



**CITY OF OCEAN CITY
CAPE MAY COUNTY**

**MASTER PLAN
REEXAMINATION REPORT**

Adopted October 17, 2012
by the Ocean City Planning Board

A handwritten signature in black ink that reads "Randall E. Scheule".

Randall E. Scheule, PP/AICP

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

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CITY OF OCEAN CITY
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CITY OF OCEAN CITY
MASTER PLAN REEXAMINATION REPORT

BACKGROUND

Adoption of the Municipal Land Use Law (MLUL) in 1975 required for the first time that zoning ordinances must be compatible with an adopted master plan. This action placed the master plan in a pre-eminent position and vested additional powers in the Planning Boards to exercise their jurisdiction over the adoption of master plans. The law holds governing bodies accountable by requiring that ordinances be compatible with the master plan and, further requires the governing body to refer proposed zoning ordinances to the Planning Board for master plan consistency review.

While the master plan serves as a basis for the zoning ordinance, it does not have operative significance until the zoning ordinance has embodied master plan provisions in ordinance form.

Municipal master plans are typically comprised of several sections or elements. Some of these elements are required while others are discretionary. The land use element is one of the required master plan elements. The land use element should be specific in terms of what uses should be permitted in the various zone districts.

The reexamination report is essentially the Planning Board's checklist of things that should be addressed prior to the next reexamination of the master plan and development regulations. It lists those sections of the master plan or development regulations that should be amended or at least studied.

The reexamination report is not the master plan. The master plan is the Planning Board's formal statement of land use policy. The reexamination is only a commentary on the master plan. Even though the reexamination report may recommend specific changes to the master plan and development regulations, those changes do not occur automatically when the reexamination report is adopted. Changes to the master plan require adherence to the statutory amending process including a public hearing. The reexamination report does not require a public hearing. However, when the reexamination report recommends rezoning, a public hearing with proper notice exempts the community from the notice requirements contained in NJSA 40:55D-63.

INTRODUCTION

The City of Ocean City Planning Board has reviewed the City's master plan and development regulations. This report documents the Planning Board's findings and recommendations consistent with the "New Jersey Municipal Land Use Law" (NJS 40:55D-89). The format of this Reexamination Report corresponds to the statutory requirements of the "New Jersey Municipal Land Use Law" as described below.

The Planning Board adopted its last Reexamination Report on November 15, 2006. Unless otherwise indicated, the master plan referred to herein is the Master Plan adopted February 3, 1988, and as subsequently amended.

The City's first recorded Master Plan was prepared in 1961. The second Master Plan was completed in 1979. The City's first reexamination report which analyzed the goals and objectives of the earlier Master Plans was prepared in 1982. A Comprehensive Master Plan was adopted by the Planning Board in February 1988.

The 1988 Master Plan has been amended and reexamined as follows.

- Land Use Plan – 2001, 2002
- Housing Plan and Fair Share Plan - 1999, 2006, 2008
- Circulation Plan – 2005
- Stormwater Management Plan – 2005
- Conservation Plan, Environmental Resources & Recreation Inventory – 2009
- Reexamination Reports – 1982, 2000, 2006

STATUS OF 2006 REEXAMINATION REPORT RECOMMENDATIONS

The 2006 Reexamination Report recommended changes to the master plan and development regulations. The Planning Board, Mayor and City Council have responded to many of these recommendations as noted below:

- 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.
2012 Comment: The NB-1 was repealed, and the boundaries and zoning requirements of the NB zone were significantly revised by Ordinance 07-37.
- For residential uses link parking requirements to square footage of units.
2012 Comment: Parking requirements for single-family dwellings based on building area were adopted by Ordinance 08-12.

- In conjunction with half-story and eave height controls, establish appropriate floor area ratios to reduce building mass/volume.
2012 Comment: Floor area ratios were established for all single-family residential zones by Ordinance 08-12.
- 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.
2012 Comment: Section 25-300.17.b.2 of the City Code was revised by Ordinance 08-12 (09-28) to address this recommendation.
- 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'.
2012 Comment: Ordinance 11-21 amended the driveway width requirements.
- Complete and implement the *stormwater control ordinance* as required to comply with NJDEP and the City's stormwater management plan.
2012 Comment: The City Code was amended to include stormwater management regulations consistent with NJDEP requirements via Ordinance 06-36.
- 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.
2012 Comment: The Conservation Plan Element, Environmental Resources and Recreation Inventory was completed and adopted by the Planning Board June 10, 2009.
- 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 permits.
2012 Comment: The City's petition for Plan Endorsement was completed in August 2007, and approved by the Office of State Planning on November 25, 2009.
- 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.
- Encourage more pedestrian and bicycle use throughout the City so that all persons gain independence and movement.
2012 Comment: Phase I of the Haven Avenue Bike Boulevard (from 9th to 34th Street) opened in spring 2008. Haven Avenue serves as the bike path from 9th Street to 36th Street, where it crosses over to West Avenue. Additional "phases" will extend this route and offer connections to the beach, boardwalk, downtown, etc. This "share the road" facility is planned to extend the entire length of the island and is an important component of the City's efforts via the "complete streets" concept to encourage bicyclists and pedestrians.

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.
2012 Comment: Lot size requirements for the Central Business Zone were revised in 2008. Subsection D of this Report contains recommendations to revise the CB parking requirements.
- 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.
2012 Comment: recommendations for the Drive-in Business, Office/Bank, and Hotel-Motel Zones are included in Subsection D of this Report.
- 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 and implemented when development is proposed. Use of the redevelopment statute may be an appropriate mechanism to assemble and redevelop this area.
2012 Comment: recommendations for the Marine Village Harbor zone are included in Subsection D of this Report.
- 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.
2012 Comment: The NB zone was amended in 2007.
- 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.
2012 Comment: Residential parking requirements were amended in 2009.
- Evaluate lot tenure pattern in the North End Zone and amend the ordinance as necessary to reflect predominant lot size.
2012 Comment: Subsection D of this Report contains a recommendation regarding the NEN Zone.
- In conjunction with half-story and eave height controls, establish appropriate floor area ratios to reduce building mass/volume.
2012 Comment: Floor Area Ratios were implemented in all single-family zones in 2009.
- 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'.
2012 Comment: Ordinance 11-21 amended driveway width requirements.

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.
2012 Comment: Revised stormwater control ordinance was adopted in 2007.
- 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.
2012 Comment: The 'Conservation Plan Element, Environmental Resources and Recreation Inventory' was adopted by the Planning Board in 2009.
- 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.

2012 Comment: With financial assistance provided by a 2012 ANJEC Sustainable Land Use Planning Grant the City will prepare an Open Space and Recreation Plan component to the Master Plan.

- 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*.

2012 Comment: Subsection D of this Report contains recommendations regarding updates to the Master 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.

2012 Comment: Subsection D of this Report contains recommendations regarding revisions to the Zoning Ordinance.

- Develop and adopt Conditional Use requirements for Senior Citizen Housing.
- 2012 Comment: Subsection D of this Report contains a recommendation regarding 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 9th Street coordinated with the bridge project to enhance pedestrian and bicycle activity and address the overall appearance of this commercial corridor.

