

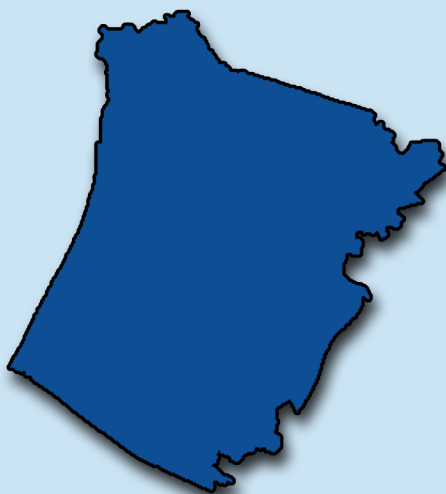
# MASTER PLAN REEXAMINATION REPORT

## Township of Middle Cape May County, New Jersey

November 2020



Adopted after a public hearing of the Township of Middle Planning Board  
on \_\_\_\_\_ by Resolution # \_\_\_\_\_



*Middle Township*

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# **Master Plan Reexamination Report**

November 2020

Township of Middle, Cape May County, New Jersey

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The Municipal Land Use Law (N.J.S.A. 40:55D-89) requires a re-examination of the Master Plan to be conducted every ten years. The Middle Township Master Plan was last re-examined in July 2010, concurrent with the Township's Land Use Plan Update. The purpose of this Re-examination Report is to enable the Municipality to review current goals and objectives of the existing Master Plan which have guided the evolution of the Township's land use policies, and to provide a plan for the future growth of the Township. As set forth in 40:55D – 89, a reexamination report must state:

- I. The major problems and objectives relating to land development in the municipality.
- II. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- III. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- IV. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- V. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the Local Redevelopment and Housing Law, 40A:12A-1 et seq. into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.
- VI. The recommendations of the Planning Board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, and areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

This report addresses the six elements required by the Municipal Land Use Law.

The following planning documents have been adopted since the last Reexamination Report:

- July 22, 2010 – Master Plan Re-examination Report
- July 22, 2010 – Master Plan – Land Use Update
- July 22, 2010 – Natural Resources Inventory
- August 1, 2011 – Chapter 250 Adopted Zone Changes
- April 7, 2014 – Biennial Report and Petition for Centers Boundary Amendment
- April 14, 2020 – Municipal Public Access Plan



**I. The major problems and objectives relating to land development in the municipality at the time of the adoption of the 2010 Master Plan Report:**

The goals and objectives in the July 2010 Land Use Plan updated the 2003 Master Plan goals to “reflect the new direction toward Centers based development and to further protect lands in the Environs outside of the Centers.” These goals and objectives were presented in nine separate sections based on the Township’s vision for the future growth of the Township. The extent to which such goals and objectives have been addressed is discussed. This section also recognizes the goals and objectives which remain a viable recommendation for the future.

**A. Overall Goals**

- *Improve quality of life through sound land use planning*
- *Provide for sustainable development*
- *Balance development with the necessary infrastructure and land to support growth*
- *Promote smart development and redevelopment in Centers*
- *Protect environmentally sensitive lands and farmlands with appropriate development techniques*
- *Identify transportation improvements to support planned growth*
- *Support existing businesses and new initiatives to expand economic opportunities*

All of the above-referenced “Overall Goals” as identified in 2010 remain important in planning for the future of the Township.

**B. Land Use**

- *Promote a balanced land use pattern compatible with the natural environment*

The promotion balanced land use patterns compatible with the natural environment remains as a planning goal.

- *Maintain the character and integrity of each community within the Township*

The maintenance of the character and integrity of each community within the Township is a continuing goal.

- *Promote a balanced variety of residential, commercial, light industrial, recreational, public and conservation land uses*

This goal was accomplished through the adoption of new zoning in 2011, and still remains a planning goal of the Township.

- *Maintain the residential character and scale of established residential neighborhoods through appropriate design standards reflecting specific area qualities*

This goal was accomplished through the adoption of new zoning ordinances in 2011 and remains as a continuing goal of the Township.

- *Identify creative development techniques to minimize impact of new development*

The identification of creative development techniques to minimize the impact of new development is a continuing goal.

- *Encourage redevelopment within Township Centers that supports higher density mixed-uses*

This goal was accomplished through the adoption of new zoning in 2011.

- *Encourage mixed-use development including residential and commercial uses within the Center core areas*

This goal was accomplished through the creation of the TC Town Center zoning district.

- *Promote conservation and preservation of sensitive lands outside of the Centers at a lower density through open space residential cluster and density transfer of non-contiguous parcels*

This goal was accomplished through the amendment of the zoning ordinance to permit open space clustering (OSC).

- *Ensure that negative impacts of commercial and industrial development are addressed through appropriate performance standards to minimize residential impacts*

The establishment of appropriate performance standards to minimize impacts from commercial and industrial developments to residential areas has been addressed through the establishment of buffer requirements in the zoning ordinance. This is a continuing goal.

- *Encourage sustainable development patterns*

The encouragement of sustainable development patterns is a continuing goal.

## **C. Economy**

- *Promote a balanced, diverse and strong economic tax base*

The promotion of a balanced, diverse and strong economic tax base is a continuing goal.

- *Promote the diversification and expansion of the local economy through appropriate development and redevelopment techniques*

The promotion of the diversification and expansion of the local economy through appropriate development and redevelopment techniques is a continuing goal.

