

CITY OF OCEAN CITY



**2006 MASTER PLAN  
REEXAMINATION REPORT**

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The original of this document has been signed and sealed  
as required by NJS 45:14A-12.

Adopted November 15, 2006

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**CITY OF OCEAN CITY**  
**2006 MASTER PLAN REEXAMINATION REPORT**

**INTRODUCTION**

This report constitutes the Master Plan Reexamination Report for the City of Ocean City as required by the New Jersey Municipal Land Use Law (NJS 40:55D-89). The purpose of the reexamination report is to review and evaluate the local master plan and development regulations on a periodic basis in order to determine the need for update and revisions. The City of Ocean City adopted its last Reexamination Report on November 20, 2000.

The format of this Reexamination Report is consistent with the statute - Section A identifies the major problems and objectives related to land development; Section B describes the extent to which these problems and objectives have changed; Section C describes significant changes in assumptions, policies and objectives; and Sections D and E discuss recommended actions to be considered. The master plan referred to herein is the Master Plan adopted February 3, 1988, and as subsequently amended.

**STATUTORY REQUIREMENTS**

The relevant State Statute (NJS 40:55D-89) requires that the Reexamination Report contain the following:

- A. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- B. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- C. The extent to which there have been significant changes in 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.

- D. 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.
- E. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c. 79 (C.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.

**A. THE MAJOR PROBLEMS AND OBJECTIVES RELATED TO LAND DEVELOPMENT IN THE CITY OF OCEAN CITY AT THE TIME OF THE ADOPTION OF THE LAST REEXAMINATION REPORT.**

Major Problems Related to Land Development -

The major problems relating to land development in November 2000 were not specifically identified in the 2000 Reexamination Report. Section B of this Report did, however, describe efforts to meet the Master Plan objectives as noted below:

- 1. Environmental Resources Protection and Preservation -
  - a. Flooding and drainage.
  - b. Boat access to the Great Egg Harbor Bay and Intracoastal Waterway.
- 2. Beach Maintenance and Replenishment -
  - a. Ability to expand jurisdiction of US Army Corps projects to enhance public safety.
  - b. Improvements to and reduction of stormwater outfall pipes in the beach areas.
- 3. Maintenance and Upgrade of the City's Housing Stock -
  - a. Compliance with the "Fair Housing Act."
  - b. Mitigate flooding and property damage in the Neighborhood Preservation area.
- 4. Promotion of Economic Development -
  - a. Enhancing the City's status as a tourist destination, including the *shoulder* seasons.

- b. Recognizing the potential of the downtown and boardwalk areas through coordination of programs and improvements through the Main Street program, Special Improvement District, and Business and Neighborhood Development Association.
- 5. Transportation Improvements -
  - a. Completion of the new Longport Bridge.
  - b. Anticipation of new construction on Route 52 causeway and bridges; relocation of Visitor's Center.
  - c. Promotion of bicycling.
- 6. Community Facilities -
  - a. Consolidation of Public Works facilities.
  - b. Development of a comprehensive recreation plan.
  - c. Resolve the future of the high school.
  - d. Widen Boardwalk between 12<sup>th</sup> and 14<sup>th</sup> Streets, and between 5<sup>th</sup> and 12<sup>th</sup> Streets.
- 7. Parking -Evaluate the feasibility of building a parking structure on one or more of the City-owned lots adjacent to the Boardwalk.
- 8. Historic Preservation - Evaluate the Historic District and determine whether it should remain intact, be enlarged or reduced in size.
- 9. Upgrade Ordinances and Regulations -
  - a. Complete land use analysis.
  - b. Establish Geographic Information System technology to facilitate review and analysis of land use and development trends.
  - c. Complete redevelopment plan for the 2-block area between Ocean Avenue and the Boardwalk, and from 10<sup>th</sup> to 12<sup>th</sup> Streets.

**A.1. PROBLEMS OR AREAS OF CONCERN RELATED TO LAND DEVELOPMENT IDENTIFIED  
SUBSEQUENT TO THE 2000 MASTER PLAN REEXAMINATION:**

Items 1-10 were included in the 2001 Master Plan Addendum:

- 1. Hotel-Motel Zones – In prior planning documents, the City established a need for short-term lodging. The City's Hotel/Motel zones were established to address the

transient lodging need peripheral to the downtown and adjacent to the Boardwalk. The master plan also suggests that the zone could serve as a transitional land use between the intensity of the boardwalk commercial uses and the adjacent multi-family zoned properties.

- a. The majority of lots in this zone are of insufficient size to support a hotel or motel. Reduce size of zone to include largest lots, and existing hotels and motels.
  - b. The definitions for *Hotel* and *Motel* are antiquated and inadequate and should be revised to incorporate provisions to insure new hotels and motels function as such.
  - c. These zones are presently being evaluated as part of the “Comprehensive Area Plan.”
2. On-Boardwalk and Off-Boardwalk Zones –
- a. These two zones present development difficulties due to the manner in which the zone boundaries have been delineated – they run parallel to the Boardwalk and cross a large number of parcels. The result is that many of the affected parcels are subject to an array of zoning controls.
  - b. These two zones have not been thoroughly reviewed since their creation in 1988; however, they are being evaluated as part of the “Comprehensive Area Plan.”
3. Marine Village Harbor –
- a. This zone has experienced little new development and has not been thoroughly reviewed since its inception in 1988. Requires thorough review, including use compatibility, 1<sup>st</sup> floor limitation, building height, parking, etc.
  - b. The MVH zone is not being reviewed as part of the “Comprehensive Area Plan.”
4. Circulation and Parking -
- a. The Planning Board adopted a revised Circulation Plan Element in 2005. This document supplements and updates the data contained in the 1988 Master Plan, and provides recommendations regarding the effects of the new Route 52 bridge, 34<sup>th</sup> Street, pedestrian and bicycle movements, traffic calming and parking.