2012 Comment: Subsection D of this Report contains recommendations regarding the 9th Street Gateway.

- Standardize zoning terms and definitions, and add illustration to the Zoning Ordinance.
2012 Comment: Subsection D of this Report contains recommendations regarding 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*.
2012 Comment: Subsection D of this Report contains recommendations regarding streetscapes in commercial zones.
- Extend Moorlyn Terrace street-end design template to other Boardwalk street ends where/when possible.
- Extend 34th 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 8th Street and 9th 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.
2012 Comment: Subsection D of this Report contains recommendations regarding streetscape improvements in commercial areas.
- 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.
2012 Comment: A stormwater management plan was adopted as an element of the City Master Plan in 2005. A revised stormwater control ordinance was adopted in 2007. The City Engineer has identified the need for stormwater plan and ordinance revisions including the definition of “Major Development,” incorporation of the

stormwater ordinances (§25-1700.32.2), impervious coverage limits; recharge ordinance and road design standards into the Stormwater Management Plan.

- 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.

2012 Comment: The City's petition for Plan Endorsement was approved by the Office of State Planning on November 25, 2009.

- 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.

2012 Comment: Subsection D of this Report contains recommendations regarding public art in commercial areas.

- 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.

2012 Comment: Subsection D of this Report contains recommendations regarding streetscape design in commercial areas.

- 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.

2012 Comment: New landscape/street tree requirements were created by Ordinance 12-03.

- 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.

THE REEXAMINATION PROCESS

The Planning Board kicked-off this reexam process at a public meeting on August 3, 2011. The competing interests of residents and businesses, and the complexity of the zoning code were the focus of discussion at this meeting. A summary of this meeting is included as Appendix A.

The Planning Board established a Master Plan Subcommittee to work with their Planner in the reexamination of the master plan and development regulations. The Subcommittee meetings, starting June 2, 2011 were sporadic at first, however, from November through May the meetings were on an almost-weekly basis.

Reports regarding the reexamination of the master plan were presented to the Planning Board at public meetings the following dates:

- September 7, 2011
- September 21, 2011
- December 7, 2011
- February 1, 2012
- March 7, 2012
- April 11, 2012
- May 9, 2012
- July 11, 2012

Powerpoints from the August 3, 2011, April 11, 2012 and May 9, 2012 meeting presentation were also posted on the City's website.

STATUTORY REQUIREMENTS

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

COMMUNITY PROFILE

To enhance the relevance of the Ocean City master plan reexamination, the Planning Board has reviewed and evaluated information describing the City's population, housing and business trends. The following section identifies relevant aspects of this review.

The median age of the population is increasing because of a decline in fertility and a 20-year increase in the average life span during the second half of the 20th century. These factors, combined with elevated fertility during the two decades after World War II (i.e., the "Baby Boom"), will result in increased numbers of persons aged ≥ 65 years during 2010-2030. The growing number of older adults increases demands on the public health system and on medical and social services.

America is aging, and as a result, the elderly account for a larger percentage of the population every year. Approximately 12.6 % of the current U.S. population is age 65 years and older. This figure is projected to increase to 16.3% by 2020 and to 19.7% by 2030. These trends regarding aging of the population are evident in Ocean City. The percentage of the population 65 and over has increased from 25.9% in 2000 to 29.7% in 2010.

Between 2000 and 2010 the region experienced a loss of population and a decrease in the number of occupied housing units. Cape May County experienced a 5% reduction in population and a 2% loss in occupied housing units. Changes in Ocean City's population and housing are indicated in **Table 1**. These shifts in population (-24%) are similar to Sea Isle and Stone Harbor. The loss of occupied housing units (-21%) is similar to Cape May City and Sea Isle. Avalon lost 38% of its population and 34% of its occupied housing between 2000 and 2010.

TABLE 1
Ocean City – Population and Housing

Ocean City	1990	2000	2010
Population	15,512	15,378	11,701
Dwelling Units	18,880	20,298	20,871
Occupied Units	7,074	7,464	5,890
Household Size	2.19	2.02	1.98
Owner-Occupied Units	3,801	2,837	3,642
Vacant Units	11,806	12,834	14,981

Table 1 illustrates the following trends from 1990 to 2010:

- The City’s population decreased by 25%
- The number of housing units increased by 10%
- Occupied housing units decreased from 37% to 28%
- Owner-occupied housing units increased from 54% to 62%
- Vacant units increased from 62% to 71%

In terms of housing types, duplex units outnumbered single-detached units 37% to 32%, respectively in 2010. The Planning Board also found that the average median housing value in Ocean City increased from \$215,000 in 1990 to \$609,107 in 2009; that the 2010 median housing value in Cape May County was \$344,900; and that 38.5% of the county’s housing units valued at \$1M or more were located in Ocean City.

The relationship between the aging of the population and owner-occupied housing units is illustrated in the following table. This data documents significant decreases in owner-occupancy for the 25-34 and 35-44 age cohorts, and also illustrates a substantial increase in owner-occupancy for the 55-64 age group in 2010.

TABLE 2
Ocean City – Housing Occupancy

Age Group	1990 Census Owner-Occupied	2000 Census Owner-Occupied	2010 Census Owner-Occupied
15-24	43 (1.1%)	24 (0.5%)	12 (0.3%)
25-34	353 (9.3%)	245 (5.3%)	66 (1.8%)
35-44	517 (13.6%)	626 (13.5%)	205 (5.6%)
45-54	492 (12.9%)	891 (19.3%)	640 (17.8%)
55-64	675 (17.8%)	901 (19.5%)	971 (28.7%)
65 and over	1,721 (45.2%)	1,940 (41.9%)	1,748 (48%)
65-74	968 (25.4%)	993 (21.5%)	835 (22.9%)
75-84	753 (19.8%)	739 (16%)	669 (18.4%)
85 and over		208 (4.5%)	244 (6.7%)
Total Owner-Occupied	3,801	4,627	3,642

TABLE 3
Household Income and Housing Costs (2010)

	Ocean City	New Jersey
Median Household Income	\$57,597	\$68,981
Median Owner-Occupied Housing	\$625,800	\$356,800

Although the amount of residential development has remained positive, activity within the commercial sector exhibits a negative trend. The number of new residential units increased by seven (7) percent between 1990 and 2000, and three (3) percent between 2000 and 2010. Between 2000 and 2008, the number of businesses reached a high of 666 in 2002 and 2003, and the highest annual payroll of \$117M occurred in 2006. In 2009 (the latest year for which this data is available) there were 604 businesses with an annual payroll of \$104.7M.

TABLE 4
Population, Housing and Business Patterns

Year	Population	Number of Housing Units	Number of Businesses	Annual Payroll in \$1,000	Annual Payroll in 2011 (\$1,000)
1990	15,512	18,880			
2000	15,378	20,298	638	\$96,148	\$126,000
2001			645	\$100,785	\$128,000
2002			666	\$96,306	\$120,000
2003			666	\$104,906	\$128,000
2004			665	\$110,824	\$132,000
2005			655	\$113,733	\$131,000
2006			654	\$117,032	\$131,000
2007			640	\$110,792	\$120,000
2008			621	\$109,941	\$115,000
2009			604	\$104,716	\$110,000
2010	11,701	20,871			

Note – 2011 values calculated as the percentage increase in the CPI.

This Master Plan Reexamination Report includes a detailed analysis that identifies catalogs and maps discrete land use on each parcel in the City. The land use map overlaid with the zoning districts has assisted in identifying non-conforming uses and evaluating potential zoning changes. The Reexamination process has included review of City Council Resolution 11-47-303. Recommendations regarding the issues identified in this Resolution are summarized in Appendix B.

Commercial Areas -

The Master Plan and zoning ordinance establish a range of opportunities for commercial activity to serve the occasional visitor and year-round residents. These areas include the central business district along Asbury Avenue, the corridors along 9th Street, 34th Street and 55th Street, the boardwalk, West Avenue and neighborhood businesses. The Planning Board recognizes the value of commerce to the general public good and encourages these uses at an appropriate scale, intensity, and location.