- *Provide for a diverse and balanced community with a mix of commercial and residential land uses which are guided into compact Centers*

This goal was accomplished through the creation of the TC Town Center zoning district.

- *Promote design controls to support high quality commercial development*

This goal was accomplished through new zoning standards established in 2011.

- *Update sign standards that promote safety while discouraging sign proliferation*

This goal was accomplished through updated sign standards.

- *Work with the business community to support and sustain a year-round economy through appropriate marketing efforts*

It is the Township's goal to work with the business community to support and sustain a year-round economy through marketing efforts.

- *Support existing coastal development and the water-based recreation industry as a component of the Township's economy*

The support of existing coastal development and the water-based recreation industry is a continuing goal of the Township.

- *Explore alternative land use options outside of the Township's Centers to protect land use values*

This goal was accomplished through the establishment of amended zoning requirements outside of the Centers in 2011.

#### **D. Environment**

- *Preserve the unique natural resources and habitat that are an integral aspect of the Township's quality of life*

The preservation of unique natural resources and habitat is a continuing goal.

- *Provide environmental protection regulations to ensure protection of critical resources*

Requirements for an Environmental Assessment for major site plans and subdivisions were established to identify and evaluate the impact of proposed development on environmental resources. This item was added as a checklist item in 2011.

- *Protect the quality of the environment such as groundwater resources and wetlands and encourage cooperation with organizations that promote the same*

The protection of groundwater resources and wetlands and the encouragement of cooperation with the appropriate organizations is a continuing goal of the Township.

- *Encourage the conservation of the area's natural resources including water supply and open space*

The encouragement of the conservation of the area's natural resources is a continuing goal.

- *Protect critical environmental resources by limiting development in these areas and using creative zoning options to support cluster and density transfer to the Township Centers*

The protection of environmental resources was accomplished through the amendment of the zoning ordinance to permit open space clustering (OSC).

- *Establish controls to limit disturbance of critical resources during land development*

The establishment of controls to limit disturbance of critical resources during land development was accomplished through the designation of Centers throughout the Township.

- *Provide measures to retain and preserve existing natural vegetation during new construction*

The provision of measures to retain and preserve existing natural vegetation during new construction is a continuing goal.

- *Identify and prioritize farmlands as an important component of the Township's economy and develop appropriate mechanisms to retain these lands*

This goal was partially met through the amendment of the zoning ordinance to permit open space clustering, but remains as a continuing goal.

- *Pursue state and federal funding for protection of open space and natural resources*

The pursuit of funding for the protection of open space and natural resources is a continuing goal of the Township.

- *Encourage renewable energy systems and energy conservation measures*

The encouragement of renewable energy systems and energy conservation measures remains as a goal.

## **E. Infrastructure**

- *Provide adequate infrastructure to promote sustainable development within the Centers*

The provision of adequate infrastructure to promote sustainable development within the Centers is a continuing goal.

- *Promote adequate infrastructure and public services to enable development in the Centers*

The promotion of adequate infrastructure and public services to enable development in the Centers has been addressed through the procurement of various NJDOT SAGE Grants for improvements. This is a continuing goal.

- *Maintain adequate public services for the projected growth of the Township*

The maintenance of adequate public services for the project growth of the Township is a continuing goal.

- *Develop and maintain adequate services to meet the transportation, economic and social needs of senior citizens and low/moderate income families*

The development and maintenance of adequate services to meet the transportation, economic and social needs of senior citizens and low/moderate income families has been addressed through the creation of affordable housing ordinances, and remains a continuing goal of the Township.

- *Promote green development and identify appropriate regulations to encourage use of sustainable building construction materials and design*

The promotion of green development and sustainable building construction remains as a goal.

- *Minimize storm water runoff impacts by encouraging the use of best management practices and protection of natural drainage systems*

The Township has adopted a stormwater ordinance consistent with NJDEP requirements which incorporates the use of best management practices and the minimization of storm water runoff impacts.

- *Encourage conservation practices to reduce use of resources and to promote recycling*

The encouragement of conservation practices to reduce use of resources and to promote recycling is a continuing goal.

- *Encourage the modernization of existing facilities and infrastructure*

The modernization of existing facilities and infrastructure is a continuing goal.

## **F. Housing**

- *Provide housing to meet the needs of current and future Township residents by providing a full range of housing opportunities for all income levels and housing needs*

The provision of housing to meet the needs of current and future Township residents by providing a full range of housing opportunities for all income levels and housing needs has been addressed through the adoption of affordable housing overlay zones, and is a continuing goal of the Township.

- *Encourage and provide opportunities for market-based affordable housing options*

The encouragement and provision of opportunities for market-based affordable housing options is continuously addressed by the Township and remains as a goal.

- *Support housing rehabilitation activities to maintain housing stock and housing affordability*

Housing rehabilitation activities are supported by the Township and is a continuing goal.

- *Provide senior housing opportunities at all ability levels including independent living, assisted housing, congregate care and nursing care*

The provision of senior housing opportunities is a continuing goal.

- *Encourage innovative development options to cluster or transfer residential development to the Centers*

The encouragement of innovative development options to cluster or transfer residential development to Centers was accomplished through the amendment of the zoning ordinance to permit open space clustering (OSC).

- *Encourage affordable housing close to the job centers*

The encouragement of affordable housing close to the job center is a continuing goal.