- b. The City has retained a consultant to evaluate and provide recommendations regarding parking in the downtown area – from 5<sup>th</sup> to 14<sup>th</sup> Streets, and from the beach to the bay. Considerable analysis of parking and land use has been completed, and a draft report focusing on the CB and CB-1 Zones and the Boardwalk area was distributed September 22, 2006. Ultimately, this “Comprehensive Area Plan” will provide recommendations to improve parking based on analysis of the *built-out* condition.
- 5. Corner Lots –
  - a. Consider supplemental regulations for corner lots to improve building aesthetics and street connection. Supplemental setback controls, architectural elements, and modulation of the street-facing façade may address some issues associated with corner-lot buildings.
- 6. Central Business Zone –
  - a. Consider expansion of the permitted uses to include convention centers, places of assembly, meeting halls, exhibition space and food catering.
- 7. Corinthian Neighborhood Zones – Evaluate need to modify rear yard setback requirements.
- 8. Porches – Review recent construction to ascertain whether the goals of these design standards are being achieved. Modify standards as necessary to provide consistent and reasonable controls. Wrap-around porches on corner lots.
- 9. Minimum Duplex Lot – Establish a minimum lot area/width necessary to support duplex dwelling units.
- 10. Number of Stories – Address issues related to allowing 2-½ stories over parking.

**A.2 LAND DEVELOPMENT ISSUES COMPILED FROM A NUMBER OF SOURCES INCLUDING CITIZENS, COMMUNITY ORGANIZATIONS, GOVERNMENT OFFICIALS, BUILDERS AND LAND USE PROFESSIONALS:**

- 1. Commercial Zoning –
  - a. Evaluate the DB and OB zones in conjunction with the CB and CB-1.
  - b. Consider incentives to encourage restaurants and other commercial development within the NB and other commercial zones. (The NB and NB-1 are not being reviewed as part of the Comprehensive Area Plan (CAP).

- c. The minimum required lot width in the Central Business districts would permit additional subdivision and creation of more 30-foot wide lots. Loss of the larger lots will be detrimental to the downtown, which should have a range of commercial spaces to provide for a diversity of businesses.
- d. In the CB zone the 4-foot side yard requirements create discontinuous/fragmented store frontages. Zero side yard setbacks would alleviate this problem.
- e. In the CB zone the adequacy of parking remains a concern. Consider reduction in width of, or repeal 4-foot side yard parking buffer to permit additional on-site parking.
- f. In the CB zone maximize store size by reducing on-site parking requirements, repealing side yard setbacks, and increasing percentage of required commercial floor area.
- g. In the CB zone implement architectural/design controls to improve the compatibility of new infill development – finish materials, decks, façade modulation, etc.
- h. In the CB zone evaluate glass area requirements to alleviate variance requests while providing maximum storefront glazing.
- i. In the CB zone continue to refine streetscape design improvements via SID, etc.
- j. Marine Village Harbor Zone – The MVH zone includes most of the bayfront area from 10<sup>th</sup> Street to 1<sup>st</sup> Street with access to the Intracoastal Waterway. The principal focus of this zone is to encourage the use of this scarce land resource for commercial water-dependent activity. Parking on the first floor is prohibited in this zone. The commercial core of this zone occupies a relatively small land area along Bay Avenue. Because of the size and disparate ownership of the parcels, very little conforming activity has occurred in the zone district. The limited depth of the land mass and access to parking are critical constraints. Boat liveries and other conforming uses have fairly significant parking requirements. When land is redeveloped for residential use, parking for businesses is compromised, parking is forced onto the streets

in adjacent residential neighborhoods, and conflicts between residents and businesses become more likely.

2. Gardens Zoning –

- a. Evaluate the effects of the new Gardens zoning on building design, especially the porch allowance and front garage prohibition.
- b. Identical building coverage across all lot sizes results in over-sized buildings especially on the larger lots. Graduated FAR and/or increase setbacks on larger lots may provide a solution.

3. Parking and Driveways –

- a. The adequacy of parking to serve the downtown and boardwalk areas continues to be a concern. Evaluate possible solutions relative to recent parking lots purchased by the City and CAP parking study.
- b. Concrete parking strips are not functional especially where turning radii are minimal – review definition of and adjust the allowance for *impervious coverage*.
- c. Owners and guests to residential units often require more parking than is provided or required by ordinance. Increase the parking requirements based on size of dwelling unit or bedroom count.
- d. *Driveway and Parking Buffer* sections result in 26’ long parking spaces. Applicability of design standards to commercial vs. residential uses is confusing. Clarify whether nonconforming parking spaces are subject to the parking and buffer requirements when no change to parking is proposed. Consider whether the buffer requirements should apply where enlargement or expansion of existing single-family and duplex dwellings is proposed.
- e. Evaluate the impacts of curb cut and driveway limitations to front- and rear-accessed properties.
- f. No alley access and front-loaded garages on 30’ lots (especially in R-2 zones) consumes all curbside parking, and creates aesthetic concerns with garage doors facing street.

4. Residential –

- a. Storage areas – height limitation creates internal design issues.