The Central Business (CB) and Central Business-1 (CB-1) Zones comprise the core downtown commercial area and are generally located on Asbury Avenue and West Avenue between 6th Street and 14th Street. (See Figure 1) The CB zone is characterized predominantly (85%) by businesses, restaurants and mixed-uses. Single-family residences comprise 16% of CB parcels. By contrast commercial use in the CB-1 zone at 43% slightly exceeds single-family residences (41%). Mixed-use properties (first floor commercial with residential above) in the CB-1 outnumber commercial properties 44 to 18. Field observations in March 2012 reveal that 16 (36%) of the 44 CB-1 mixed-use buildings had vacant first floor commercial spaces.

Investment and redevelopment within the central business district have stagnated in recent years. Although it is difficult to discern the degree to which this is due to the general downturn in the economy, it is suspected that revisions to the zoning ordinance in 2008 are also contributing to this condition. Specific recommendations intended to improve opportunities for re-investment and business retention in the central business district are included in Section D of this report.

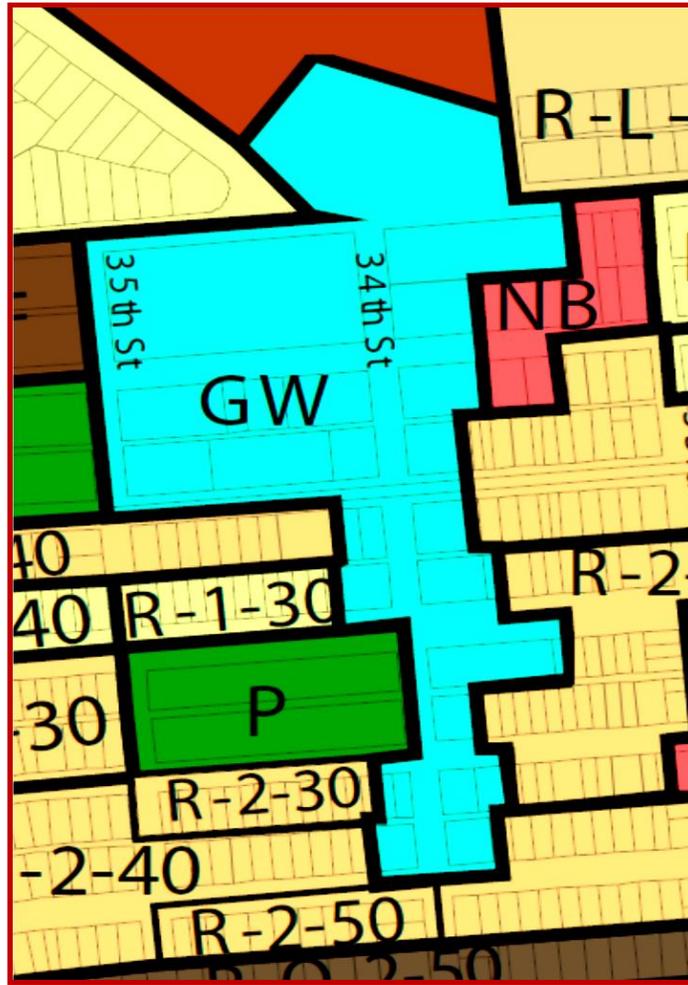
The Drive-in Business (DB), Office & Bank (O&B) Zones are considered jointly due to their interface on 9th Street, their location within highly-traveled 9th Street and West Avenue corridors, and their aesthetic importance as a gateway into the City. These two zones have remained virtually unchanged since established by the 1988 zoning ordinance. Establishment of the Haven Avenue bike route and recent completion of the Route 52 causeway represent significant changes, and highlight the need to evaluate the 9th Street gateway.

Land use analysis indicates that sixty-three (63) percent of the lots within the DB zone are improved with commercial uses. The DB zone also includes 37 residential parcels (23% of the parcels). With minor exceptions, uses adjacent to West Avenue are commercial. Residential use in the DB is more common adjacent to Haven Avenue. Review of data reveals that from 1998-2008 fifteen permits for new construction were issued in the DB Zone. Only three of these were for conforming uses; eight were duplexes and three mixed use buildings.

Commercial uses comprise 41% of the O&B zone parcels. All but two lots fronting 9th Street are improved with commercial uses. Residential uses including single, duplex and multi-family account for 49% of the O&B lots. The residential lots, except for one single-family on Haven Avenue, adjoin residential zone districts south of the O&B zone boundary.

The Planning Board has included recommendations in Section D of this report intended to accomplish the following relative to the O&B and DB zones:

FIGURE 2
34th Street Gateway Zone

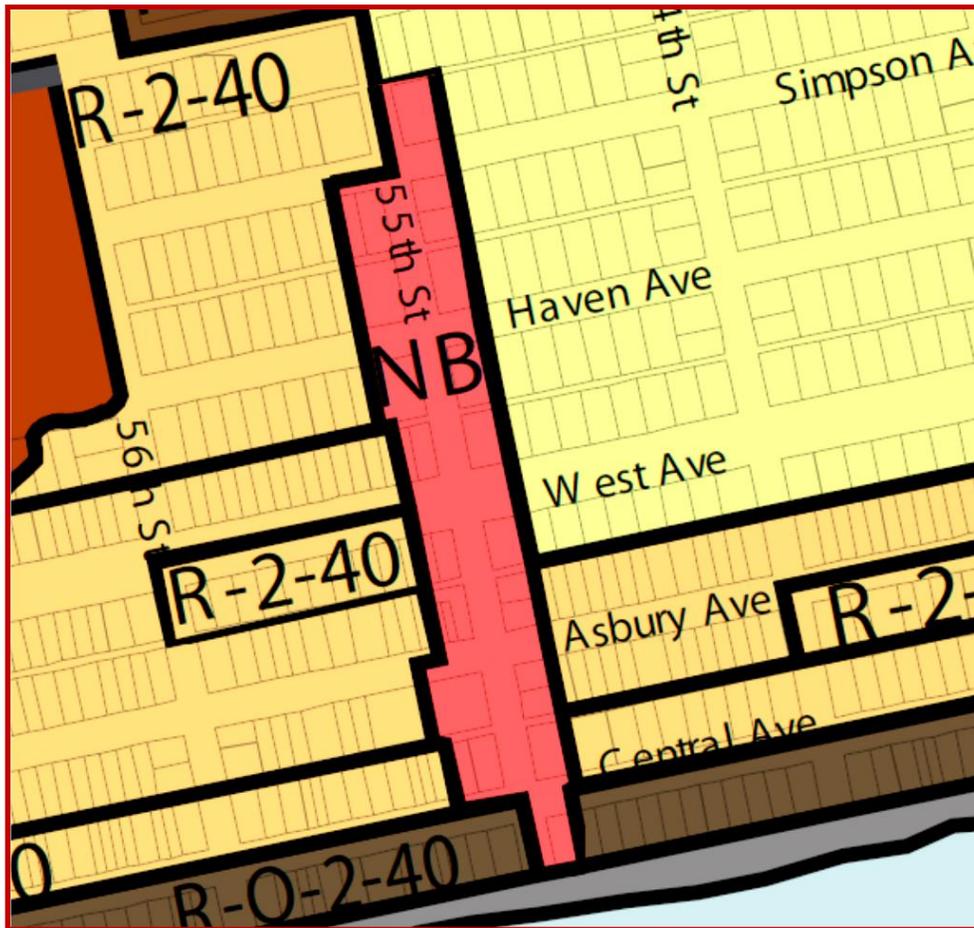


Fifty-fifth Street represents the southern-most access to/from Ocean City and provides a connection to Strathmere and points south via Ocean Drive. The 55th street gateway is comprised of a Neighborhood Business (NB) zone consisting of 28 lots adjacent to 55th Street between Simpson and Central Avenues. The zone has minimal depth and is intended as a means to preserve and promote commercial uses along this segment of 55th Street. Parcels in the NB zone are developed as follows:

- Residential – 16 lots
- Commercial – 7 lots
- Mixed use – 1
- Church - 1

The Planning Board’s recommendations regarding the 55th Street NB zone are included in Section D of this Report.

