

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

MEMORANDUM

TO: Mayor Frank Sippel and Council Members
Cape May County Planning Board
Clerks of Adjoining Municipalities

FROM: Lower Township Planning Board
William J. Galestok, PP, AICP
Board Secretary

DATE: May 18, 2023

RE: Periodic Examination

As required by N.J.S.A. 40:55D-89, the Lower Township Planning Board is forwarding for information and review, a re-examination list of objectives of the Township's land Use Policy.

The specific objectives which have guided the evolution of the Township's Land Use Policies have been reviewed and are included in the enclosed re-examination along with a determination of their appropriateness, a statement of their progress and a re-statement of objectives, if required.

WJG:kms

Att:2

GENERAL RE-EXAMINATION

OF THE MASTER PLAN

MAY 18, 2023

TOWNSHIP OF LOWER

This periodic examination of the Master Plan was authored by the Planning Board pursuant to Article 11, C40:55D-89; Municipal Land Use Law, Chapter 291, Laws of N.J., 1975. The Township of Lower Planning Board adopted this report on the findings of the Board, by Resolution on May 18, 2023.

PLANNING BOARD MEMBERS

Chairman:	Michael Rosenberg
Vice-Chairman:	Chris McDuell
Board Members:	Frank Sippel
	Steve Morris
	Roland Roy
	Lindsay Selby
	Roy Abrams, Jr.
	Gunär Arenberg
Alternate I:	Scott Supplee
Alternate II:	Alyce Parker
Mayor's Designee:	Jeff Lindsay
Secretary:	William J. Galestok, PP, AICP
Recording Secretary:	Patrick Wood
Zoning Clerk:	Kathryn Steiger
Board Engineer:	Bill Cathcart, P.E.

GOALS AND OBJECTIVES OF THE CURRENT PLAN:

The Land use Development Plan for Lower Township is the result of the application of certain goals and objectives to the potential for development of the Township outlined in the background studies. These goals and objectives are substantially consistent with those stated in the Purpose of the Municipal Land use Law, as given in N.J.S.A. 40:55D-2.

- a. To provide the first step in the continuing process of development a Master Plan.
- b. To encourage municipal action to guide the appropriate use of development of all lands in this state, in a manner which will promote the public health, safety, morals and general welfare.
- c. To secure from fire, flood, panic and other natural and man-made disasters.
- d. To provide adequate light, air and open space.
- e. To ensure that the development of Lower Township does not conflict with the development and general welfare of neighboring municipalities, the county and the state as a whole.
- f. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities, regions and preservation of the environment.
- g. To encourage and appropriate and efficient expenditure of public funds by coordination of public development with land use policies.
- h. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.
- i. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location such facilities and routes which result in congestion or blight.
- j. To promote a desirable visual environment through creative development techniques and good civic design and arrangements.
- k. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the municipality and to prevent urban sprawl and degradation of the environment through improper use of land.

- l. To encourage senior citizen community housing construction.
- m. To encourage planned unit development, residential cluster, which incorporates the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site.
- n. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.
- o. To promote utilization of renewable energy resources.
- p. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

The current specific objectives which have guided the evolution of the Township's land use policies have been reviewed and are included in the following re-examination along with a determination of their appropriateness and a re-statement of the objective.

1. OBJECTIVE: The desire to promote good site design practices in commercial areas in terms of entrances, exits, landscaping, front yard setbacks, signs, lighting, drainage, trash disposal and adequate parking.

There has been progress made towards achieving the objective, as stated. After careful consideration, it has been determined that this objective is still appropriate.

2. OBJECTIVE: The desire to integrate and organize new residential development into cohesive neighborhoods using development techniques and densities compatible with established residential development, roads, not only for vehicular traffic, but for access for emergency vehicle, fire safety, traffic patterns, and maximum use of utility capabilities.

There has been progress made towards achieving the objective, as stated. The Board has examined fire safety aspects by requiring the applicant to present site plans and subdivision to the Bureau of Fire Safety for review and approval*. After careful consideration, it has been determined that this objective is still appropriate.

3. OBJECTIVE: The desire to consider the physical limitations of the land and the infrastructure e.g. water, sewer, streets and roads, most appropriate locations for various kinds of intensities of land use and the Environmental Constraints of the area.

There has been progress made towards achieving the objective, as stated. After careful consideration, it has been determined that this objective is still appropriate.

4. OBJECTIVE: The desire to make every effort to ensure that all new housing will be served to the extent possible by sufficient commercial, recreational, educational and transportation facilities, in keeping with sound planning principles.

