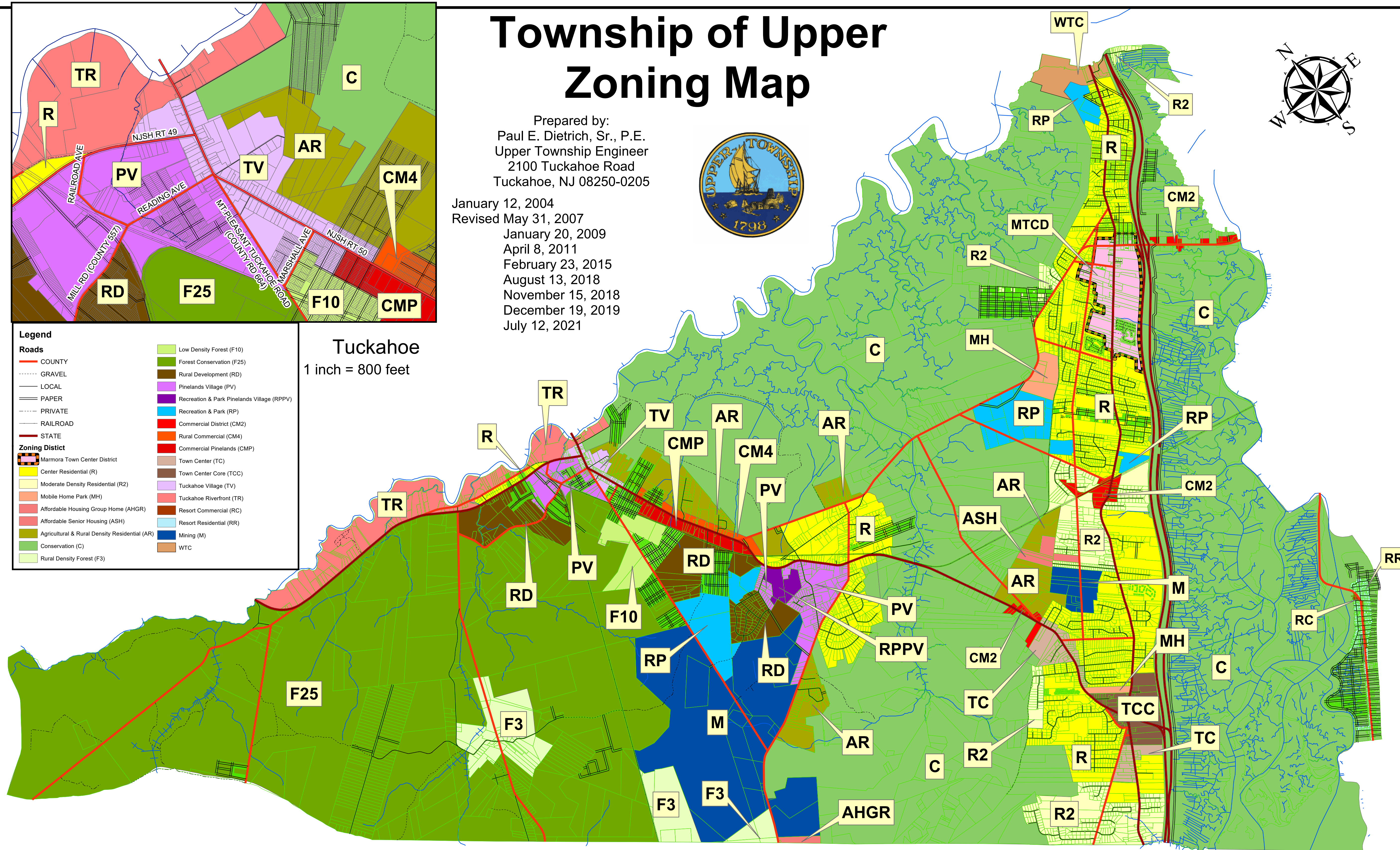


January 12, 2004  
Revised May 31, 2007  
January 20, 2009  
April 8, 2011  
February 23, 2015  
August 13, 2018  
November 15, 2018  
December 19, 2019  
July 12, 2021



Legend	
Roads	
<span style="color: red;">—</span> COUNTY	<span style="color: lightgreen;">■</span> Low Density Forest (F10)
<span style="color: gray;">---</span> GRAVEL	<span style="color: green;">■</span> Forest Conservation (F25)
<span style="color: gray;">---</span> LOCAL	<span style="color: brown;">■</span> Rural Development (RD)
<span style="color: gray;">---</span> PAPER	<span style="color: purple;">■</span> Pinelands Village (PV)
<span style="color: gray;">---</span> PRIVATE	<span style="color: blue;">■</span> Recreation & Park (RP)
<span style="color: gray;">---</span> RAILROAD	<span style="color: cyan;">■</span> Commercial District (CM2)
<span style="color: red;">---</span> STATE	<span style="color: orange;">■</span> Rural Commercial (CM4)
Zoning District	
<span style="color: yellow;">■</span> Marmora Town Center District	<span style="color: brown;">■</span> Town Center (TC)
<span style="color: yellow;">■</span> Center Residential (R)	<span style="color: brown;">■</span> Town Center Core (TCC)
<span style="color: yellow;">■</span> Moderate Density Residential (R2)	<span style="color: purple;">■</span> Tuckahoe Village (TV)
<span style="color: orange;">■</span> Mobile Home Park (MH)	<span style="color: brown;">■</span> Tuckahoe Riverfront (TR)
<span style="color: red;">■</span> Affordable Housing Group Home (AHGR)	<span style="color: brown;">■</span> Resort Commercial (RC)
<span style="color: red;">■</span> Affordable Senior Housing (ASH)	<span style="color: blue;">■</span> Resort Residential (RR)
<span style="color: green;">■</span> Agricultural & Rural Density Residential (AR)	<span style="color: blue;">■</span> Mining (M)
<span style="color: green;">■</span> Conservation (C)	<span style="color: brown;">■</span> WTC
<span style="color: lightgreen;">■</span> Rural Density Forest (F3)	

Tuckahoe  
1 inch = 800 feet



Strathmere  
1 inch = 600 feet