- b. Half-Story – implement uniform definition/standard that alleviates bulk perception (prohibit flat roof, apply FAR).
  - c. Height restriction (28’) in Stenton Zones negatively impacts building design (see 834 and 836 North Street).
  - d. The variation in terms, definitions and standards creates difficulties for designers and enforcement. Establish uniform definitions and standards.
  - e. Reduce or eliminate the disparities between limitations on first floor elevation, height of crawl space and storage areas.
  - f. *Oceanfront Rear Yard* – Development on these lots requires a 30-foot rear yard. However, if the arithmetic mean for the block results in a setback less than 30’ approval of a zoning variance is required. Consider modification of the ordinance to relieve the need for variance approval when the rear yard complies with the arithmetic mean.
  - g. Incompatible development continues in some areas due to bulk and setback controls that are not consistent with existing development patterns and land use. Examples include the Bayview and North End Neighborhood Zones.
5. General –
- a. *Building Coverage* – Eliminate exemptions, count everything.
  - b. *Habitable vs. Total Stories* – Convert all zones to Total Stories.
  - c. *Rooftop Decks* – Evaluate prohibition of decks above second floor.
  - d. *Carpports* – should these be permitted?
  - e. To assure continued maintenance of site improvements (landscaping, trash enclosure, parking, buffers, etc.) via the approved site plan, expand applicability of Zoning Compliance Certificate.
  - f. To reduce the construction of look-alike buildings, evaluate the current *mirror-image* provisions.
  - g. *Design Standards* – clarify applicability of these standards – do they apply to commercial, mixed uses, residential or all.
  - h. *Senior Housing* – amend ordinance to include standards for senior housing as a conditional use.
  - i. *Dwelling Unit* – consider revision to definition that recognizes a structure with two kitchens as a 2-family dwelling.

6. Compatibility of New Development –

- a. Concerns continue to be expressed regarding the compatibility of new infill development in terms of building design and architecture, height, setbacks, number of stories, covered stairs, stoops, porches, balconies, dormers, permitted uses, etc, not only within residential areas, but also within commercial zones.
  - b. Concerns have also become more apparent regarding construction of new residential units within commercial zones, especially the Central Business Zone, in terms of the effect on retail businesses and parking.
7. Gateways – Ninth Street Corridor – Commencement of construction on the Route 52 causeway presents the City with an opportunity to develop a plan to create a gateway on 9<sup>th</sup> Street. This analysis should include improvements for evacuation purposes, landscaping and aesthetics, and compatible uses. Similarly, planned improvements to the 34<sup>th</sup> Street Bridge provide an opportunity for the City, in cooperation with County and State agencies, to develop and implement a gateway design for the *34<sup>th</sup> Street Corridor*.
8. “Fair Housing Act” – The “growth share” methodology used by the Council on Affordable Housing to determine third round municipal affordable housing obligations accentuates the need for the City to re-evaluate the master plan. This is especially important due to the net increase in the number of new housing units (617 from 1995-2005), and the fact that the City’s affordable housing obligation increases by one unit for every eight new residential units.

**Objectives Related to Land Development** –

The following objectives are from the 1988 Master Plan and 1995 Reexamination Report and were included in the November 2000 Reexamination Report. These objectives are consistent with the purposes of zoning set forth in the Municipal Land Use Law (NJS 40:55D-2). Also included herein are the Principles, Assumptions and Policies, which together with the Objectives forming the basis for the Master Plan’s recommendations.

1. To encourage municipal actions which will guide the long range appropriate use and development of lands within the City of Ocean City in a manner which will promote the public health, safety, and general welfare of present and future residents.

2. To secure safety from fire, flood, panic and other natural and man-made disasters.
3. To provide adequate light, air and open space.
4. To ensure that development within the City does not conflict with the development and general welfare of neighboring municipalities, the County, the region, and the State as a whole.
5. To promote the establishment of appropriate population densities in locations that will contribute to the well being of persons, neighborhoods and preservation of the environment.
6. To encourage the appropriate and efficient expenditure of public funds by coordinating public and private development within the framework of land use and development principles and policies. These Principles and Policies are noted below.
7. To provide sufficient space and facilities in appropriate locations within the City for residential, business, office, public, quasi-public uses and parking in a manner, which will provide for balanced City growth and development.
8. To provide for the maintenance of Ocean City's resort character and posture as a recreation resource of the State and eastern United States including protection of the ocean, bay and wetlands, maintenance and replenishment of beaches as needed.
9. To support the upgrading of substandard housing in the City through code enforcement, housing improvement loans, technical assistance, education, grants, and the provision of public improvements such as new streets, sidewalks, street lighting, street trees, drainage and sanitary sewage collection facilities.
10. To encourage the location and design of transportation and circulation routes which will improve the free flow of traffic in appropriate locations while discouraging roadways in areas which would result in congestion, blight, or depreciated property values.
11. To promote alternative means of transportation including the use and development of bicycle, light rail and air transportation links which are supportive of Ocean City's resort industry.
12. To promote a desirable visual/physical environment for residents and visitors by updating the City's ordinances and through creative development techniques that

- recognizes the environmental assets and constraints of individual development sites.
13. To promote the conservation of open space through protection of wetlands, stream corridors and valuable natural resources and prevent degradation of the environment.
  14. To develop a comprehensive recreational, cultural, leisure activity and facility plan; acquire, develop and maintain park and recreation facilities within the City to meet reasonable and affordable needs and demands for recreation by residents and visitors.
  15. To encourage the preservation and restoration of historically significant buildings and sites within the City in order to maintain the heritage and traditions of Ocean City for enjoyment of future generations.
  16. To encourage coordination of the numerous regulations and activities which influence land development with a goal of producing efficient uses of land with appropriate development types and scale.
  17. To encourage economic development through new investment and maintenance and reinvestment in existing commercial retail, amusement, hotel, motel and related resort activities within the City in areas suitable for such development.
  18. To encourage energy efficient subdivision and site designs and provisions for renewable energy resources including passive solar, wind and/or recycled heat.
  19. To encourage the efficient management of stormwater runoff through the development of appropriate guidelines which will prevent future drainage problems and provide environmentally sound land use planning, and to reduce water pollution and tidewater infiltration through capital improvements.