There has been progress made towards achieving the objective, as stated. After careful consideration, it has been determined that this objective is still appropriate.

5. OBJECTIVE: To preserve open space and farmland north and south of the Caped May Canal to the maximum extent possible, respecting the environmental limitations of that area to absorb development and recognizing the need to maintain areas for aquifer recharge. To help in achieving this objective, we encourage concentrating municipal services and facilities in the more densely development areas north of the Canal and the use of transfer of development rights and the Cape May County Farmland Preservation Project for the preservations of farm land.

There has been progress made towards achieving the objective, as stated. After careful consideration, it has been determined that this objective is still appropriate, with the following changes:

- A. Subsection 400-40 and 400-29 C & D of the land Development Ordinance of the Township of Lower should be amended to recognize a specific exemption for the raising and housing of horses.
1. One (1) horse per acre of ground.
 2. 40' Minimum setback to all property lines and dwelling from any livestock shelter specifically for horses.
 3. Maximum of two (2) horses on the same lot.
 4. All existing horses and horse shelters shall be protected from the application of these changes.
- 6C. CURRENT OBJECTIVE: The CONSERVATION DISTRICT represents the largest single land use category proposed. Since wetlands are severely constrained in terms of the degree and kind of development which they can physically sustain, based on their critical importance to the food chain and their susceptibility to frequent flooding, the type and intensity of land use proposed for them must respect such limitations while permitting reasonable use of private property. Recommended permitted land uses for this district would include low intensity, water-related activities, aqua-culture, farming and recreation. These land uses are consistent with the types of activities which are permitted in wetland areas and regulated by the Department of Environmental Protection under the Wetland Act and Order described in the Background Studies and in effect presently, and in the future enforced by the EPA and its agencies.

There has been progress made towards achieving the objective, as stated. After careful consideration, it has been determined that this objective is still appropriate.

- 7C. CURRENT OBJECTIVE FOR RESIDENTIAL AREA: There are six types of residential land use districts delineated in the Plan. Recommended densities are based on a number of factors, including the density of existing residential development within each district, the physical capacity of the land to support individual wells and on-site septic systems in the absence of the public sewerage and water, and the desire to concentrate population growth near existing nodes of development to increase the efficiency with which municipal services can be provided. Due to the generally high-water table present on most vacant residentially designated land and the poor suitability of the soils for septic disposal, most future residential development will have to take place at fairly low densities. However, clustering can be encouraged up to a point, for economic reasons and to conserve energy. This will permit greater flexibility in subdivision design and allow the reservation of environmentally sensitive areas.

Changes to residential zone classifications and/or boundaries need to be made in the future in order to bring them into conformance with the goals and objectives of the Master Plan*. Changing times and the current trends in development call for the re-examination of all residential areas. Providing for the public health, safety and morals; providing adequate light, air and open space; the establishment of appropriate population densities and neighborhoods; sufficient space for agriculture, transportation routes and traffic safety are some of the important areas to be considered in changing the residential zones.

- 7.A AMENDED OBJECTIVE FOR RESIDENTIAL AREA: There are six types of residential land use districts delineated in the Plan. Recommended densities are based on a number of factors, including the density of existing residential development within each district, the physical capacity of the land to support individual wells and on-site septic systems in the absence of public sewerage and water, and the desire to concentrate population growth near existing nodes of development to increase the efficiency with which municipal services can be provided. Due to the generally high-water table present on most vacant residentially designated land and the poor suitability of the soils for septic disposal, most future residential development will have to take place at fairly low densities. However, clustering can be encouraged up to a point, for economic reasons and to conserve energy. This will permit greater flexibility in subdivision design and allow the reservations of environmentally sensitive areas. The Planning Board recognizes that one of the goals of the current Master Plan, “o. To promote utilization of re-newable energy resources”, is more important, now, than ever before. Therefore, the Planning Board recommends that solar energy systems be established as a permitted accessory use, in all residential zoning districts, if in fact, they are found not to be a permitted accessory use in Lower Township’s current Zoning Ordinance.

The Planning Board recognizes that one of the goals of the current Master Plan, “o. To promote utilizations of re-newable energy resources” is more important, now, than ever before. Therefore, the Planning Board recommends that solar energy systems be established as a permitted accessory use, in all residential zoning districts, if in fact, they are found not to be permitted accessory use in Lower Township’s current Zoning Ordinance.