FIGURE 3
55th Street NB Zone



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 – The major problems relating to land development at the time the last reexamination report was adopted are noted below.

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, 1st 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, 34th 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 5th to 14th 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 – 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 – 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.
11. 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 10th Street to 1st 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.

12. 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.

13. 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.

14. 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.

15. 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. *Carports* – 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.
16. 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.
17. 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 9th Street. This analysis should include improvements for evacuation purposes, landscaping and aesthetics, and compatible uses. Similarly, planned improvements to the 34th Street Bridge provide an opportunity for the City, in cooperation with County and State agencies, to develop and implement a gateway design for the 34th Street Corridor.
18. “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 – The objectives relating to land development at the time the last reexamination report was adopted are noted below.

The 1988 Master Plan contains nineteen objectives related to land development. These objectives are consistent with the purposes of zoning set forth in the “Municipal Land Use Law” (NJS 40:55D-2). When considered collectively with the Master Plan Principles, Assumptions and Policies, these elements form the basis for the Master Plan.

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.

The following objectives are from the 2001 'Land Use Plan.'

1. To maintain the City as a family-oriented resort community;
2. To preserve existing single-family neighborhoods;
3. To create and increase single-family housing in the City;
4. To provide for context-sensitive infill development;
5. To promote architectural detail and design standards as essential components of new development;
6. To increase the year-round population;
7. To improve the quality of life of both residents and tourists;
8. To promote public acquisition and enhancement of open space and recreation areas;
9. To foster economic development by creating an atmosphere to attract private investment for residential and commercial purposes;
10. To maintain and upgrade the City's housing stock;

11. To provide for a variety of residential and non-residential uses and to encourage the continuation and enhancement of Ocean City as a quality family resort community;
12. To 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;
13. 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 and areas suitable for such development.

B. THE EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR HAVE INCREASED SUBSEQUENT TO THE 2006 REEXAMINATION REPORT.

Table 5 provides an assessment of each of the problems and objectives identified in Section A of this report, and indicates the extent to which these problems have been reduced or have increased in the time since the 2006 Reexamination Report.

Table 5
Land Use Problems

The following table indicates the status of the land use problems identified in the 2006 Reexamination Report.

Land Use Problems Described in 2006 Reexam	Status as of August 2012
<p>1. <u>Hotel-Motel Zones</u> – 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.</p> <p>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.</p> <p>b. The definitions for <i>Hotel</i> and <i>Motel</i> are antiquated and inadequate and should be revised to incorporate provisions to insure new hotels and motels function as such.</p> <p>c. These zones are presently being evaluated as part of the “Comprehensive Area Plan.”</p>	<p>The land use problems identified in 2006 relative to the Hotel-Motel zones remain relatively unchanged.</p> <p>A comprehensive planning analysis of the HM and HM-1 zones - the “Hotel and Motel District Study” by Rutgers University - was completed in December 2010.</p> <p>This Report contains recommendations for specific changes to the Master Plan and Zoning Ordinance in Subsection D to address the Hotel-Motel zone land use problems.</p>
<p>2. <u>On-Boardwalk and Off-Boardwalk Zones</u> –</p> <p>a. These two zones present development challenges due to the manner in which the zone boundaries have been delineated – they run parallel to the</p>	<p>The land use problems identified in 2006 relative to the On-Boardwalk and Off-Boardwalk zones persist.</p> <p>This Report contains recommendations for specific changes to the Master Plan</p>

<p>Boardwalk and cross a large number of parcels. The result is that many of the affected parcels are subject to multiple zoning controls.</p> <p>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.”</p>	<p>and Zoning Ordinance in Subsection D to address the On-Boardwalk and Off-Boardwalk zone land use problems.</p>
<p>3. <u>Marine Village Harbor</u> –</p> <p>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, 1st floor limitation, building height, parking, etc.</p> <p>b. The MVH zone is not being reviewed as part of the “Comprehensive Area Plan.”</p>	<p>The MVH zone requirements were revised in 2008 and 2009 to address problems identified in 2006. These revisions involved new boundaries for the zone, a focus on commercial uses, and limitations on residential use.</p>
<p>4. <u>Circulation and Parking</u> -</p> <p>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, 34th Street, pedestrian and bicycle movements, traffic calming and parking.</p> <p>b. The City has retained a consultant to evaluate and provide recommendations regarding parking in the downtown area – from 5th to 14th 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</p>	<p>The final version of the Comprehensive Area Plan has not been made available to the City.</p> <p>This Report contains recommendations for specific changes in Subsection D relative to the Master Plan Circulation Plan and gateways.</p>

<p>distributed September 22, 2006. Ultimately, this “Comprehensive Area Plan” will provide recommendations to improve parking based on analysis of the <i>built-out</i> condition.</p>	
<p>5. <u>Corner Lots</u> – 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.</p>	<p>The Zoning Ordinance has been revised subsequent to 2006 to required corner lots to generally treat both street walls as front facades in terms of architecture.</p> <p>Corner lots in the CB and NB zones are required to treat both street frontages as front facades in terms of architecture and setbacks.</p> <p>This Report contains recommendations for specific changes to the Zoning Ordinance in Subsection D regarding form-based codes.</p>
<p>6. <u>Central Business Zone</u> – Consider expansion of the permitted uses to include convention centers, places of assembly, meeting halls, exhibition space and food catering.</p>	<p>The CB Zone was revised in 2007, 2008 and 2009. These revisions affected principal and conditional uses, increased minimum lot size requirements, and permitted increased building height commensurate with higher ceilings in the 1st floor commercial space.</p> <p>This Report contains recommendations for specific changes to the Central Business Zone in Subsection D.</p>
<p>7. <u>Corinthian Neighborhood Zones</u> – Evaluate need to modify rear yard setback requirements.</p>	<p>The Corinthian zone requirements were revised in 2008 and 2009; however, the rear yard setback requires clarification.</p> <p>This Report contains recommendations for specific changes to the Zoning Ordinance in Subsection D regarding the Corinthian Zone.</p>
<p>8. <u>Porches</u> – Review recent construction to ascertain whether the goals of these</p>	<p>Standards for <i>incentive-design</i> porches are contained in Section 25-300.16.1d of the</p>

design standards are being achieved. Modify standards as necessary to provide consistent and reasonable controls. Wrap-around porches on corner lots.	zoning ordinance. Wrap-around porches are required on corner lots.
9. <u>Minimum Duplex Lot</u> – Establish a minimum lot area/width necessary to support duplex dwelling units.	Use, bulk and parking requirements effectively limit the location of duplex dwelling units.
10. <u>Number of Stories</u> – Address issues related to allowing 2-½ stories over parking.	District regulations permit 2.4-2.6 Total Stories in all R-1 zones, except R-1 Oceanfront permits 3. R-2 and RMF zones permit two habitable stories. Corinthian R-2 permits 2.5 Habitable Stories.
Land Use Issues Described in 2006 Reexam	Status as of August 2012
1. <u>Commercial Zoning</u> – 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-	a. Subsection D of this Report contains recommendations for specific changes to the CB, CB-1, DB and O&B Zones. b. The NB zone requirements were revised to encourage restaurants, professional offices and commercial uses by reducing off-street parking, and by allowing off-site parking. Subsection D of this Report contains recommendations for specific changes to the NB Zone. c. The CB Zone was revised in 2008 and 2009 and now requires a minimum lot size of 6,000/7,000 SF in the CB zone. d. The CB Zone was revised in 2008 and 2009 and now requires zero (0) feet side yard setbacks. e. Subsection D of this Report contains recommendations for specific changes to parking in commercial zones.