**Principles -**

The 1988 Ocean City Master Plan was based upon the following land use and land development principles:

1. Encouraging residential development in locations and at densities which are compatible with existing development patterns and which can be properly serviced by public roadways, utilities and services.

2. Locating public, commercial, service and professional office uses in locations which are suitable for their use environmentally, economically and geographically, and are compatible with existing uses, public facilities, roadways, and natural features.
3. Protection of natural and environmental resources including floodplains, wetlands, marsh and aquifer recharge areas, and areas suitable for public and quasi-public recreational activities.
4. Encouraging a development pattern which will protect and enhance the long term economic, social and cultural interests and quality of life of present and future residents of the City.

**Assumptions -**

The 1988 Ocean City Master Plan was based upon the following assumptions:

1. That there will be no catastrophic man-made or natural disasters which will greatly affect the existing natural and/or cultural development of the City.
2. That Ocean City will be able to guide its growth in accordance with the Municipal Land Use Law and will have major input into any proposed County, regional, State and/or Federal development plans which may affect the City or its immediate environs.
3. That future growth during the next ten (10) year period will not exceed the capacity of the City to provide essential community facilities, utilities and/or services.

**Policies -**

The 1988 Ocean City Master Plan was based upon the following policies which had been developed by the Planning Board, the Zoning Board of Adjustment and the City:

1. Land use planning will provide for a variety of residential and non-residential uses and will encourage the continuation and enhancement of Ocean City as a quality family resort community.

2. Land development should be designed to protect and enhance the environmental quality of the City.
3. The City will consider and evaluate innovative development proposals which would enhance and protect environmental features, minimize energy usage and encourage development densities consistent with existing patterns and types of development.
4. The City will encourage commercial and office development within the City which will provide employment for present and future residents and contribute to a balanced economic base for the City and which will serve the needs of the City's residents.
5. The City will encourage the continuation and development of social, health, welfare, cultural, recreational, service and religious activities within the City to serve present and future residents of Ocean City.
6. The City will continue its program of updating and supplementing the Master Plan and Zoning and Land Development Regulations as new data become available, as land development patterns and trends change, and as community goals and objectives are modified.

**Standards -**

The 1988 Master Plan provided general standards for development, including type, density and location of development and delineation of environmentally sensitive areas which are generally not developable. The Master Plan also provides recommended standards for roadways and other community facilities. The Land Development Ordinance, including zoning, site plan, land subdivision and design regulations, provides specific standards for design, construction and development of individual land uses and development sites within the City.

In addition, City regulations pertaining to utilities, fire prevention, flood plains, wetlands, soil erosion, street trees and other developmental elements have been adopted and are applied by the Planning Board, Board of Adjustment, Zoning Official, Construction Official and others. Cape May County, the State of New Jersey and Federal planning and regulatory agencies also have detailed standards pertaining to environmental features,

roadways, utilities, etc. which are applied in the overall development process in Ocean City.

**B. THE EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES (IDENTIFIED IN SECTION A ABOVE) HAVE BEEN REDUCED OR HAVE INCREASED SUBSEQUENT TO THE 2000 REEXAMINATION REPORT.**

The following table summarizes the extent to which the problems and objectives noted above have increased or decreased since November 2000.

**Table 1**

Land Use Problems and Objectives

Extent of Change Since November 2000

<b>Land Use Problem/Objective</b>	<b>Extent of Increase Or Reduction</b>	<b>Comments</b>
<b>Flooding &amp; Drainage</b>	No net change to this problem.	Infrastructure improvements and participation in the National Flood Insurance Program (CRS) the City recognized a 15% reduction in flood insurance premiums. Ocean City is one of eleven cities in the State that has achieved this record-level of discount. However, flooding persists in some areas due to a combination of rising sea level, high tides and storm events.
<b>Boating and Bay access.</b>	Problem marginally increased.	Boating and access to the bay are important to the City's identity as a prime vacation destination. Conversion of the remaining commercial/open areas to residential use will result in a loss of the marine-commercial businesses, and public access to this area.
<b>Dredging</b>	Problem reduced in the short-term.	The City has dredged all public lagoons except for Snug Harbor (which is privately owned.) The City purchased an additional spoils site north of 34 <sup>th</sup> Street, which is near capacity. Suitable disposal sites and a stable funding source remain as critical obstacles to the success of this program.

<p><b>Maintain and Upgrade Housing</b></p>	<p>Problem marginally increased.</p>	<p>On October 4, 2006, the City submitted a revised Housing Element and Fair Share Plan designed to achieve the goal of providing affordable housing to meet the total 1987-2014 affordable housing need to COAH for certification. This plan proposes to satisfy the City's third round affordable housing obligation of 26 units through a variety of mechanisms including regional contribution agreements, accessory apartments, and a municipal funding.</p>
<p><b>Economic Development</b></p>	<p>Problem marginally decreased.</p>	<p>Three special improvement districts (SID) and a New Jersey Main Street program have been established. These new designations in conjunction with creative partnerships between the City, Chamber of Commerce and other non-profit entities have improved access to promotional funding and professional management related to the retail and tourism industries.</p>
<p><b>Transportation</b></p>	<p>Problem marginally decreased.</p>	<p>The new Longport Bridge has been completed. A plan to create a 9<sup>th</sup> Street Gateway is under development. Streetscape improvement standards for 34<sup>th</sup> Street, a revised Master Plan Circulation Element and a Citywide bike route plan have been adopted. Reconstruction of Route 52 has started. Road paving program is ongoing.</p>
<p><b>Community Facilities</b></p>	<p>Problem considerably decreased.</p>	<p>The new Ocean City High School and Public Works facility, Boardwalk widening, a new lifeguard facility, soccer fields at Palmer Park, lighted tennis courts across from the</p>