- 8C. CURRENT OBJECTIVE FOR THE R-1 DISTRICT: The R-1 District is designed to be developed for single family residential purposes at a gross density of one dwelling unit per acre, based on the physical constraints and the relative inaccessibility of the area to municipal services and facilities. Furthermore, it is an expressed goal of the Lower Township Planning board that this area should retain its rural character as it develops. However, some areas of zoning should be changed. The board recognizes some areas should be re-zoned to Conservation. This area should be looked at and changed. Land areas recently purchased by the State of New Jersey Green Acres Program should be re-zoned Conservation. Further reduction in densities in the R-1 Zone, if any, should be proceeded by a State of New Jersey Vacant Land Purchase Program to provide compensation consistent with the N.J.D.C.A., Office of Smart Growth Equity policy. Public actions should not have the effect of diminishing equity on any one group of citizens.

Changes to residential zone classifications and/or boundaries need to be made in the future in order to bring them into conformance with the goals and objectives of the Master Plan. Changing times and the current trends in development call for the re-examination of all residential areas. Providing for the public health, safety and morals; providing adequate lights, air and open space; the establishment of appropriate population densities and neighborhood; sufficient space for agriculture, transportation routes and traffic safety are some of the important areas to be considered in changing the residential zones. The R-1 District (Ponder Lodge) Block 494.01, Lots 3, 1.04, 28 & 24 is recommended for re-zoning to Conservation.

- 8A. AMENDED OBJECTIVE FOR THE R-1 DISTRICT: The R-1 District is designed to be developed for single family residential purposes at a gross density of one dwelling unit per acre, based on the physical constraints and the relative inaccessibility of the area to municipal services and facilities. Furthermore, it is an expressed goal of the Lower Township Planning Board that this area should retain its rural character as it develops. However, some areas of zoning should be changed. The Board recognizes some areas should be re-zoned to Conservation. This area should be looked at and changed if found appropriate by the Planning board. Land areas recently purchased by the State of New Jersey Green Acres Program should be re-zoned Conservation.

The Township of Lower Land Development Ordinance Subsection 400-14E. should be amended to delete the requirement of a six (6') setback to property lines for a parking area or driveway. This standard is unique to the R-1 & R-2 Districts and is no longer deemed necessary.

Changes to residential zone classifications and/or boundaries need to be made in the future in order to bring them into conformance with the goals and objectives of the Master Plan. Changing times and the current trends in development call for the re-examination of all residential areas. Providing for the public health, safety and morals; providing adequate light, air and open space; the establishment of appropriate population densities and neighborhood; sufficient space for agriculture, transportation routes and traffic safety are some of the important areas to be considered in changing the residential zones.

- 9C. CURRENT OBJECTIVE FOR THE R-2 DISTRICT: The R-2 District is also proposed to be developed at a low density, again based on physical capacities, limitations and aquifer recharge capabilities. However, it is anticipated that a greater variety of uses would be permitted here than in the R-1 District, and that a higher density, two dwelling units per acre, would be permitted if off-site sewer is available. For example, certain institutions requiring considerable land area as well as the superior access of much of the R-2 district could be permitted on lots of sufficient size to allow compatibility with surrounding residences. Cluster development with public sewer and water is encouraged. Conflicts with the State Plan Map are inevitable as Centers must be large enough to accommodate growth and room for affordable housing while reducing densities in the environs. The DCA Office of Smart Growth Equity Policy must be incorporated into any down zoning scheme. Specifically, a land purchase compensation program must be established.

Changes to residential zone classifications and/or boundaries need to be made in the future in order to bring them into conformance with the goals and objectives of the Master Plan. Changing times and the current trends in development call for the re-examination of all residential areas. Providing for the public health, safety and morals; providing adequate light, air and open space; the establishment of appropriate population densities and neighborhood; sufficient space for agriculture, transportation routes and traffic safety are some of the important areas to be considered in changing the residential zones.

- 9A. AMENDED OBJECTIVE FOR THE R-2 DISTRICT: The R-2 District is also proposed to be developed at a low density, again based on physical capacities, limitations and aquifer recharge capabilities. However, it is anticipated that a greater variety of uses would be permitted here than in the R-1 District, and that a higher density, two dwelling units per acre, would be permitted if off-site sewer is available. For example, certain institutions requiring considerable land area as well as the superior access of much of the R-2 District could be permitted on lots of sufficient size to allow compatibility with surrounding residences. Cluster development with public sewer and water is encouraged. 400-14E. Parking area and driveway setback of six (6) feet should be removed from the Zoning Ordinance.

