

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY**

**ORDINANCE**

**ORDINANCE NO. 004 -2009**

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

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**WHEREAS**, the Township of Upper received a request for a zone change from the Conservation Zone to the Commercial District (CM2) Zone for the property located at 140 Route 50, Greenfield, in Block 453, Lot 176 on the Municipal Tax Map of the Township of Upper, County of Cape May, State of New Jersey; and

**WHEREAS**, the Township Committee of the Township of Upper does hereby deem it appropriate to undertake a zoning change to a portion of Block 453, Lot 176 from Conservation Zone to Commercial District (CM2) Zone as recommended by the Upper Township Planning Board and outlined in Planning Board Resolution #PB10-08; and

**WHEREAS**, Notice of the hearing on this Ordinance changing a zone boundary has been given to all affected property owners pursuant to N.J.S.A. 40:55 D-62.1;

**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:

**20-3.2 ZONING MAP** is amended in its entirety as follows:

The Map prepared by the Township Engineer dated January 12, 2004, revised through January 20, 2009 (modified) is hereby adopted as the Zoning Map of the Township of Upper.

(Ord. #7-1976, §302; Ord. #12-1978, §2; Ord. #4-1981, §3;

Ord. #4-1982; Ord. #4-1987, §1; Ord #8-1988, §§1 -3; Ord.

#2-1989, §1; Ord. #14-1989, §1; Ord. #17-1990, §1; Ord. #10-1995, §1; Ord. #006-2002, §2; Ord. #001-2004, §3; Ord. #009-2007, §2; Ord. #004-2009, §1).

**SECTION 2. EFFECTIVE DATE:** This Ordinance shall take effect immediately upon the following: The Ordinance shall take effect upon passage and 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 REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.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 section referred to above.

ATTEST:

\_\_\_\_\_  
WANDA GAGLIONE, Township Clerk

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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 26<sup>th</sup> OF JANUARY, 2009 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 23<sup>RD</sup> DAY OF FEBRUARY, 2009 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

WANDA GAGLIONE, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

A portion of Block 453, Lot 176 is being changed from Conservation to CM4 Zone. Map is available for review from the Upper Township Clerk's Office, 609-628-2011 Ext. 200.

Legislative History:

Introduced: \_\_\_\_\_ January 26, 2009 \_\_\_\_\_

Publication: \_\_\_\_\_

Newspaper(s): \_\_\_\_\_ The Press of Atlantic City \_\_\_\_\_

Second Reading & Public Hearing: \_\_\_\_\_

Final Adoption: \_\_\_\_\_

Final Publication Date: \_\_\_\_\_

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on \_\_\_\_\_, 2009 and notice of adoption was thereafter published pursuant to law in \_\_\_\_\_ on \_\_\_\_\_, 2009.

\_\_\_\_\_  
WANDA GAGLIONE, Township Clerk