		new High School, Headley Library and, in cooperation with the County a dog park at 45 <sup>th</sup> Street have been completed.
<b>Parking</b>	Problem marginally decreased.	The City has acquired additional parking lots in the beach block between 8 <sup>th</sup> Street and Moorlyn Terrace. New directional signs for parking lots have been installed. Adequacy of parking in the downtown and bayfront areas remains a concern. The parking analysis being completed as part of the Comprehensive Area Plan will provide recommendations to improve parking.
<b>Historic Preservation</b>	Problem marginally decreased.	The City's historic district was registered into the New Jersey Register of Historic Places. The HPC continues to function as a Certified Local Government, has formalized its application process and retains the services of a Registered Architect in review of applications. Signs signifying the location of the Historic District have been installed. All designated properties have been mapped with the City's GIS.
<b>Update Ordinances</b>	Problem considerably decreased.	Development ordinances are codified and available via the City Website. Neighborhood zoning has been established and/or revised in many areas. A Redevelopment Plan involving an area east of Ocean Avenue between 10 <sup>th</sup> and 12 <sup>th</sup> Streets (including the Flanders Hotel) has been adopted. A Geographic Information System was established in 2001 and is regularly utilized to facilitate planning

		<p>analysis. A Redevelopment Plan for the Flanders Hotel site and the parking lot south of the Hotel was adopted in June 2005. Revisions to the CB, CB-1 zones are presently being developed. The Zoning Code is also being revised to eliminate conflicts, and provide consistent standards. The CAP will provide recommendations for revisions to other commercial zones. A recurring theme, that has become less problematic with the creation of several neighborhood zones, is the compatibility of in-fill development. Although this has resulted in there now being over seventy zoning districts, variation in the physical character of certain areas, is not conducive to a single set of standards.</p>
<p><b>Hotel-Motel</b></p> <p><b>On-Boardwalk</b></p> <p><b>Off-Boardwalk</b></p>	<p>No measurable change to this problem.</p>	<p>With the exception of the Redevelopment Area Plan, very little conforming activity has been proposed or occurred in this zone since the last Master Plan Reexamination. One principal reason for this is the difficulty in assembling a parcel of critical mass to obtain a reasonably scaled hotel/motel site given present industry standards. The trend towards larger, more luxurious accommodations has limited demand for the small-scale hotels which were part of Ocean City's history. The hotel industry is demanding not only larger facilities in terms of room count but would require significantly taller structures, given the parking requirements of Ocean City's zoning. District boundaries for the On-</p>

		Boardwalk and Off-Boardwalk are 200' and 400' parallel to the Boardwalk. These delineations result in a large number of lots being subject to multiple zoning. These zones are included in the CAP.
<b>Marine Village Harbor</b>	Problem marginally increased.	The effects of new residential units have impacted all parts of the City including the commercial areas. Proposals to develop the remaining open lots on Bay Avenue with non-commercial uses are inconsistent with the stated purpose of this zone which is to encourage marine-dependent activities.
<b>Corner Lots</b>	Problem marginally decreased.	A revision to the Zoning Ordinance in 2002 requires larger building setbacks on the side yard adjacent to the street. <i>Incentive design</i> buildings are required to have porches on both street facades, which add architectural interest.
<b>Corinthian Zones</b>	No measurable change to this problem.	Lots in this area are unique in that there are several blocks without alleys, the lots are shallow (averaging 65' deep) and relatively wide. These conditions create design challenges that could be mitigated with minor reduction in the rear yard requirements.
<b>Porches</b>	Problem marginally decreased.	Design standards have been revised to require 8-foot depth. Some zones set specific criteria for roof design and allocate a percentage of building coverage for these features. Standardized design standards applicable to all zones are needed.

<p><b>Minimum Duplex Lot</b></p>	<p>No measurable change to this problem.</p>	<p>The land use demands, primarily parking, associated with more than one dwelling unit on a lot are exacerbated on smaller lots. Due to the variation in lot sizes throughout the City, establishing a minimum lot size for duplexes regardless of zone district would help address the most common land use issues associated with these structures on small lots.</p>
<p><b>Number of Stories</b></p>	<p>This problem considerably decreased.</p>	<p>All zoning amendments establishing and/or revising discrete neighborhoods since 2001 have included Total Stories as opposed to Habitable Stories. A major revision to the residential ordinances currently pending will result in all residential districts being converted to Total Stories.</p>

**C. 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**

**Housing –**

The level of housing activity in the City has remained high over the past five years due to a number of factors including the City’s desirability as a resort community and the strength of the housing market. From January 2000 through December 2005 there was a net increase of 221 dwelling units in Ocean City – an average of 37 units/year. Adding this increment onto the number of units identified in the 2000 Census results in a total of 20,519 units.

The effects of new residential development take on new meaning when considered in conjunction with COAH’s growth share calculation which obligates municipalities to one new affordable housing unit for every eight new housing units and for every 25 new jobs. The net increase in the number of housing units between 2000 – 2005 suggests that the City should consider changes to its master plan and development regulations that reduce the potential build-out of new residential units while encouraging commercial ventures.