Changes to residential zone classifications and/or boundaries need to be made in the future in order to bring them into conformance with the goals and objectives of the Master Plan. Changing times and the current trends in development call for re-examination of all residential areas. Providing for the public health, safety and morals; providing adequate light, air and open space; the establishment of appropriate population densities and neighborhood; sufficient space for agriculture, transportation routes and traffic safety are some of the important areas to be considered in changing the residential zones.

- 10C. CURRENT OBJECTIVE FOR THE R-3 DISTRICT: The R-3 districts encompass most of the existing residential development within Lower Township, including development which has taken place in Villas, Erma and North Cape May. The recommended density for the R-3 district is approximately six (6) dwelling units per acre, where lots are served by public sewerage, but only one unit to the acre in the absence of sewerage. Office of Smart Growth recommended that Zoning for upland areas with natural resources be adjusted to recognize the environmental constraints. (May 23, 2006 OSG Consistencies Report.) The Lower Township COAH Plan will concentrate affordable units in the sewerred portions of the R-3. Rehabilitation is an affordable housing option worth considering. Garden Apartments and Townhouses should be removed from the R-3 zone as a permitted use. [Land for this use is not longer available.]

Changes to residential zone classifications and/or boundaries need to be made in the future in order to bring them into conformance with the goals and objectives of the Master Plan. Changing times and the current trends in development call for the re-examination of all residential areas. Providing for the public health, safety and morals; providing adequate light, air and open space; the establishment of appropriate population densities and neighborhood; sufficient space for agriculture, transportation route and traffic safety are some of the important areas to be considered in changing the residential zones.

- 10A. AMENDED OBJECTIVE FOR THE R-3 DISTRICT: The R-3 districts encompass most of the existing residential development within Lower Township, including development which has taken place in Villas, Erma and North Cape May. The recommended density for the R-3 district is approximately six (6) dwelling units per acre, where lots are served by public sewerage, but only one unit to the acre in the absence of sewerage. The Lower Township COAH Plan will concentrate affordable units in the sewerred portions of the R-3. Rehabilitation is an affordable housing option worth considering. Garden Apartments and Townhouses should be removed from the R-3 zone as a permitted use. Land for this use is no longer available. The proposed Beach Drive Pedestrian Access Improvements are needed as a desirable safety improvement to the R-3 District.

Changes to residential zone classifications and/or boundaries need to be made in the future in order to bring them into conformance with the goals and objectives of the Master Plan. Changing times and the current trends in development call for the re-examination of all residential areas. Providing for the public health, safety and morals; providing adequate light, air and open space; the establishment of appropriate population densities and neighborhood; sufficient space for agriculture, transportation routes and traffic safety are some of the important areas to be considered in changing the residential zones.

- 11C. CURRENT OBJECTIVE FOR THE R-2 CLUSTER: The R-2 district, a restrained use of the residential cluster form of development would maximize flexibility of design, in light of the considerable physical and infrastructural limitations of these areas, and would permit the reservation of some land for ball fields, tot lots or tennis courts for the use and enjoyment of persons within the subdivision, reducing the pressures of new development on existing and currently proposed recreational facilities. The maximum house size allowable in the cluster zone should be studied further. A conflict with the State Plan Equity Policy is noted and should be addressed through the OSG Plan Endorsement process.

Changes to residential zone classifications and/or boundaries need to be made in the future in order to bring them into conformance with the goals and objectives of the Master Plan. Changing times and the current trends in development call for the re-examination of all residential areas. Providing for the public health, safety and morals; providing adequate light, air and open space; the establishment of appropriate population densities and neighborhood; sufficient space for agriculture, transportation routes and traffic safety are some of the important areas to be considered in changing the residential zones.

- 11A. AMENDED OBJECTIVE FOR THE R-2 CLUSTER: In R-2 Districts, a restrained use of the residential cluster form of development would maximize flexibility of design in light of the considerable physical and infrastructural limitations of these areas, and would permit the reservation of some lands for ball fields, tot lots or tennis courts for the use and enjoyment of persons within the subdivision, reducing the pressures of new development on existing an currently proposed recreational facilities. The maximum house size allowable in the cluster zone should be studied further.

Changes to residential zone classifications and/or boundaries need to be made in the future in order to bring them into conformance with the goals and objectives of the Master Plan. Changing times and the current trends in development call for the re-examination of all residential areas. Providing for the public health, safety and morals; providing adequate light, air and open space; the establishment of appropriate population densities and neighborhood; sufficient space for agriculture, transportation routes and traffic safety are some of the important areas to be considered in changing the residential zones.