## **G. Transportation**

- *Provide a transportation network that is safe, provides efficient traffic flow, pedestrian and bicyclist-friendly and multimodal*

In 2013 and 2015, the Township expanded the existing bike path to provide a continuous connection from the County Zoo south to Lower Township. The linking of the path from the zoo north to Dennis Township is presently under design. The further expansion of the bike path connecting communities within Middle Township is a future planning goal. The provision of a transportation network that is safe, provides efficient traffic flow, pedestrian and bicyclist-friendly and multimodal is a continuing goal.

- *Provide the opportunity for the improvement of the highways and alternative transportation networks (i.e. bicycle and pedestrian facilities) to provide safe and efficient access through the region*

The provision of opportunities for the improvement of the highways and alternative networks to provide safe and efficient access through the region is a continuing goal.

- *Encourage public transportation*

The encouragement of public transportation is a continuing goal of the Township.

- *Promote expansion of transit services (rail, bus and jitney)*

The promotion of transit services is a continuing planning goal

- *Promote summer shuttle bus services to support summer visitors and reduce congestion through coordination with the County and other municipalities*

The promotion of shuttle bus services remains as a goal.

- *Encourage campground, hotel and motel owners to work with the Township and County to develop alternative transportation programs such as shuttle operations to service visitors and to reduce summer vehicular traffic activity*

The encouragement of campground, hotel and motel owner to develop alternative transportation programs remains as a goal.

- *Encourage the elimination of at-grade crossings on the Garden State Parkway*

At-grade crossings on the Garden State Parkway have been eliminated.

- *Evaluate the creation of Transportation Development Districts (TD Districts) to support needed transportation improvements*

The creation of a TD District to support needed transportation improvements continues to be a planning goal.

- *Promote bicycle facilities for commuting and recreational use in coordination with other transportation modes and regional and state facilities*

The promotion of bicycle facilities has been accomplished through the extension of the bike path. Future expansions are planned.

- *Update design standards to support bicycle, pedestrian and transit facilities within the Centers to provide connectivity between neighborhoods and to services*

The updating of the design standards to support bicycle, pedestrian and transit facilities within the Centers to provide connectivity between neighborhoods and to services continues to be a planning goal.

- *Update regulations to provide consistency with State Access Management Code*

The updating of regulations to provide consistency with the State Access Management Code continues to be a goal.

## **H. Historic, Cultural and Aesthetic Resources**

- *Preserve the unique historic and cultural resources of the Township that provide historical continuity*

The preservation of historic and cultural resources is a continuing goal.

- *Preserve and enhance the historic and cultural and recreational aspects and visual environment of the Township*

The preservation and enhancement of historic and cultural and recreational aspects and visual environment of the Township is a continuing goal.



- *Promote design guidelines to preserve the Township's unique historic structures and districts*

The promotion of design guidelines to preserve the Township's unique historic structures and districts continues to be a planning goal.

- *Identify and protect scenic local and county roadways with appropriate setback and buffer requirements and vegetation preservation measures*

The identification and protection of scenic local and county roadways with appropriate setback and buffer requirements and vegetation preservation measures continues to be a planning goal.

- *Provide for open space buffers to protect adjacent land uses from the negative impacts of traffic along rural roadways and to protect the scenic appearance of these corridors*

The provision of open space buffers to protect adjacent land uses from the negative impacts of traffic along rural roadways and to protect the scenic appearance of these corridors continues to be a planning goal.

## **I. Recreation**

- *Provide both active and passive recreation facilities and programs to serve Township residents*

The provision of both active and passive recreation facilities and programs to service Township residents is a continuing goal.

- *Identify and plan for future recreation needs consistent with forecasted growth*

The identification and planning for future recreation needs consistent with forecasted growth remains as a planning goal.

## **J. Additional Land Use Plan Goals and Objectives**

In addition to the goals and objectives set forth in 2010 Land Use Plan, the 2010 Master Plan Re-examination Report and the Land Use Plan included recommendations related to planning goals and objectives and zoning changes to implement the Land Use Plan recommendations. The following recommended changes were provided in the Land Use Plan and, concurrently, in the Master Plan Reexamination Report.

### ***Create Regional Centers with the following zone districts:***

#### ***R Residential District***

A Residential (R) District was created at the outskirts of the Cape May Court House and Rio Grande Centers and the minimum lot sizes were increased for single- and two- family dwellings. In

addition, noncontiguous parcel clustering is permitted as recommended in 2010 Land Use Plan recommendation.

*TR Town Residential District, TB Town Business, TP Town Professional and TC Town Center*

TR, TB, TP and TC Districts were created within the Cape May Court House and Rio Grande/Whitesboro/Burleigh Centers

***Create Village and Hamlet Centers with the following zone districts:***

*VR Village Residential District, VC Village Commercial District, HV Hildreth Village*

VR, VC and HV Districts were created within the Del Haven, Green Creek, Swainton and Hildreth Village Centers.

***Create the RC Rural Conservation District in the Environs:***

A RC District was created outside of the Centers with a purpose of retaining the essential rural character of the Township, to encourage the continuation of agricultural uses and the protection of vital natural resources.

***Create the B Business District from the CB Community Business District outside of the Centers:***

A B Business District from the previous CB Community Business District was created outside of the Centers.

***Amend the SR Suburban Residential District boundaries and standards:***

The SR District was amended and generally surround the Centers along Route 9 in accordance with the recommendations of the Plan.

***Amend the RB Residential Business District boundaries and standards:***

The RB District boundaries were amended and are located within limited areas adjacent to Route 9 and Route 47. The standards of the district were revised to increase lot sizes.