**Council on Affordable Housing (COAH) -**

Pursuant to the “Fair Housing Act” and COAH regulations, each municipality has a fair share (affordable housing) obligation. Ocean City received final substantive certification of its second round fair share obligation from COAH on October 4, 2000. The second round 6-year obligation period is a cumulative obligation running from 1987 through 1999. This certification provided the City with a 6-year period of repose or protection.

The City’s third round affordable housing obligation of 26 units is cumulative, and includes affordable housing need for the period 1987 to 2014. The affordable housing obligation consists of three components:

- Rehabilitation Share (2000)
- Prior Round Obligation (1987-1999)
- Growth Share (1999-2014)

Under growth share, municipalities determine their 1999 to 2014 new construction or “growth share” obligation, by applying the following ratios:

- For every eight market-rate residential units constructed from January 1, 2004 to January 1, 2014, a one-unit affordable housing obligation is generated.
- For every 25 jobs resulting from new or expanded non-residential construction within the municipality from January 1, 2004 to January 1, 2014, based on the conversion factors found in Appendix E of the third round rules, a one-unit affordable housing obligation is generated.

These two components are then added together to arrive at the total growth share obligation.

A municipality’s Rehabilitation Share is a measure of old, crowded, deficient housing that is occupied by low- and moderate-income households. These rehabilitation numbers are based on 2000 census data. Rehabilitation Share numbers from each prior round are replaced with the latest round number because the numbers are updated with each decennial census.

A municipality may receive credit for rehabilitation of low- and moderate-income deficient housing units completed after April 1, 2000 provided the units were rehabilitated up to the applicable code standard, the average capital cost spent on rehabilitating a unit was at least \$8,000 and the units have the appropriate controls on affordability to ensure the unit remains affordable during the required period of time.

Rehabilitation credits cannot exceed the Rehabilitation Share and, generally speaking, can only be credited against the rehabilitation component, not the new construction component.

The prior round obligation is the municipal new construction obligation from 1987 to 1999. Obligations from the first and second rounds have been recalculated to include the most recent data from the 2000 census. All municipalities participating in the COAH

process must use these updated figures. COAH continues to offer credits, reductions, and adjustments that may be applied against the Prior Round Obligation (1987-1999) for affordable housing activity undertaken from 1980 to 1999.

On October 2, 2006, the City adopted a revised Housing Element and Fair Share Plan designed to achieve the goal of providing affordable housing to meet the total 1987-2014 affordable housing need comprised of estimated growth share, the remaining balance of Prior Round Obligation from Ocean City's 1987-1999 affordable housing obligation that has not been addressed (if any) and the rehabilitation share. The regulations of the Council on Affordable Housing (COAH), N.J.A.C. 5:94 et seq. delineate a municipality's strategy for addressing its present and prospective housing needs, and, as such, each municipality's Housing Element must contain the elements specified in NJS 40:55D-28.

The Fair Share Plan adopted by the City complies with COAH regulations and includes several mechanisms including an Affirmative Marketing Plan and Spending Plan. This Plan includes a rehabilitation component to address 71 housing units through the City's continued participation in the New Jersey DCA Neighborhood Preservation Program (NPP). The City was recently awarded a \$500,000 5-year grant that will fund approximately 42 deficient units identified for rehab. The Plan also indicates that the City will transfer up to 13 units of its growth share obligation via a Regional Contribution Agreement, and that 13 new age-restricted, handicapped and family rental units will be constructed

#### **State Development and Redevelopment Plan -**

Since the last Reexamination Report, the City has initiated Plan Endorsement and has been involved in the proposed amendments to the State Development and Redevelopment Plan which was adopted in 1992. With respect to Initial Plan Endorsement, the City of has completed the following:

- ◆ A Plan Endorsement Committee has been established and has met;
- ◆ Required planning documents including Master Plan, Zoning Ordinance, Zoning Map, Capital Improvement Program have been submitted to the State Planning Commission;

- ◆ Participated in a Pre-Petition Meeting with the State Planning Commission and allied State agencies;
- ◆ Adopted Resolution No. 05-42-263 authorizing submission of an application for Initial Plan Endorsement.
- ◆ Identified inconsistencies on the State Plan Policy Map and discussed it with DEP Planners.
- ◆ Initiated work on *Appendix 6.2 – Plan Endorsement Application and Appendix 6.3 State Plan Policy Map Amendment*.
- ◆ Discussed Plan Endorsement at February 21, 2006 City Council Workshop.

A key component of the ‘State Plan is the Policy Map’. This Map – created by the NJ Office of State Planning dated May 9, 2003 – identifies Ocean City (except for the bay islands) as an *Environmentally Sensitive/Barrier Island Planning Area* with a *Planned Regional Center* overlay. The bay islands are shown as *Environmentally Sensitive Planning Area*.

The major objective of the City’s participation in Plan Endorsement is to reconcile the designation on the State Plan Map with the City’s existing character and plans for the future. As part of this process, the City will be seeking designation as a Regional Center. The Regional Center designation is consistent with the City’s Master Plan, built and natural environments, and will enable the City to prosper consistent with the goals, policies and strategies contained in the State Plan.

Ocean City continues to practice Smart Growth\* with local, state and federal agencies including: recreation and open space, transportation, economic development, downtown and neighborhood revitalization, beach replenishment, stormwater management, etc. Due to the increasing reliance on the State Plan, the implications on private investment, and the ability of the City to obtain permits and funding from state agencies, an appropriate designation is critical to the City’s future.