- 12C. CURRENT OBJECTIVE FOR THE R-4 DISTRICT: The R-4 Residential District is intended to encompass future garden apartments, duplexes, townhouses and single-family dwelling development at densities similar to the adjacent island communities. Most of the land area west of Park Boulevard is environmentally sensitive and should be considered for re-zoning to Conservation. Almost all the upland portions of the R-4 Zoning district are fully developed.

There has been some progress made toward achieving this objective, as stated. After careful consideration, it has been determined that this objective, is still appropriate, but should be amended to reflect the following changes.

- 12A. AMENDED OBJECTIVE FOR THE R-4 DISTRICT: The R-4 Residential District is intended to encompass future garden apartments, duplexes, townhouses and single-family dwelling development at densities similar to the adjacent island communities. Most of the land area west of Park Boulevard is environmentally sensitive. Almost all the upland portions of the R-4 Zoning District are fully developed.

Changes to residential zone classifications and/or boundaries need to be made in the future in order to bring them into conformance with the goals and objectives of the Master Plan. Changing times and the current trends in development call for the re-examination of all residential areas. Providing for the public health, safety and morals; providing adequate light, air and open space; the establishment of appropriate population densities and neighborhood. The Diamond Beach, GB-1 Zoning District, Block 820, Lots 2.04 and 2.05 plus 2.20, has been changed to contain new residential building lots. This area is recommended to be changed and added to the R-4 Zoning district. The new Lots shall be enumerated 2.20, 2.21, 2.22, 2.23, 2.24, and 2.04.

- 13C. CURRENT OBJECTIVE FOR THE R-5 DISTRICT: The R-5 district is intended to provide for mid-rise development on the mainland. It is intended that the ratio of dwellings to open space be maintained to provide the optimum use and provide open space. The R-5 Zoning District should be re-classified as a Conservation district. The R-5 Zone is completely inappropriate for development. The area largely consists of Delaware Bay Beach, primary and secondary dune system and freshwater wetlands. The New Jersey State Plan Map designates this area as Planning Area 5 and Parkland.

Changes to residential zone classifications and/or boundaries need to be made in the future in order to bring them into conformance with the goals and objectives of the Master Plan. Changing times and the current trends in development call for the re-examination of all residential areas. Providing for the public health, safety and morals; providing adequate light, air and open space; the establishment of appropriate population densities and neighborhood; sufficient space for agriculture, transportation routes and traffic safety are some of the important areas to be considered in changing the residential zones.

- 13A. AMENDED OBJECTIVE FOR THE R-5 DISTRICT: The R-5 Zoning District was re-classified as a Conservation District. The R-5 Zone was completely inappropriate for development. The area largely consisted of Delaware bay Beach, primary and secondary dune system and freshwater wetlands. The New Jersey State Plan map designated this area as Planning area 5 and Parkland.

- 14C. CURRENT OBJECTIVE FOR THE INDUSTRIAL AREAS: Recommended industrial acreage consists largely of lands in the immediate vicinity of the Cape May County Airport which are close enough to the runway approach and departure zones to be affected by noise and air and vehicular traffic related to the airport, but which would also benefit from proximity to the airport in terms of access. In view of the environmental constraints and the risks of high-density development in close proximity to the airport* it is intended that densities in the Industrial District be kept relatively low. It is recommended that the Industrial Area in the vicinity of the airport be expanded. We want to encourage better transportation capability to and from the Airport Industrial Zone. The Industrial District located at the Cape May Airport affords a special opportunity to absorb certain uses that may be considered unsettling to the general public if located in residential neighborhoods. We want to encourage these types of uses in the Cape May Airport section of the Industrial District due to the fact that it is better policed, busier and physically separated from residential districts. Industrial uses require public sewer service for the health, safety and welfare of the general public as well as protection to the potable water supply and environment in general. Additional uses recommended are General Business (GB), General business (GB-1). Outdoor flea markets as a permitted use. Additional uses to be permitted on Block 410.01, Lots 36, 37 & 37.01, in the Airport Hazard Zoning District. Site Plan on approval should not be required on the "air side" of the Airport. (Regulated by the FAA)

*As indicated in the Model land use and Zoning Ordinance for New Jersey Public use Airports, prepared in 1977 by the New Jersey Department of Transportation.

