

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2025-22

Title: AN ORDINANCE AMENDING CHAPTER 400, LAND DEVELOPMENT, OF THE CODE OF THE TOWNSHIP OF LOWER

**WHEREAS**, Chapter 400, Land Development, of the Code of the Township of Lower regulates and limits the uses of land, the uses and locations of buildings and structures; regulating and restricting the height and bulk of buildings and structures determining the area of yards and other open spaces; regulating and restricting the density of population; dividing the Township of Lower into districts for such purposes; adopting a map of said Township showing boundaries and the classification of such districts; establishing rules, regulations and standards governing the subdivision of land within the Township; establishing a Planning Board and a Board of Adjustment; and prescribing penalties for the violation of its provisions; and

**WHEREAS**, pursuant to the New Jersey Municipal Land Use Law, specifically N.J.S.A. 40:55D-25 and N.J.S.A. 40:55D-28, the Lower Township Planning Board is vested with the authority to prepare, adopt, and amend the Township's Master Plan and to make recommendations to the governing body concerning amendments to the Township's development regulations, including its Land Development Ordinance; and

**WHEREAS**, at its duly noticed October 16, 2025 public meeting, the Lower Township Planning Board, reviewed and recommended certain amendments to Chapter 400, Land Development, Article II, Terminology, Section 8, Definitions, of the Code of the Township of Lower to ensure consistency, remove outdated terminology, and better align the Township's ordinance with the goals and objectives of the Township's Master Plan; and

**WHEREAS**, the Township Council of the Township of Lower has reviewed the Planning Board's recommendations and finds that adoption of the proposed amendments Chapter 400, "Land Development," Article II, "Terminology, Section 8, Definitions, of the Code of the Township of Lower, as recommended by the Planning Board, is in the best interest of the Township and its residents.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Chapter 400, Land Development, Article II, Terminology, Section 8, Definitions, of the Code of the Township of Lower, be and hereby is amended as follows:

**Section 1.** The following definitions outlined within **Chapter 400, Land Development, Article II, Terminology, Section 8, Definitions**, are hereby amended and restated as follows:

**400-8 Definitions.**

**Accessory Building, Structure or Use**

A building, structure or use which is customarily associated with and is subordinate and incidental to the principal building, structure or use and which is located on the same lot therewith. An accessory building attached to the principal building shall comply in all respects with the requirements applicable to the principal building. Accessory Buildings, Structures or Use shall not exceed the height of the Principal Structure or the Building Coverage of the Principal Structure.

**Dwelling Unit**

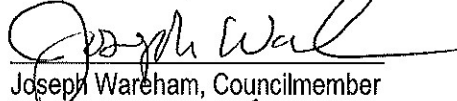
A room or series of connecting rooms designed for permanent or seasonal or temporary residency containing any one of the following; 1. Living, 2. Cooking, 3. Sleeping. 4. Sanitary facilities, for one housekeeping unit. The dwelling unit shall be self-contained and shall not require passing through another dwelling unit or other indirect route(s) to get to any portion of the dwelling unit.

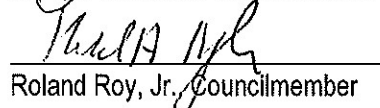
**Section 2.** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

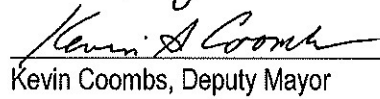
**Section 3.** Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

**Section 4.** This Ordinance shall become effective 20 days after final passage and publication according to law.

\_\_\_\_\_  
Thomas Conrad, Councilmember

  
Joseph Wareham, Councilmember

  
Roland Roy, Jr., Councilmember

  
Kevin Coombs, Deputy Mayor

First Reading: November 3, 2025

\_\_\_\_\_  
Frank Sippel, Mayor

Adopted: December 1, 2025

Attest:   
Karen S. Fournier, Deputy Township Clerk