<p>site parking.</p> <p>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.</p> <p>g. In the CB zone implement architectural/design controls to improve the compatibility of new infill development – finish materials, decks, façade modulation, etc.</p> <p>h. In the CB zone evaluate glass area requirements to alleviate variance requests while providing maximum storefront glazing.</p> <p>i. In the CB zone continue to refine streetscape design improvements via SID, etc.</p> <p>j. Marine Village Harbor Zone – The MVH zone includes most of the bayfront area from 1st Street to 10th 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</p>	<p>f. Revisions to the Zoning Ordinance have reduced commercial parking requirements and side yard setbacks, and the 1st floor commercial space is required to be the greater of 1,400 SF or 50% of the 1st floor building area.</p> <p>g. General guidelines and specific standards were adopted in 2008 addressing this issue.</p> <p>h. The code was revised to require glass equivalent to 60% of the façade, thereby addressing this issue.</p> <p>i. This Report contains recommendations for specific changes to the Zoning Ordinance in Subsection D regarding form-based codes.</p> <p>j. The MVH zone requirements were revised in 2008 and 2009 to address problems identified in 2006. These revisions involved new boundaries for the zone, a focus on commercial uses, and limitations on residential use.</p>
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<p>adjacent residential neighborhoods, and conflicts between residents and businesses become more likely.</p>	
<p>2. <u>Gardens Zoning</u> –</p> <p>a. Evaluate the effects of the new Gardens zoning on building design, especially the porch allowance and front garage prohibition.</p> <p>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.</p>	<p>a. A formal analysis of the effects of the Gardens building design and porch allowance has not been completed.</p> <p>b. Floor area ratios have been implemented since 2006 to control building mass.</p>
<p>3. <u>Parking and Driveways</u> –</p> <p>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.</p> <p>b. Concrete parking strips are not functional especially where turning radii are minimal – review definition of and adjust the allowance for <i>impervious coverage</i>.</p> <p>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.</p> <p>d. <i>Driveway and Parking Buffer</i> 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</p>	<p>a. The CAP has not been completed. Subsection D of this Report contains recommendations regarding the Master Plan Circulation Plan.</p> <p>b. This issue remains to be addressed.</p> <p>c. The residential parking requirements have been revised and based on building area require up to four (4) parking spaces for the largest buildings.</p> <p>d. Subsection D of this Report contains recommendations regarding these driveway and parking buffers.</p>

<p>whether the buffer requirements should apply where enlargement or expansion of existing single-family and duplex dwellings is proposed.</p> <p>e. Evaluate the impacts of curb cut and driveway limitations to front- and rear-accessed properties.</p> <p>f. Lack of 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.</p>	<p>e. Amendments to the Zoning Ordinance contained in Ordinance 11-21 address curb cuts.</p> <p>f. Observation - no comment.</p>
<p>4. <u>Residential</u> –</p> <p>a. Storage areas – height limitation creates internal design issues.</p> <p>b. Half-Story – implement uniform definition/standard that alleviates bulk perception (prohibit flat roof, apply FAR).</p> <p>c. Height restriction (28') in Stenton Zones negatively impacts building design (see 834 and 836 North Street).</p> <p>d. The variation in terms, definitions and standards creates difficulties for designers and enforcement. Establish uniform definitions and standards.</p> <p>e. Reduce or eliminate the disparities between limitations on first floor elevation, height of crawl space and storage areas.</p> <p>f. <i>Oceanfront Rear Yard</i> – 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</p>	<p>a. Comment regarding storage areas needs to be more specific.</p> <p>b. These issues are addressed via ordinance revisions resulting in uniform standards in Section 25-300.16.1e, and FAR definition.</p> <p>c. Subsection D of this Report contains recommendations for specific changes to building height.</p> <p>d. Subsection D of this Report contains recommendations for specific changes to simplify the zoning ordinance.</p> <p>e. A 5-foot height limitation applies to crawl space, storage room and to the <i>design incentive</i> first floor elevation, with adjustments permitted to comply with FEMA requirements.</p> <p>f. The oceanfront rear yard building setback has been revised to 25 feet, however, the arithmetic mean still controls.</p>

<p>with the arithmetic mean.</p> <p>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.</p>	<p>g. The Bay View and North End zones were revised in 2008 and 2009. Rear yard setbacks are established as 20% of lot depth. Subsection D of this Report contains recommendations for specific changes to the NEN Zone.</p>
<p>5. <u>General</u> –</p> <p>a. <i>Building Coverage</i> – Eliminate exemptions, count everything.</p> <p>b. <i>Habitable vs. Total Stories</i> – Convert all zones to Total Stories.</p> <p>c. <i>Roof Decks</i> – Evaluate prohibition of decks above second floor.</p> <p>d. <i>Carports</i> – should these be permitted?</p> <p>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.</p> <p>f. To reduce the construction of look-alike buildings, evaluate the current <i>mirror-image</i> provisions.</p> <p>g. <i>Design Standards</i> – clarify applicability of these standards – do they apply to commercial, mixed uses, residential or all.</p> <p>h. <i>Senior Housing</i> – amend ordinance to include standards for senior housing as a conditional use.</p> <p>i. <i>Dwelling Unit</i> – consider revision to definition that recognizes a structure with two kitchens as a 2-family dwelling.</p>	<p>a. Exemptions, including stairwells, elevators, stairs, porches and balconies remain.</p> <p>b. All single-family zones have been converted to total stories. Habitable stories control duplex and multi-family development.</p> <p>c. Roof decks are prohibited in the Gardens, and permitted in all other zones contingent upon conformance to the design standards in Section 25-300.16.1c.</p> <p>d. Carports – not addressed</p> <p>e. Subsection D of this Report contains recommendations for specific changes to simplify the zoning ordinance regarding site improvements.</p> <p>f. No formal action recommended on this issue.</p> <p>g. Subsection D of this Report contains recommendations for specific changes to simplify the zoning ordinance regarding design standards.</p> <p>h. Subsection D of this Report contains recommendations for specific changes regarding senior housing.</p> <p>i. No formal action recommended on this issue.</p>
<p>6. <u>Compatibility of New Development</u> –</p> <p>a. Concerns continue to be expressed regarding the compatibility of new infill development in terms of</p>	<p>a. Revisions to the Zoning Ordinance including implementation of Floor Area Ratio and design standards have improved infill compatibility.</p>

<p>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.</p> <p>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.</p>	<p>b. The Planning Board should continue to monitor these issues and modify the ordinances in the future as appropriate.</p>
<p>7. <u>Gateways</u> – <i>Ninth Street Corridor</i> – Commencement of construction on the Route 52 causeway presents the City with an opportunity to develop a plan to create a gateway on 9th Street. This analysis should include improvements for evacuation, landscaping and aesthetics, and compatible uses. Similarly, planned improvements to the 34th Street Bridge provide an opportunity for the City, in cooperation with County and State agencies, to develop and implement a gateway design for 34th <i>Street Corridor</i>.</p>	<p>Subsection D of this Report contains recommendations for specific changes to the zoning ordinance including streetscape, signage and uses.</p>
<p>8. <u>“Fair Housing Act”</u> – 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.</p>	<p>The City adopted a revised Housing Element and Fair Share Plan in 2008, which have been certified by COAH. This plan as amended, proposes age-restricted rental units at 8th and Ocean, and at 6th and Haven. The City is committing \$2.1million to construct at least 40 affordable senior units at one of these sites.</p>

Table 6
Master Plan Objectives

The first nineteen (19) objectives were developed to support the 1988 Master Plan. Objectives 20-32 were adopted as part of the amended Land Use Element Plan in 2001.