- 14A. AMENDED OBJECTIVE FOR THE INDUSTRIAL AREAS: Recommended industrial acreage consists largely of lands in the immediate vicinity of the Cape May County Airport which are close enough to the runway approach and departure zones to be affected by noise and air and vehicular traffic related to the airport, but which would also benefit from proximity to the airport in terms of access. In view of the environmental constraints and the risks of high-density development in close proximity to the airport* it is intended that densities in the Industrial District be kept relatively low. It is recommended that the Industrial Area in the vicinity of the airport be expanded. We want to encourage better transportation capability to and from the Airport Industrial Zone. The Industrial District located at the Cape May Airport affords a special opportunity to absorb certain uses that may be considered unsettling to the general public if located in residential neighborhoods. We want to encourage these types of uses in the Cape May Airport section of the Industrial District due to the fact that it is better policed, busier and physically separated from residential districts. Industrial uses require public sewer service for the health, safety and welfare of the general public as well as protection to the potable water supply and environment in general. Additional uses recommended are General Business (GB), General business (GB-1). Outdoor flea markets as a permitted use. Additional uses to be permitted on Block 410.01, Lots 36, 37 & 37.01, in the Airport Hazard Zoning District. Site Plan on approval should not be required on the "air side" of the Airport. (Regulated by the FAA). These changes have been made by Lower Township Council amendments to the Zoning Ordinance.

Public electric vehicle charging infrastructure is recommended for installation in the Airport Industrial Zoning district.

*As indicated in the Model land use and Zoning Ordinance for New Jersey Public Use Airports, prepared in 1977 by the New Jersey Department of Transportation.

15. **OBJECTIVE COMMERCIAL DISTRICT:** Commercial Districts oriented to a combination of local residential needs and the needs of a transient tourist population, encompass most of the existing commercial development in Lower Township, particularly that along Bayshore road. These areas are characterized by proximity to major transportation arteries. As the demand for commercial space in lower Township increases over a period of time, the location attributes of the Commercial District will encourage their development and redevelopment. With a view toward re-development, the need for curbs and sidewalks in the area of Bayshroe Road from the Municipal Building north to the Township line has been met, but the need for municipal parking still exists. Public parking and other amenities in the area should take high priority in the planning process. Whatever new commercial development does take place should be “planned commercial development” within the area designated for commercial use.

There has been some progress made toward achieving this objective, as stated. After careful consideration, it has been determined that this objective is still appropriate, however, the following changes need to be made in the future. Residential uses over commercial uses should be allowed at a higher density of 3.4 or 5 units per business. Outdoor recreational uses should include miniature golf. Lodges and clubs have been added as a permitted use. In order to create a pedestrian friendly environment, the speed limit needs to be lowered to 25 MPH in Schellengers Landing. Lower Township Council can recommend a speed study be conducted by Cape May County to accomplish this goal.

Changing times and the current trends in development call for the re-examination of all commercial areas. Providing for the public health, safety and morals; providing adequate light, air and open space; the establishment of appropriate commercial uses, transportation routes, and traffic safety are some of the important areas to be considered in changing the commercial zones. Public electric vehicle charging infrastructure is recommended for installation in the General Business Zoning District.

Upon re-examination of the commercial areas, it was noted that a large number of use variances were necessarily granted for single family dwellings in the “GB Zoning district along the Route 109 Curve...”, Subsection 400-10B(13)(a). and Subsection 400-10B.(7)(b) of the Lower Township Land Development Ordinance need to be modified in order to map this area as the R-3 Zoning District, on the Zoning Map, to allow for residential use and to prohibit GB uses. (See description and proposed zoning map amendment, Appendix A.) Subdivision and use variances were also granted in the Diamond Beach GB-1 District.

The Planning Board recommends that this area be changed to be include in the R-4 Zoning District.

16. **OBJECTIVE FOR THE MOTEL/HOTEL DISTRICT:** The Motel/Hotel District has been established in Lower Township. The high-density Motel/Hotel District is intended to provide for transient traffic. The high-density Motel/Hotel District will permit the construction of restaurants and small shops oriented to the convenience of guests, but only as accessory uses and only within the principal hotel structure.

There has been some progress made toward achieving this objective, as stated. After careful consideration, it has been determined that his objective is still appropriate, however, the GB Zoning district at the end of the Garden State Parkway and the GB-1 Zoning district in North Cape May from Townbank Road south should include Motel/Hotel development as permitted use of six (6) stories and 65-foot maximum height.

- 17C. CURRENT OBJECTIVE FOR THE R-6 DISTRICT: The R-6 district represents high density condominium residential uses and is intended to provide for high rise facilities in Diamond Beach. There is a desire to increase orderly development by the application of sound planning techniques. It is recommended that the Zoning Ordinance reflect the Master Plan recommendation for the R-6 Zone.