***Amend the CR Coastal Residential District boundaries and standards:***

***Amend the CD Coastal Development District boundaries and standards:***

The CR District was eliminated and replaced with the CD Coastal Development District. The lot size standards were amended in sewer and non-sewered areas.

***Eliminate the following zone districts: RI Restricted Industrial, RGB Regional General Business, SL Sensitive Lands, RR Rural Residential, RD Rural Development, PD Planned Development, AR Amusement and Entertainment and HMM Hotel/Motel/Marina Districts:***

All of the identified zone districts were eliminated.

***Amend ordinance to permit planned residential open space cluster under planned development:***

The Zoning Ordinance has been amended to permit open space clustering (OSC) on parcels in the RC Rural Conservation District with a minimum lot area of 10 acres. Clustered parcels may be reduced from 3.5 acres to a minimum of one acre.

***Amend ordinances to permit noncontiguous parcel density cluster under planned development:***

The Zoning Ordinance has been amended to permit noncontiguous parcel clustering (NPC).

***Create Cape May Bays and Tributaries East Overlay Zone:***

A Cape May Bays and Tributaries East Overlay Zone was created to protect the water quality of the watersheds within the Township.

***Create Cape May Court House Overlay Zone:***

A Cape May Court House Overlay Zone was created to limit density and height to protect the character of the historic area of Cape May Court House.

***Create Cape May Goshen Overlay Zone:***

A Cape May Goshen Overlay Zone was not created. This remains as a planning goal of the Township.

***Adopt an Environmental Assessment checklist and related ordinance should be adopted to address the Township's goal to "preserve the unique natural resources and habitat that are an integral aspect of the Township's quality of life".***

The requirement of providing an Environmental Assessment as part of applications for major site plan and major subdivisions has been added as a checklist item. Chapter 218-72 of the Subdivision of Land and Site Plan Review Ordinance outlines the required items to be addressed in an Environment Assessment.

***Adopt zoning to provide for affordable housing, as follows:***

***Diocese of Camden, 100% affordable age-restricted development  
Tower/Carpino (Indian Trail) inclusionary development  
Affordable apartments in commercial zones above commercial uses***

The adoption of zoning to provide for affordable housing for the aforementioned properties was not completed.

***Amend home occupation standards:***

The home occupation definition and standards have been expanded and amended, and include three tiers of regulations depending upon the zoning district and lot area of a residential property.

***Consider adopting solar and wind energy standards:***

Solar and wind energy standards were not adopted.

**II. The extent to which such problems and objects have been reduced or have increased subsequent to such date**

**A. Population and Demographic Analysis**

Since 1990, Middle Township's population has grown 25.2%. At the same time, New Jersey's population has grown 14.9% while Cape May County's population has decreased 1.5%. Cape May County's population has been decreasing since 2000, with the population total noted as 102,326 in 2000 and subsequently decreasing to 93,705 in 2018. In recent years between 2010 and 2018, Middle Township's population has also decreased by 2.2%. Prior to 2010, Middle Township experienced a large population growth, increasing by 11.1% between 1990 and 2000, and 15.3% between 2000 and 2010.

Population Totals			
Year	Middle Township	Cape May County	New Jersey
1990	14,771	95,089	7,730,188
2000	16,405	102,326	8,414,350
2010	18,911	97,265	8,791,894
2018	18,492	93,705	8,881,845
Population Change			
1990-2000	11.1%	7.6%	8.9%
2000-2010	15.3%	-5.0%	4.5%
2010-2018	-2.2%	-3.7%	1.0%
1990-2018	25.2%	-1.5%	14.9%

*Source: U.S. Decennial Census Data / American Community Survey 5-year estimates (2014-2018)*

The number of housing units in Middle Township has gradually increased, with the most dramatic increase between 2000 and 2010 at 23.8%. Between 2010 and 2018, the number of housing units increased 4.0%.

Housing Units - Middle Township	
Year	Housing Units
1990	6,970
2000	7,510
2010	9,296
2018	9,665

Change in Housing Units	
1990-2000	7.8%
2000-2010	23.8%
2010-2018	4.0%
1990-2018	38.7%

Source: U.S. Decennial Census Data / American Community Survey 5-year estimates (2014-2018)

Demographics - Middle Township		
Sex	Persons	Percentage
Male	8,982	48.6%
Female	9,510	51.4%
Age	Persons	Percentage
<5	1,136	6.1%
5-9	1,117	6.0%
10-14	1,121	6.1%
15-19	910	4.9%
20-24	997	5.4%
25-34	2,591	14.0%
35-44	1,855	10.0%
45-54	2,217	12.0%
55-59	1,359	7.3%
60-64	1,257	6.8%
65-74	2,109	11.4%
75-84	1,179	6.4%
>85	644	3.5%
Median Age	42.3	---
Race	Persons	Percentage
White	15,644	84.6%
Black or African American	2,576	13.9%
American Indian or Alaska Native	60	0.3%
Asian	350	1.9%
Native Hawaiian and Other Pacific Islander	16	0.1%
Some other race	291	1.6%

Source: American Community Survey 5-year estimates (2014-2018)

Between 2010 and 2018, the distribution in Middle Township's age groups shifted. The most notable declining age groups are the 35-44 and 45-54 year-olds, which decreased 3.3% and 4.6% respectively. The largest increasing age group in the same time period is the 25-34 year-olds, which increased 2.0% since 2010. This is reflective in the decreasing median age for the Township, now at 42.3 years from the

previous 43.1 years in 2010. Other notable increasing age groups include 55-59, 65-74, and older than 85 years population, at 1.7%, 1.6%, and 1.6% respectively.