*\* Smart Growth is the term used to describe well-planned, well-managed growth that adds new homes and creates new jobs, while preserving open space, farmland, and environmental resources. Smart Growth supports livable neighborhoods with a variety of housing types, price ranges and multi-modal forms of transportation. Smart Growth is an approach to land-use planning that targets the State's resources and funding in ways that enhance the quality of life for residents in New Jersey.*

*Smart Growth principles include mixed-use development, walkable town centers and neighborhoods, mass transit accessibility, sustainable economic and social development and preserved green space. Smart Growth can be seen all around us: it is evident in larger cities such as Elizabeth and Jersey City; in smaller towns like Red Bank and Hoboken, and in the rural communities like Chesterfield and Hope.*

*In New Jersey, Smart Growth supports development and redevelopment in recognized Centers—a compact form of development—as outlined in the State Development and Redevelopment Plan, with existing infrastructure that serves the economy, the community and the environment.*

**Stormwater Management Plan** - Article 13 of the Municipal Land Use Law requires municipalities to prepare and implement stormwater management plans and ordinances. The City of Ocean City adopted an amendment to its master plan incorporating the required stormwater management plan on July 13, 2005. This plan is applicable to all major development (projects that disturb one acre or more). The statute also requires municipalities to adopt a stormwater control ordinance to address major developments by April 2006.

**Home Occupations -**

In recent years there has been a growing trend towards telecommuting which has potential land use impacts. In order to address this issue, the State legislature has considered amendments to the “Municipal Land Use Law” governing home occupations. The City agrees that home occupations should be regulated; however, it is of the opinion that these regulations should be developed at the local level.

### **Child Care -**

Amendments to the “Municipal Land Use Law” govern the regulation of childcare and daycare facilities. The City development ordinance has been reviewed for consistency with the statute and should be amended to reflect these state regulations.

## **D. SPECIFIC CHANGES RECOMMENDED FOR THE MASTER PLAN AND DEVELOPMENT REGULATIONS**

The Planning Board solicited comments from the public via a notice and questionnaire prior to the preparation of this Reexamination Report. Residents, community associations, City officials, professionals, developers, and others provided input regarding the master plan and development regulations. A summary of the concerns identified through this process is included beginning on Page 6 of this report.

In consideration of the Master Plan Objectives, Principles, Assumptions, Policies and Standards, and the land use problems and concerns noted above the following specific changes to the master plan and development regulations are recommended:

### Commercial Zones -

- Finalize and adopt revisions to the Central Business (and CB-1) zones that address bulk, setbacks, density, commercial floor area, architecture and parking. Retain the ground floor in the core of the CBD for retail sales. To the extent retail service uses are located in the CBD, they should be sited on the fringe areas rather than in the core. Consider additional crosswalks, traffic calming and a wayfinding sign network.
- Finalize and adopt revisions for the Drive-in Business, Office/Bank, and Hotel-Motel Zones as may be recommended in the Comprehensive Area Plan (CAP). In the Drive-in Business zone the required 30-foot front yard setback is not conducive to good civic design. Alternatives to the present zoning such as law offices, medical offices, real estate and travel services and reducing the size of the zone should be investigated. In order to encourage transient lodging, the use and bulk standards and boundaries should be examined and the possibility of using redevelopment to assemble parcels should be considered. Market research should be consulted to evaluate the feasibility of various hotel/motel options. This zone is included in the CAP.

- Expand the scope of the CAP to include the Marine Village Harbor zone or alternatively, conduct a separate study to analyze parking and to determine whether the existing use requirements, especially residences, are conducive to realization of the zone's stated purpose. It is recommended that the requirements for a waterfront walkway and public access be retained implemented when development is proposed. Use of the redevelopment statute may be an appropriate mechanism to assemble and redevelop this area.
- It is recommended that the NB zone be retained; however, the boundaries and zone standards should be reevaluated. In particular, the following alternatives should be explored: reduction or elimination of onsite parking, and reduction in the size and/or elimination of some of the neighborhood business zones.
- Implement CAP parking recommendations as warranted to improve parking in the downtown and boardwalk areas.

#### Residential Zones -

- For residential uses link parking requirements to square footage of units.
- Evaluate lot tenure pattern in the North End Zone and amend the ordinance as necessary to reflect predominant lot size.
- In conjunction with half-story and eave height controls, establish appropriate floor area ratios to reduce building mass/volume.
- Revise oceanfront rear yard requirements to provide that compliance with the average for the subject block, even though less than 30', alleviates the need for a rear setback variance.
- Continue to develop, monitor and revise neighborhood plans to improve the compatibility of infill development in all zones, with particular attention to front yard setbacks.
- Consider establishing a minimum lot area for duplexes.
- Revise impervious coverage allowances as necessary to accommodate the area required for structures, sidewalks, driveways and parking areas.
- In an effort to reduce impervious coverage and preserve curb-side parking, consider reducing the maximum permitted driveway width for single-family and duplex dwellings to 20'.