Land Use Objectives	Status as of August 2012
1. Encourage municipal actions promoting public health, safety and welfare	Ocean City continues to administer and support a wide range of programs that support public health, safety and welfare through capital planning, emergency preparedness, infrastructure improvements and code enforcement.
2. Secure safety from fire, flood and panic	Ocean City continues to administer and support a wide range of programs that support public health, safety and welfare through capital planning, emergency preparedness, infrastructure improvements and code enforcement.
3. Provide adequate light, air and open space	Recent revisions to the Zoning Ordinance have implemented floor area ratio and eave height regulations to control building mass. Ocean City is the recipient of a 2012 ANJEC Sustainable Land Use Planning Grant to be used for preparation of an Open Space and Recreation Plan.

<p>4. Negate development conflicts with neighboring towns and the region</p>	<p>Ocean City will continue to monitor development activities in adjoining municipalities, and adhere to the requirements of the Municipal Land Use Law regarding public notification of development applications.</p>
<p>5. Promote appropriate population densities</p>	<p>The City's existing zone plan provides for 6,483 single-family parcels and 7,653 duplex-zoned lots. Ocean City seeks a balance of residential and non-residential uses. A detailed land use analysis has been completed as part of the 2012 master plan reexamination. This information illustrates areas where potential conflict exists regarding land use and density. Ocean City will also utilize Cape May County's build-out analysis to evaluate population density and potential re-zoning.</p>
<p>6. Encourage appropriate expenditure of public funds</p>	<p>Ocean City's 5-year capital planning program is reviewed and updated annually to assure the most efficient response to changing conditions and program priorities. Major projects include beachfill and dredging; elevating roads and bulkheads; consolidation of Police and Court at 6th Street Firehouse; restoration of 4th Street Lifesaving Station; implementation of bike study recommendations and traffic calming. Ocean City aggressively seeks grants from state agencies to facilitate targeted public improvements.</p>
<p>7. Provide sufficient space and facilities for balanced growth</p>	<p>Ocean City's continual planning program is supported by an active community of residents, business owners, community organizations and municipal officials. The Planning Board's recommendations regarding balanced growth are contained in Subsection D of this Report.</p>

<p>8. Maintain the City’s resort character and natural features</p>	<p>Ocean City administers and supports a broad range of programs intended to maintain the City’s resort character and natural features. Main Street, Retail Merchants Association, Boardwalk Merchants, beach fill, lagoon dredging, bulkheads and the City purchase of parking lots are examples.</p>
<p>9. Upgrade substandard housing</p>	<p>Ocean City supports and administers a number of programs intended to upgrade substandard housing. Examples, include construction, housing, zoning and code enforcement; participation in FEMA’s flood damage prevention (repetitive loss) programs; and creation of affordable housing.</p>
<p>10. Encourage an efficient transportation system</p>	<p>Ocean City participates in grant programs, and coordinates improvements to its transportation system with the state and county as appropriate. The City’s engineering staff has established a road rating program that identifies and prioritizes that prioritizes road improvements and encourages system efficiency.</p>
<p>11. Promote alternative means of transportation including bicycles, light rail and air links</p>	<p>Ocean City continues to promote alternative means of transportation and plans to develop a bike route from Longport Bridge to Corson’s Inlet. The recent completion of the Route 52 causeway and creation of the Haven Avenue bike route will enhance opportunities for pedestrians and bicyclists. The bike route from 36th Street south will run along a redesigned West Avenue. From 9th Street north, the bike route will traverse portions of Haven Avenue, Simpson Road, Battersea, West Atlantic Blvd., Bridge Blvd., and Gardens Parkway.</p>

<p>12. Promote a desirable visual and physical environment</p>	<p>Ocean City continues significant improvements in the visual environment including the 9th Street corridor and Moorlyn Terrace street-end by placing utilities underground and developing a uniform streetscape including intersection paving, sidewalks, lighting and landscaping. The appearance of the boardwalk has been enhanced by updated lighting, and playgrounds have been improved with new equipment.</p>
<p>13. Conserve open space</p>	<p>Ocean City's Recreation and Open Space Inventory (ROSI) lists all lands held for recreation and conservation purposes. This Inventory identifies 1,716 total acres and does not include Corson's Inlet State Park or County-owned parcels at 2nd and Bay, Palmer Park and 35th Street boat ramp.</p>
<p>14. Develop a comprehensive recreational, cultural and leisure activity plan</p>	<p>The Ocean City Master Plan contains an Historic Preservation element that provides historic perspective and attests to the relevance of the City's founding. The City will use an ANJEC 2012 Sustainable Land Use Planning Grant to prepare a comprehensive Open Space and Recreation Element to the Master Plan.</p>
<p>15. Preserve and restore historic buildings and sites</p>	<p>The Ocean City Master Plan Historic Preservation element describes historic buildings within the City, recommends Certified Local Government status, design guidelines, a Historic Preservation Commission and a Historic District. The Historic District roughly bounded by 3rd and 8th Streets and Central and Ocean Avenues was added to the NJ Register of Historic Places in January 2003 and to the National Register in March 2003. The City is currently restoring the U.S. Lifesaving Station #30 located at 4th Street and Atlantic Avenue into a maritime museum.</p>
<p>16. Coordinate land use regulation and activities for improved efficiency</p>	<p>The Ocean City Planning Board utilizes subcommittees to evaluate and recommend solutions to land use/zoning issues. In addition</p>

	to Planning Board members, these subcommittees may occasionally include City officials, builders and designers depending on the issues being considered.
17. Encourage new investment and reinvestment in commercial sites	Ocean City continues improvements to the downtown and boardwalk to accommodate visitors and encourage business investment in these areas. City Hall Annex has been removed and is to be replaced with a new information center, Chamber of Commerce offices and restrooms. Boardwalk improvements include re-boarding and handicap access.
18. Encourage energy-efficient design and renewable energy sources	The Ocean City Community Center at 1735 Simpson Avenue features state-of-the-art design and energy efficiency, and offers something for every age and interest. The newly renovated and expanded facility features a common lobby area with wireless internet and is home to the Aquatic & Fitness Center, Arts Center, Museum, Library, and Senior Center. Ocean City has solar panels installed and in operation at 115 12 th Street, 550 Asbury, the Community Center, Civic Center, and around the 35 th Street and Simpson Avenue baseball field.
19. Efficiently manage stormwater	Ocean City has prepared and implemented stormwater management plans and ordinances. The City adopted an amendment to its master plan incorporating the required stormwater management plan. This plan is applicable to all major development (projects that disturb one acre or more). The City adopted revisions to its stormwater management ordinances in 2007 that address major developments. <i>The City Engineer has identified the need for stormwater plan and ordinance revisions including the definition of “Major Development,” incorporation of the stormwater ordinances (§25-1700.32.2), impervious coverage limits; recharge ordinance and road design standards</i>