Age Distribution - Middle Township				
Age	Persons (2018)	Percentage (2018)	Persons (2010)	Percentage (2010)
<5	1,136	6.1%	1,318	7.2%
5-9	1,117	6.0%	1,284	7.0%
10-14	1,121	6.1%	967	5.3%
15-19	910	4.9%	834	4.5%
20-24	997	5.4%	710	3.9%
25-34	2,591	14.0%	2,201	12.0%
35-44	1,855	10.0%	2,443	13.3%
45-54	2,217	12.0%	3,056	16.6%
55-59	1,359	7.3%	1,038	5.6%
60-64	1,257	6.8%	1,325	7.2%
65-74	2,109	11.4%	1,802	9.8%
75-84	1,179	6.4%	1,039	5.7%
>85	644	3.5%	357	1.9%
<b>Median Age</b>	42.3	---	43.1	---

Source: American Community Survey 5-year estimates (2014-2018) / (2006-2010)

The mean (average) income levels of Middle Township are below the County and State levels. Consequently, the Township has a higher percentage of population below the poverty level as compared to Cape May County and New Jersey. Additionally, the unemployment rate of Middle Township is higher than the County and State, noted as 10.0% as compared to 7.7% and 6.1%.

Income - Middle Township			
	Households	Families	Non-Family
Median Income	\$60,293	\$73,965	\$35,971
Mean Income	\$84,938	\$99,436	\$53,388

Source: American Community Survey 5-year estimates (2014-2018)

Mean Income			
	Households	Families	Non-Family
Middle Township	\$60,293	\$73,965	\$35,971
Cape May County	\$89,857	\$105,920	\$55,555
New Jersey	\$110,140	\$129,025	\$63,080

Source: American Community Survey 5-year estimates (2014-2018)

Percentage of Population Below Poverty Level	
Middle Township	12.9%
Cape May County	11.1%
New Jersey	10.4%

Source: American Community Survey 5-year estimates (2014-2018)

Employment Status of Population 16 Years and Older		
	Labor Force Participation Rate	Unemployment Rate
Middle Township	60.7%	10.0%
Cape May County	58.0%	7.7%
New Jersey	65.6%	6.1%

Source: American Community Survey 5-year estimates (2014-2018)

- III. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.**

#### **A. Stormwater Management**

Amendments to New Jersey's stormwater management rules were published in the March 2, 2020 New Jersey Register. The new rule amendments require the use of green infrastructure referring to stormwater management practices that use or mimic the natural water cycle to capture, filter, absorb and/or re-use stormwater. This rule requires that stormwater management features be distributed around a site rather than centralized in one big basin. The new rules will require decentralized, distributed stormwater management practices that enable stormwater to infiltrate and more closely resemble the natural water cycle. These "best management practices" (BMPs) include vegetated swales, bioretention, green roofs, cisterns, wet ponds, infiltration basins and constructed wetlands. The municipality must update its stormwater ordinance by March 2, 2021 to reflect and comply with the new rule language.

#### **B. Municipal Public Access Plan**

On April 14, 2020 the New Jersey Department of Environmental Protection (NJDEP) determined that the Township's Municipal Public Access Plan (MPAP) met the criteria of the Coastal Zone Management Rules, Public Access Rule, N.J.A.C. 7:7-16.9. In accordance with N.J.A.C. 7:7-16.9(h), the Township shall incorporate the MPAP into the municipal Master Plan through a resolution.



The MPAP provides a comprehensive public access plan for the Township which lays out the Township's vision for providing access to tidal waters and shorelines along Middle Township's borders. The development and implementation of this MPAP supports the policy of municipal determination of public access locations and facilities, while safeguarding regulatory flexibility and potential funding opportunities for Middle Township.

It is the intent of the Township to incorporate the MPAP into the Open Space and Recreation Plan Element of the Township's Master Plan, pursuant to Planning Board action as required under the Municipal Land Use Law. Upon incorporation into the Master Plan, the Township will be responsible for ensuring that public access to tidal waterways along the municipality's shorelines is provided in accordance with the plan.

#### **C. Expiration of NJDEP Centers**

Middle Township received State Plan Endorsement on September 28, 2011. The Township's Endorsement by the State Planning Commission expires in September 2021. The Township will be working with the Office of State Planning (OSP) to update their State Plan Endorsement.

#### **D. Affordable Housing**

Middle Township adopted a Round Three Housing Element and Fair Share Plan on December 9, 2008. The Supreme Court invalidated the most recent version of the regulations adopted by the New Jersey Council on Affordable Housing (COAH). The Township entered into a Settlement Agreement with Fair Share Housing Center (FSHC) and has engaged in negotiations to arrive at a mutually agreeable settlement regarding the Municipality's Round 3 fair share obligations. Once the agreement is finalized, additional zoning requirements will be developed.

### **IV. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared**

The Planning Board has discussed the following recommended changes to the Township's development regulations.

#### **A. Short – Term Rentals**

Due to the seasonal tourist attractions within the Township and surrounding shore towns, the short-term rental of residential properties has evolved as a method for residents to garner additional income from their property and to provide travelers with alternative accommodations. It is recommended that an ordinance be adopted defining short-term rentals and providing the following regulations pertaining to the operation of such establishments:

- Requirement of seven-day minimum length of stay;
- A rental license should be required;
- The units should be subject to inspection requirements;
- Penalties should be established for violation of the ordinance requirements; and
- Short-term rentals should be permitted in all zones.