Changes to residential zone classifications and/or boundaries need to be made in the future in order to bring them into conformance with the goals and objectives of the Master Plan. Changing times and the current trends in development call for the re-examination of all residential areas. Providing for the public health, safety and morals; providing adequate light, air and open space; the establishment of appropriate population densities and neighborhood; sufficient space for agriculture, transportation routes and traffic safety are some of the important areas to be considered in changing the residential zones

- 17A. AMENDED OBJECTIVE FOR THE R-6 DISTRICT: The R-6 District represents high density condominium residential uses and is intended to provide for the high-rise facilities in Diamond Beach. There is a desire to increase orderly development by the application of sound planning techniques. It is recommended that the Zoning Ordinance reflect the Master Plan recommendation for the R-6 Zone.

Changing times and the current trends in development call for the re-examination of all residential areas. Providing for the public health, safety and morals; providing adequate light, air and open space; the establishment of appropriate population densities and neighborhoods; sufficient space for agriculture, transportation routes and traffic safety are some of the important areas to be considered. Residential buffers and a transition “zone” should be studied in order to mitigate the height and shadow effects of buildings in the R-6 zone.

- 18C. CURRENT OBJECTIVE FOR THE MARINE DEVELOPMENT DISTRICT: Marine Development Areas encompass marinas and marine oriented industrial development along Ocean Drive and in the northeast corner of lower Township adjacent to the City of Wildwood. More intensive marina development is anticipated in these districts than in the Conservation District. Commercial fisheries and related industries are encouraged and residential uses are strongly discouraged along Ocean Drive. There are some areas of the Marine Development Zone that should be considered for re-zoning because of development trends in the area and the environmental constraints of the land. Specifically, the area known as Shawcrest Island have been re-zoned MD-1 to include the classification of single-family residential dwelling as a permitted use. Shawcrest Island shows potential as future Smart Growth Redevelopment Area.

There has been some progress made toward achieving this objective, as stated. After careful consideration, it has been determined that this objective is still appropriate, but should be amended to reflect the following changes.

- 18A. AMENDED OBJECTIVE FOR THE MARINE DEVELOPMENT DISTRICT: Marine Development Areas encompass marinas and marine oriented industrial development along Ocean Drive and in the northeast corner of Lower Township adjacent to the City of Wildwood. More intensive marina development is anticipated in these districts than in the Conservation District. Commercial fisheries and related industries are encouraged and residential uses are strongly discouraged along ocean Drive. There are some areas of the Marine Development Zone that have been re-zoned because of development trends in the area and the environmental constraints of the land. Specifically, the area known as Shawcrest Island have been re-zoned MD-1 to include the classification of single-family residential dwelling as a permitted use.
19. OBJECTIVE FOR DIAMOND BEACH: It is the intention of the Plan that the Diamond Beach area will be developed with high-rise hotel/motel and high-rise residential uses along the oceanfront, and with GB-1 and R-4 uses along Pacific Avenue. With careful planning, this area could be both an economic and an aesthetic asset to Lower Township. However, pedestrian walkways and crossings, open spaces, beach access, street lighting and directional signs have been included in the development application to assure sound site plan review procedures. Buffers should be provided between commercial uses on the west side of Pacific Avenue and existing residential uses adjacent to Wildwood Crest and should include sufficient screening to prevent the residential uses from being overwhelmed by commercial development. A pedestrian walkway system tying residential uses to the hotel/ motel uses within the commercial area, and tying all uses with the beach, is as important to the Diamond Beach development scheme as a vehicular circulation system.

There has been some progress made toward achieving this objective, as stated. After careful consideration it has been determined that this objective is still appropriate.

- 20C. CURRENT OBJECTIVE FOR SCHELLENGER'S LANDING MGB DISTRICT: Schellenger's landing requires a careful analysis from a traffic engineering standpoint of existing vehicular and pedestrian circulation problems. However, significant improvement of the area will require the creation of public parking area and of pedestrian pathways with overpasses to integrate commercial development on both sides of Route 109. Lighting, landscaping and directional signing will help to increase the value of properties in Schellenger's landing and encourage new commercial uses and entertainment facilities to locate in the area. Back Harbor Wharf has particular potential as a location for smaller commercial enterprises, developed along a nautical theme, which could be mutually reinforcing in their ability to attract patrons. A "mini-plan" for this area has been developed. Implementation of this plan may require some change in zoning, and other regulations specifically for this area. New Jersey State Highway improvements in Schellenger's Landing to Route 109 must take into account pedestrian access to both sides of the new highway as well as the provision of public parking, lighting, an off-site shuttle system, and landscaping, as part of the comprehensive plan.