	<p><i>into the Stormwater Management Plan.</i></p> <p>The City's Capital Plan (2012-2016) identifies drainage improvements on Bayland Drive and Bay Avenue to address recurrent flooding.</p>
<p>20. To maintain the City as a family-oriented resort community</p>	<p>The City of Ocean City is a full-service community that provides visitors and residents with comprehensive community services, educational, recreational and cultural opportunities. The City organizes and promotes a diverse array of events and activities for all age groups and abilities. The Chamber of Commerce conducts many events and activities that promote the City as a family-oriented resort.</p>
<p>21. To preserve existing single-family neighborhoods</p>	<p>Amendments to the Master Plan in 2001 identified and created the basis for neighborhood-based zoning. Establishment of discrete single-family zones was intended to improve the compatibility of new development within these areas.</p>
<p>22. To create and increase single-family housing in the City</p>	<p>The residential zones established via the 2001 Land Use Plan increased the area available for development of single-family housing. The zoning regulations for these zones include incentives to encourage single-family housing.</p>

<p>23. To provide for context-sensitive infill development</p>	<p>The neighborhood zoning introduced via the 2001 Master Plan amendments established single-family zones based on predominant characteristics including lot sizes, building coverage and building height to improve the compatibility of infill development.</p>
<p>24. To promote architectural detail and design standards as essential components of new development</p>	<p>The 2001 Land Use Plan amendments include incentives in the form of increased building coverage and impervious coverage, tied to architectural design elements.</p>
<p>25. To increase the year-round population</p>	<p>Ocean City and community partners promote public activities and events throughout the year. Community facilities and services including the new Community Center provide opportunities for community interaction for all age groups.</p>
<p>26. To improve the quality of life of both residents and tourists</p>	<p>Ocean City ranks above the national average in quality of life indices including culture, education, medical, religion, restaurants, weather and amusements according to CLR Choice Inc. The City continues capital planning and investment in its infrastructure and public programs to improve the quality of life for residents and visitors.</p>
<p>27. To promote public acquisition and enhancement of open space and recreation areas</p>	<p>The City's Recreation and Open Space Inventory lists over 1,700 acres of land held for recreation and conservation purposes. The City is set to prepare an Open Space and Recreation Plan component to the Master Plan, and will seek funding from Cape May County and Green Acres for future acquisitions and improvements.</p>

<p>28. To foster economic development by creating an atmosphere to attract private investment for residential and commercial purposes</p>	<p>Ocean City continues to attract investment, particularly in residential development. The City’s reputation as a clean and safe community is reflected in the increasing number of owner-occupied units.</p>
<p>29. To maintain and upgrade the City’s housing stock</p>	<p>Ocean City continues to maintain and upgrade its housing through enforcement of housing and property maintenance codes.</p>
<p>30. To provide for a variety of residential and non-residential uses and to encourage the continuation and enhancement of Ocean City as a quality family resort community</p>	<p>Ocean City is a diverse community comprised of a variety of residential and commercial uses, including attached and detached single-family homes, duplexes, and multi-family dwelling; and business uses that range in size from small kiosk on the boardwalk to an expansive shopping venue on Asbury Avenue.</p>
<p>31. To 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</p>	<p>Ocean City placed geotubes and planted dune grass to reduce beach erosion, and has upgraded buildings and installed solar panels to reduce energy consumption. The neighborhood-based zoning improves the compatibility of new development.</p>
<p>32. 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 and areas suitable for such development</p>	<p>In conjunction with the reconstruction of Route 52, improvements utilities were installed underground along 9th Street and Asbury Avenue. Ocean City’s Capital Plan includes improvements to the downtown and boardwalk, and beachfill.</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

Comprehensive planning is an attempt to establish guidelines for the future growth of a community. As the term “comprehensive” suggests, this is an all-inclusive approach to addressing the issue of a community’s future growth. A comprehensive plan is the formal document produced through this process. Once adopted, this document should then serve as a policy guide to decisions about community development. A comprehensive plan should be a vision of what a community is to be in the future, and it should include specific goals and objectives along with a time-frame and strategies for implementation.

Ocean City’s master plan has been amended and reexamined on numerous occasions since the 1988 Plan was adopted. These amendments have addressed specific aspects of the community, residential areas, housing, circulation, stormwater, etc. The Plan, however, has not been amended comprehensively. As a means to improve the overall effectiveness of the master plan and related policy recommendations, a comprehensive update of the master plan is recommended.

The Assumptions, Policies, and Objectives form the basis for the Master Plan’s recommendations.

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.

Objectives. The Master Plan Objectives described in Section A of this Report are consistent with the *purposes of zoning* set forth in the Municipal Land Use Law (NJS 40:55D-2). 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.

Recommended revision of Ocean City's Master Plan are shaped by changes that have occurred within the community including population and housing. While the resident population is declining, the number of housing units continues to increase. At the same time, the percentage of housing units occupied on a year-round basis is decreasing, and the percentage of owner-occupied units is increasing. Since the changes in population have the potential to negatively affect business, community services, cultural experiences, and the City's identity as a year-round community, the Planning Board has included detailed recommendations in Subsection D of this Report intended to counter this trend.

Considering the significance of recent population, housing, and economic changes, the City Planning Board recommends a series of actions intended to attract new residents and improve opportunities for year-round housing. The Planning Board is convinced that innovative and aggressive actions are required to reverse the loss of population and enhance the City's image as a community with the amenities and services desired by a broad segment of individuals and families.

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

In consideration of the Master Plan Objectives, Principles, Assumptions the land use problems and changing demographic, business and housing characteristics noted herein, the following specific changes to the master plan and development regulations are recommended.

Section 1. These recommendations are presented as follows:

- a. Those that are consistent with and supportive of the Master Plan are in the form of revisions to the zoning ordinance and are described in Section “2” below.
- b. Those that are inconsistent with the Master Plan are described via
 - i. a recommendation to amend the Master Plan subsequent to approval of the Reexamination Report (Section “3” below), or
 - ii. an amendment to the Master Plan within the context of this Reexamination Report (Section “4”).

Section 2. The following recommended changes are consistent with the Master Plan and may be implemented via amendments to the City’s ordinances as follows.

- a. Senior Housing – Amend the Zoning Ordinance to establish conditional use requirements for “senior housing”
- b. Tax Abatement – The City’s Tax Abatement ordinance is not part of the development regulation. However, in consideration of its potential to affect land use, this ordinance is considered an incentive for commercial development. Tax abatement is presently available only to properties within the Historic District, CB and CB-1 zones. Amend Tax Abatement ordinance to make its provisions available to all commercial zones.
- c. Neighborhood Business (NB) – Retain existing Neighborhood Business zone boundaries and zoning regulations, except as follows:
 - i. Rezone Block 3103, Lots 26-28 from R-2-30 to NB
 - ii. Rezone Block 3202, Lot 1 from R-2-30 to NB
 - iii. Rezone Block 3203, Lot 28 from NB to R-2-30