## **B. Rental Apartments**

The Middle Township Zoning Board has heard a number of variance applications requesting approvals for rental apartments as an accessory to a principal residential use. As evidenced by the demographic analysis within this report, the number of younger residents and the aging population have both increased. The provision of rental apartments will address the need for alternative housing options. The following standards are recommended to be included in a proposed ordinance permitting accessory rental apartments as a conditional use in residential zones:

- The size of the unit should be limited to 30% of the principal structure, with a 900 square feet maximum unit size;
- Adequate on-site parking should be provided;
- Controls should be placed on the number of bedrooms per unit;
- A construction permit and Township registration should be required;
- Requirement of six-month minimum length of stay should be specified;
- The principal structure should be owner-occupied;
- Applicable approvals from the County Health Department should be required;
- Required fire prevention requirements must be adhered to;
- An additional electric meter should be installed; and
- To address the Township's Fair Share Housing obligation, language should be added to the accessory apartment program to provide a monetary incentive to subsidize the creation of an affordable unit. Controls on affordability for subsidized units would be required to remain in effect for at least 30 years.

## **C. Definition of Marina**

The current definition of a marina in the zoning ordinance encompasses a broad range of commercial and recreational uses. To encourage compatibility of the marina facility with surrounding uses, it is recommended that the definitions be expanded to establish specific permitted uses commensurate with the location of the marina.

- Marina – Any waterfront facility where berthing spaces for any and all watercraft or boats are offered for rental by the operator. A marina shall be deemed to include automobile parking facilities, motor fuel sales, boat sales, boat storage, repairs, maintenance, service, sales of supplies which are normally associated with boating, excluding, however, the use of the facility for loading and unloading of material associated with construction related activities. Marinas may be associated with other uses including restaurants and mixed-use residential.

- Marina (Light Industrial) – Any waterfront facility where berthing spaces for any and all watercraft or boats are offered for rental by the operator. A marina shall be deemed to include automobile parking facilities, motor fuel sales, boat sales, repairs, maintenance and service and sales of supplies which are normally associated with boating. May include facilities for loading and unloading of material associated with marine construction and related activities.

#### **D. Light Industrial Uses**

The previous Light Industrial Zone permitting industrial plants, wholesale distribution centers, warehouses and public utility uses was eliminated when the zoning ordinance was amended in 2011. Presently, industrial uses are not permitted within any district. The TC Zone should be revised to permit the following light industrial uses as Conditional Uses:

- Industrial Plants
- Wholesale Distribution Centers
- Warehouses
- Manufacturing

#### **E. Townhouse and Multi-Family Setbacks**

The required side and rear yard setbacks for townhouse/multi-family developments are restrictive. The setbacks should be reviewed and possibly reduced.

#### **F. Recommended Zone Changes**

The following zone changes are recommended as depicted on the mapping provided in Appendix A:

##### **Middle Township South**

- Block 1414.01, Lot 14 located along NJSH Route 47 is a 16-acre, vacant parcel recommended to be changed from Town Residential (TR) to Town Business (TB) based on the existing land uses adjacent to the subject property, and to encourage uses in character with the surrounding commercial development.
- Block 1436.01, Lots 6, 7, 11 and 13 between NJSH Route 9 and the Garden State Parkway. It is recommended that the zone be changed from Suburban Residential (SR) to Town Center (TC) to facilitate the continued growth of the Rio Grande Town Center. Including this area in the TC Zone will support the expansion of appropriate commercial and residential development.
- Various blocks and lots at the intersection of Garden State Parkway and the north and south sides of Route 147. It is recommended that the zone be changed from Business (B) and Suburban Residential (SR) to Town Business (TB) to accommodate the existing pattern of development occurring, and to provide an opportunity for the expansion of the commercial uses in this area.

## **Middle Township North**

- Block 355.01, Lot 6 located along Johnston Lane. It is recommended that the zone be changed from Residential (R) to Town Business (TB). Lots 6 and 7 are currently split-zoned, and the Township has received a request from the owner to change the zone.
- Block 132.01 and Block 135.02 comprise various contiguous and non-contiguous lots along the north side of Stone Harbor Boulevard. It is recommended that the zoning district for these lots be changed from Rural Conservation (RC) to Coastal Development (CD) more appropriate to the existing residential development on the designated lots.
- Block 132.01, Lot 31 along the Garden State Parkway. It is recommended that the zone be changed from Rural Conservation (RC) to Town Center (TC) due to physical changes to the access road from the Parkway. The site has been approved for the development of a gas station, convenience store and office building consistent with the type of development permitted in the TC zone.
- Block 127, Lots 12 through 22 located within the Easy Street subdivision. It is recommended that the zone be changed from Town Center (TC) to Residential (R) because this area is entirely residential with no commercial uses.
- Block 99.02, Lots 115.01, 115.02, 115.03 and 115.04 - Stone Harbor Golf Club. It is recommended that the zone be changed from Suburban Residential (SR) to Residential (R) in order to accommodate the previously approved plans for high-intensity residential development with public sewer.
- Block 55.01, Lot 8 along NJSH Route 47. It is recommended that the zone be changed from Business (B) to Rural Conservation (RC) due to the residential nature of the site and surrounding areas.

**V. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the Local Redevelopment and Housing Law, 40A:12A-1 et seq. in to the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.**

The Township is currently considering proposed for the redevelopment of the following areas. The redevelopment of these areas should continue to be encouraged.