### Master Plan and Zoning Ordinance -

- Add a new overarching Objective to the Master Plan that identifies and emphasizes the importance of maintaining the City's heritage, traditions and culture.
- Complete and implement the *stormwater control ordinance* as required to comply with NJDEP and the City's stormwater management plan.
- A draft of the *Conservation Plan Element and Natural Resource Inventory* has been completed by City Staff. The final version of this document should be coordinated with the Recreation/Open Space Plan and Land Use Plan Element. This document is a required component for Plan Endorsement.
- Given the very limited amount of vacant land, developable property for recreation activity is a scarce resource which merits careful attention. Reuse of "surplus" sites and possible adaptive reuse of some municipal property should be evaluated and considered in the context of the City's changing demographics. The City should continue to provide for the recreation needs of the full spectrum of City residents. A severe shortage of active recreation facilities and indoor gym space has been identified. Complete the *Open Space/Recreation Plan* and expand upon the recent bicycle route plans in a format consistent with DEP guidelines to assure streamlined processing of Green Acres applications. Formal bike storage in a dedicated/secure area would be desirable adjacent to the boardwalk and in the central business district.
- In order to better coordinate the funding and resources associated with commerce and tourism, the Master Plan should be amended to include a comprehensive *Economic Development Plan*.
- Require a Zoning Compliance Certificate as part of Mercantile License renewal for commercial properties to assure that site improvements have been maintained per the approved site plan.
- Revise Design Standards (Section 25-1700) to clearly differentiate as to their respective applicability.
- Develop and adopt Conditional Use requirements for Senior Citizen Housing.
- To encourage owners to maintain designated historic structures and sites investigate allowing accessory commercial businesses in conjunction with bed and breakfast facilities, economic incentives and the viability of transferring development rights. The continued viability of the Historic District could be enhanced by a more

aggressive education program regarding the benefits of historic preservation. The razing of existing architecturally significant structures is recognized. It is recommended that an inventory of potential historic sites, outside of the district, be undertaken. Some may be eligible for local historic status and this process may delay or eliminate some of these losses.

- The City's economic health is inextricably linked to tourism as an industry. The City should continue to investigate potential tourism markets and expand the geographic base in targeting Ocean City as a destination; and in conjunction with allied entities, continue to evaluate methods of extending the tourist season into the spring, fall and winter.

#### Urban Design and Community Improvements -

- Develop and implement a Gateway plan for 9<sup>th</sup> Street coordinated with the bridge project to enhance pedestrian and bicycle activity and address the overall appearance of this commercial corridor.
- Standardize zoning terms and definitions, and add illustration to the Zoning Ordinance.
- A recurring theme, that has become less problematic with the creation of several neighborhood zones, is the compatibility of in-fill development. Although this has resulted in there now being over seventy zoning districts, variation in the physical character of certain areas, is not conducive to a single set of standards.
- On corner lots, require Intersection improvements and traffic calming measures to accommodate pedestrians in the downtown is recommended; modulate street-facing building facades to reduce the *wall effect*.
- Extend Moorlyn Terrace street-end design template to other Boardwalk street ends where/when possible.
- Extend 34<sup>th</sup> Street design template to other streets and street-ends, including the Bay Avenue commercial (MVH) area.
- Downtown/Boardwalk Linkage - Several potential alignments have been discussed including 8<sup>th</sup> Street and 9<sup>th</sup> Street. These corridors should be visually connected through the use of consistent streetscape and signage and the possible expansion of the SID to coordinate these connections.

- The City should develop an overall signage and streetscape plan, to encourage bicyclists and pedestrians, which creates a uniform theme to improve the “greetability” of the City. Standard treatments should include street trees, lighting, curbs and sidewalks, routing and signage.
- Deficiencies in the availability of public restrooms in the downtown, boardwalk and other areas should be studied. Facilities should be located in proximity to the greatest number of users.
- Amend and adopt the stormwater management ordinance as necessary to comply with state requirements.
- Complete the petition for Plan Endorsement and Centers designation via the Office of State Planning thereby establishing the City as a Smart Growth community and enhancing efforts to obtain state funding and/or permits.
- Consider adding message boards and lifeguard cans at regular intervals at beach access points to improve public safety and awareness of rip currents.
- Create opportunities for the addition of public art in the community.
- Improve awareness and, expand upon the public’s knowledge and use of the Bayside Center for civic and environmental programs. Examine ways to utilize this facility in connection with nearby attractions including the athletic fields and businesses.
- Consider development of incentives to encourage retention and renovation of historically important properties.
- Continue to improve upon the development of programs and events that enlighten visitors and residents of all ages.
- Encourage more pedestrian and bicycle use in throughout the City so that all persons gain independence and movement.
- Enhance the existing commercial, community, and civic neighborhood nodes to entice walkability in the community to uses within ¼ mile and 5 minutes.
- Insure that streets are spatially defined by buildings that front the sidewalk in a disciplined manner, uninterrupted by parking lots in commercial districts. In particular, create a pedestrian friendly parallel to the Boardwalk on Ocean Avenue to accommodate vehicular drop-off and on-street parking.

- Create spatial definition or sense of place through architecture and prominent civic space so that individuals can come to know one another and watch over their collective security.
- Limit the size of streets and areas dedicated to the automobile, enhancing the pedestrian experience.
- Consider creation of a parking utility.
- Encourage larger lot development and redevelopment.
- Review general parking standards.
- Generate architectural standards by district and housing type incorporating design elements into the standards.
- Review landscape, street tree and signage standards.
- Generate environmental standards and consider Leadership in Energy and Environmental Design.
- Consider capital planning for City-wide wireless fidelity.
- Identify view sheds and generate standards to protect them.

**E. RECOMMENDATIONS OF THE PLANNING BOARD CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS INTO THE LAND USE ELEMENT OF THE MASTER PLAN**

Two areas in the City identified in the 2000 Reexamination Report remain as areas where the use of the redevelopment statute may be appropriate. The Marine Village Harbor zone includes most of the bayfront area from 10<sup>th</sup> Street to 1<sup>st</sup> Street. The district currently contains a number of small parcels with a diverse ownership pattern. The use of the redevelopment statute may be an appropriate mechanism to use in assembling and redeveloping this area. Additionally, the City’s Hotel/Motel zone which requires lots to be at least 10,000 square feet in area and, which also contains small parcels with a diverse ownership pattern, may be an area where the City and its residents could benefit through sensitive use of redevelopment.

\* \* \* \* \*