After careful consideration, it has been determined that this objective is still appropriate with the following changes:

- A. The speed limit needs to be lowered to 25 MPH on Route 109 and Cross Walks with yield to pedestrian signs installed.

- B. Tax relief, transfer of development right, and the Open Space Program should be expanded to protect existing marine related businesses and provide for public access to the marine environment.
- C. The MD-2 Zone is recommended to be extended on the east side of Route 109 from the Cape may Canal south to the Lower Township/Cape May City Municipal boundary line.

21. OBJECTIVE FOR GREENBELT AREAS: The Planning Board desires to provide open space and alternative means of transportation. This may be achieved by the establishment of greenbelts throughout the Township, which follow the watersheds of various existing streams. These greenbelts will provide open space walkway-like paths and related recreational areas.

After careful consideration, it has been determined that this objective, as stated, is no longer appropriate.

22. OBJECTIVE FOR PROPOSED C-1 DISTRICT: The Planning Board expresses a desire to establish a municipal open space area zoned exclusively for marine related educational and research facilities. Areas to be considered for these marine related educational and research facilities should be located adjoining an already existing Conservation Zone.

After careful consideration, it has been determined that this objective, as stated, is still appropriate, however, Eco-Tourism is encouraged in the C Zoning District.

23. OBJECTIVE FOR R-B DISTRICT: The intent of the R-B Zone is to maintain the residential viability and character of the area, and all for “Mom & pop” type, owner operated, businesses. The Zoning Ordinance should be reviewed to reflect the intent of the Master Plan and to better accommodate small businesses.

After careful consideration, it has been determined that this objective, as stated, is still appropriate, with the following recommendation:

- 1. That Subsection 400-18(2) of the Land Development Ordinance of the Township of Lower be amended to remove the requirement that the residential structure be owner occupied.

24. OBJECTIVE FOR ENFORCEMENT: To provide adequate enforcement provisions to ensure that the zoning ordinance is meaningful.

After careful consideration, it has been determined that this objective is still appropriate.

25. MUNICIPAL STORMWATER MANAGEMENT PLAN: CHAPTER 575, STORMWATER MANAGEMENT, “TOWNSHIP OF LOWER ADMINISTRATIVE CODE”:

As required under N.J.A.C. 7:8 Stormwater Management Rules, the Lower Township Planning Board evaluated the extent to which the Master Plan, in its entirety, along with the Zoning Regulations, implemented the principals of stormwater management as expressed in N.J.A.C. 7:8-5.3(b) since 2004. The Planning Board reviewed the N.J.D.E.P., Municipal Stormwater Regulation Program, 2010 status summary report. After careful consideration, and a report from the Lower Township Engineer, on the status and implementation of the Lower Township Stormwater Management Plan and Stormwater Management Regulations, the Lower Township Planning Board finds; that Lower Township’s Stormwater Management Plans, Zoning Regulations, and entire Master Plan, implement the principles expressed in N.J.A.C. 7:8-5.3(b). (N.J.A.C. 7:8-5.3(b), Nonstructural stormwater management strategies, attached.)

Next re-examination report planned **before MAY Year 2033.**

**FINDINGS AND CONCLUSIONS OF
THE PLANNING BOARD OF
THE TOWNSHIP OF LOWER**

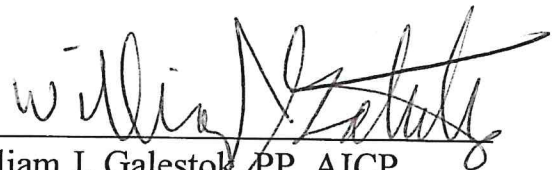
RESOLUTION NO. 23-21

WHEREAS, the Planning Board of the Township of Lower has conducted a re-examination of the Master Plan of the Township of Lower pursuant to N.J.S.A. 40:55D-89; and

WHEREAS, the Planning Board wishes to formalize their re-examination and to direct that this re-examination be passed along to the governing body and to the County Planning Board and Municipal Clerk of each adjoining municipality;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Lower, Cape May County, New Jersey, on the 18th Day of May, 2023, that the document entitled General Re-examination of the Master Plan, Township of Lower, dated May 18, 2023, be and the same is here by adopted; and

BE IT FURTHER RESOLVED that a copy of this document be forwarded to the governing body of the Township of Lower, the County Planning Board of Cape May County and the Municipal Clerks of each and every adjoining municipality.



William J. Galestok, PP, AICP
Director of Planning

DATED: May 18, 2023