### **A. Indian Trail Redevelopment**

Designated as Blocks 169, 170, 171, 172, 173, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 210 and 211. The entire Study Area is approximately 230 acres. The total area of the parcels, excluding the unimproved roadways, is approximately 170 acres, with 150 acres of vacant land and 20 acres of properties developed with single family dwellings.

## **B. Rio Grande Town Center Redevelopment**

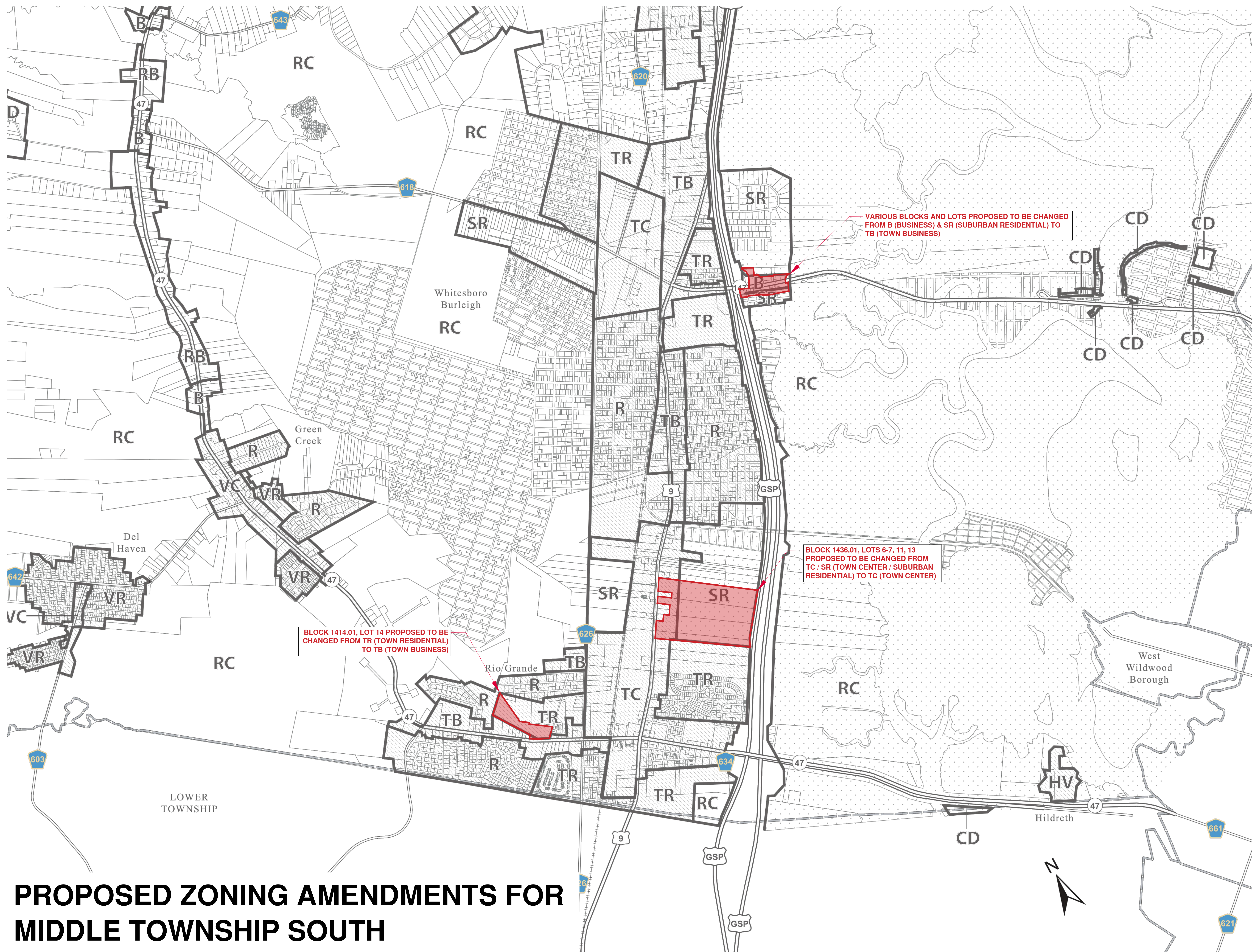
The Study Area includes Block 1434, Lots 2, 3, 4, 8 and 9. The total, combined land area of the five parcels is approximately 22 acres with 550 feet of frontage along NJSH Route 47. The area was developed with a concrete batch plant, retail store and service yard active from the 1950s until the early 1990s. The buildings associated with the concrete facility were demolished between 2006 and 2010. Lots 2 through 4 and 8 are significantly disturbed and sparsely vegetated and comprised mostly of concrete and asphalt surfaces and numerous piles of construction debris. Vegetation has re-established on the entirety of Lot 9, which was previously cleared and utilized in association with the concrete operation.

**VI. The recommendations of the Planning Board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.**


In 2019 the Municipal Land Use Law (MLUL) was amended to require the identification of all existing and proposed locations of public electric vehicle charging infrastructure in the Land Use Plan Element in accordance with 40:55D-28 b (2) g, and in any adopted Circulation Plan Element in accordance with 40:55D-28 b (4). The MLUL also requires that any environmental sustainability plan element in accordance with 40:55D-28b(16) consider, encourage and promote the development of public electric vehicle charging infrastructure in locations appropriate for their development, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors and public rest stops. It is recommended that local ordinances be amended to include guidelines for public electric vehicle charging infrastructure.

## Appendix A: Zoning Amendment Mapping





# PROPOSED ZONING AMENDMENTS FOR MIDDLE TOWNSHIP SOUTH



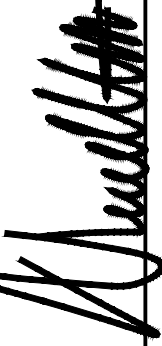
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MIDDLE TOWNSHIP ZONE AMENDMENTS  
VARIOUS BLOCKS AND LOTS  
TOWNSHIP OF MIDDLE  
CAPE MAY COUNTY, NEW JERSEY


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PROFESSIONAL ENGINEER  
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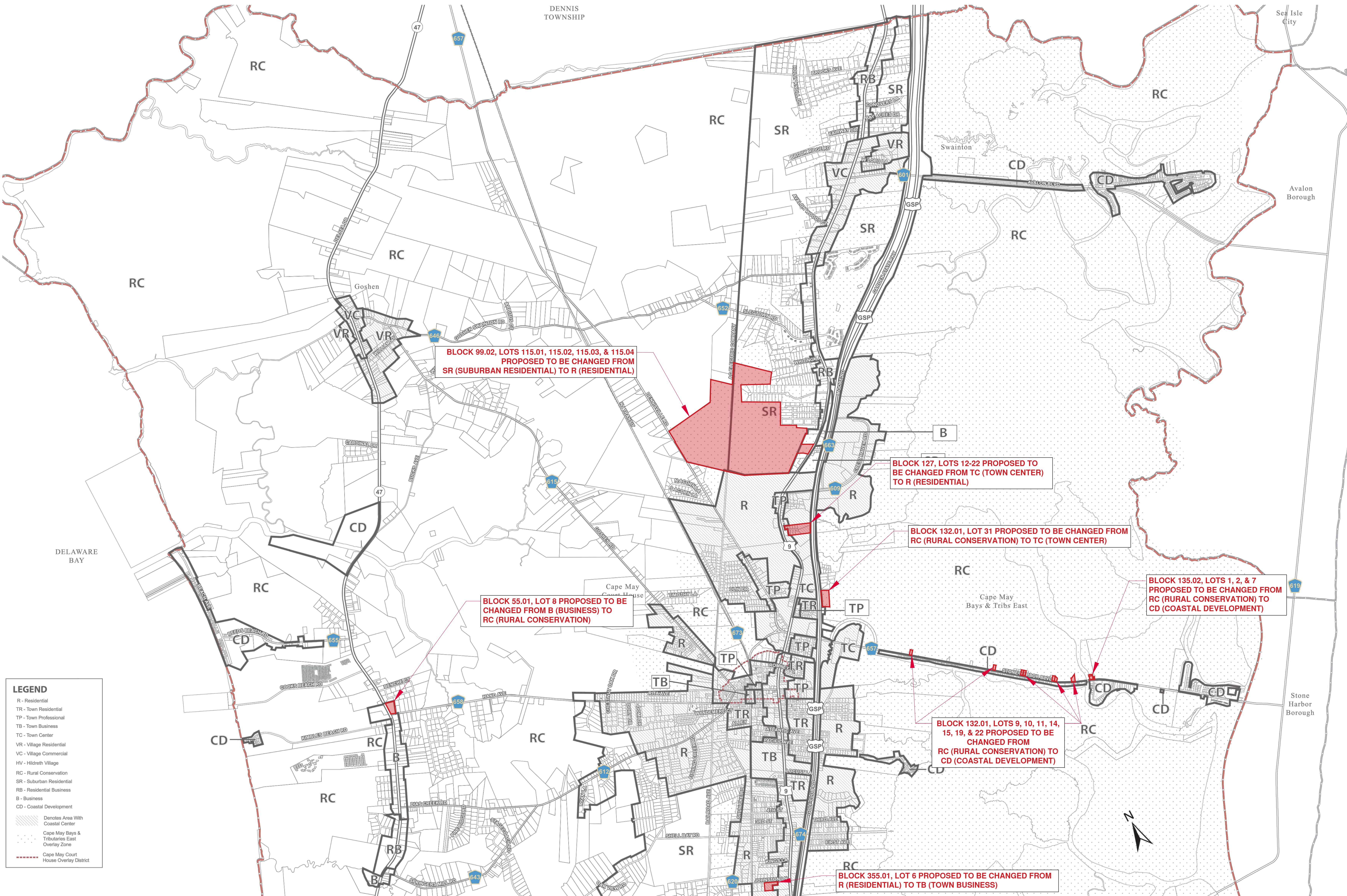
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**LEGEND**

- R - Residential
- TR - Town Residential
- TP - Town Professional
- TB - Town Business
- TC - Town Center
- VR - Village Residential
- VC - Village Commercial
- HV - Hildreth Village
- RC - Rural Conservation
- SR - Suburban Residential
- RB - Residential Business
- B - Business
- CD - Coastal Development

Denotes Area With Coastal Center

Cape May Bays & Tributaries East Overlay Zone

Cape May Court House Overlay District

# PROPOSED ZONING AMENDMENTS FOR MIDDLE TOWNSHIP NORTH



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**MIDDLE TOWNSHIP ZONE AMENDMENTS**  
VARIOUS BLOCKS AND LOTS  
TOWNSHIP OF MIDDLE  
CAPE MAY COUNTY, NEW JERSEY

**VINCENT C. ORLANDO**  
PROFESSIONAL ENGINEER  
N.J.E. L.C. #32496

*[Signature]*

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