Figure 4
Neighborhood Business Re-zoning

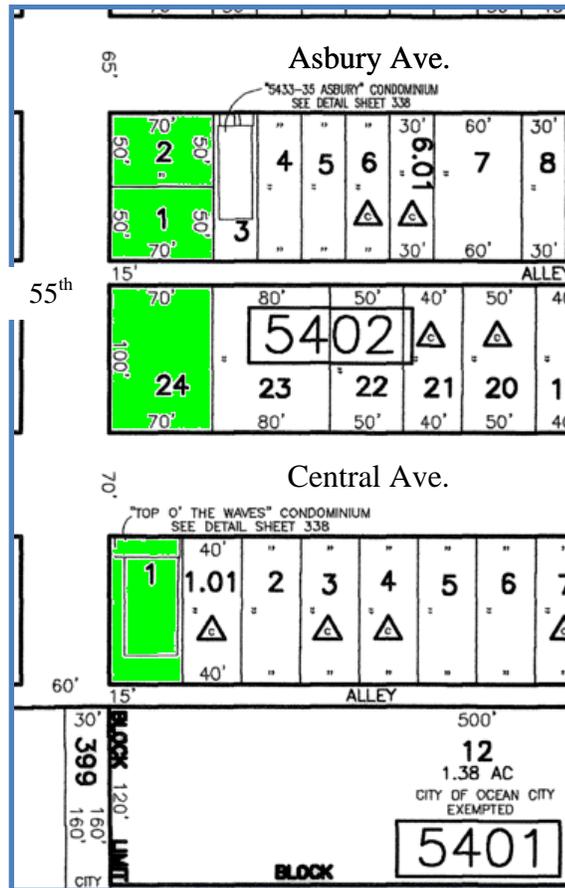


- d. Central Business –
 - i. Maintain CB and CB-1 zoning boundaries
 - ii. Repeal parking requirements for commercial uses
 - iii. Revise ordinances to include form-based code elements and streetscape standards for both zones
 - iv. For existing buildings in the CB-1, allow “storage“ as a permitted use on the first floor subject to façade and window treatment that retain streetscape
 - v. Encourage community art displays to counter voids created by vacant storefronts

- e. 34th Street Gateway –
 - i. Retain existing zone boundaries, design and use regulations
 - ii. Increase Minimum Lot Area and Lot Width to 10,000 square feet and 100 feet, respectively
 - iii. Clarify applicability of “design standards” relative to use

- f. 55th Street Gateway –
 - i. Retain existing use and bulk regulations except as noted in f.ii
 - ii. Amend ordinance to accommodate existing residential uses as conditional uses subject to district regulations that correspond to the particular use and lot size.
 - iii. Rezone Block 5401, Lot 1 to R-O-2-40 zone; and 5402, Lots 1, 2 to R-2-30 Zone; Block 5402 Lot 24 to R-2-40 Zone

Figure 5
Neighborhood Business @ 55th Street Re-zoning



- g. Corinthian R-2 Zones –
 Revise rear yard setbacks in the C-2-30/195 and C-2-30/2400 to 20% of lot depth, and in the C-2-30/3000 and C-2-40/4000 to 25% of lot depth

- h. Parking Requirements –
 Revise Section 25-300.12.4.e to permit parking spaces on lots up to thirty (30) feet in width in commercial zones within one (1) of side property lines.

- i. Site Improvements –
 Revise Mercantile License requirements to include site inspection, i.e., landscaping, signs, parking, etc., to assure that site improvements are in compliance with site plan approval.

- j. Design Standards -
Revise Section 25-1700 of the City Code to clearly distinguish their respective applicability to residential or commercial uses.
- k. Special Improvement District (Boardwalk area) -
On the Zoning Map, revise the SID boundary in the Boardwalk area consistent with the parcels listed in Ordinance 95-23.
- l. Half-story -
The R-1 residential district regulations contain a range of 2.4-2.6 stories. The Master Plan is amended to simplify the ordinance by changing all R1 partial (or half-stories) to 2.5.
- m. Base Flood Elevation and Freeboard -
The building code was revised in 2011 to require the lowest habitable floor to be a minimum of one (1) foot above the base flood elevation. The Planning Board has reviewed the ramifications of this change to the building code on building height and has considered the public safety benefits of increasing the minimum floor elevation to two (2) feet above base flood elevation. Recognizing the perils of life on a barrier island, and the public benefits in terms of safety and flood insurance premiums, the Planning Board recommends revision to the Zoning and Flood Damage Prevention ordinances to require the first floor to be a minimum of two (2) feet above the base flood elevation, and modification of building height regulations to provide equity to property owners.
- n. Residential Multi-family (RMF) Zone -
City Council Resolution 11-47-303 indicates the purpose of the RMF zone is inconsistent with some of the areas where this zone exists, and that the bulk requirements may not be appropriate in some areas.
- The Master Plan provides RMF zoning in areas where “major scale” developments existed (in 1988) including the area adjacent to the central business district between 6th and 14th Streets. The Master Plan designates public multi-family housing in locations where the Ocean City Housing Authority maintains such housing north of 5th Street. The Master Plan does not recommend any enlargement or expansion of the RMF zone, and favors multi-family use in close proximity to the boardwalk and central business district, and between 5th and 16th Streets along Central and Wesley Avenues.

Fifteen distinct Residential Multi-family (RMF) zones exist at the locations identified in Table 7. This Table also includes recommendations regarding zoning for these areas.

Table 7
Residential Multi-Family Zones

Street Location	Block Lot	Tax Map	Land Uses	Recommendation
Pennlyn Place & Boardwalk	201, 1	9	The Breakers – 22 units	Retain RMF
Park Place & Boardwalk	300, 1	9	Gardens Plaza – 189 units	Retain RMF
Brighton Place & Boardwalk	400, 12 401, 1	9	Boardwalk Place – 4 units Brighton Place- 19 units	Rezone Block 400 to C40/4000; retain Block 401 as RMF
Haven Avenue, between 3 rd and 5 th	309, 1-2.01 310, 14 409, 1 410, 12	11	OCHA, 1 duplex OCHA OCHA OCHA	Add Block 309/2.02 and 2.03 to RMF zone
West Avenue, between 6 th and 7 th	605, 1	13	OCHA	Retain RMF
Central to Atlantic and Pelham, between 6 th and 8 th	600, 1-16 601, 1-27 602, 1-28 603, 1-26 604, 15-30 705, 3-9 706, 1-16 707, 14-23	12,13	5 sfd, 10 dup, 3 mf 14 sfd, 14 dup, 1 mf 13 sfd, 10 dup, 4 mf 16 sfd, 3 dup, 1 mf, 4 com 15 sfd, 1 dup 3 sfd, 4 church 8 sfd, 3 dup, 5 church 3 sfd, 1 dup, 5 OC	Consider this area in conjunction with HM and CB zones subject to master plan update
Central to Wesley, between 8 th and 9 th	804, 1-8 805, 14-17.06	13	6 sfd, 1 mf, 2 com, 1 vacant 3 sfd, 4 vacant	Rezone 804/1 and 2, 805/17.05 and 17.06 as CB; retain RMF for remainder
Wesley, between 12 th and 14 th	1202, 1.01-16 1302, 1-9	15	9 sfd, 8 dup 3 sfd, 3 dup, 1 mf, 1 OC, 1 church	Rezone to R-2-30

Street Location	Block Lot	Tax Map	Land Uses	Recommendation
Bay to Haven, between 22 nd and 23 rd	2206, 1	24	Shores at Wesley Manor	Retain RMF
Bay to Simpson, between 24 th and 25 th	2406, 1-2.01	24	Methodist Home	Retain RMF
Bay at Airport, between 27 th and 28 th	2707, 1,2	29	Bay Landing – 12 units Nantucket- 91 units	Retain RMF
Bay to Simpson, between 35 th and 36 th	3506, 1-2	33	Four Seasons – 108 units	Retain RMF
West, between 40 th and 41 st	4003, 1-2	36	Seascape – 28 units Nordic Sands – 9 units	Retain RMF
West, between 43 rd and 45 th	4304, 2 4404, 2	36	Ocean Aire North 40 units Ocean Aire South 52 units	Retain RMF
Bay, between 55 th and South Inlet Dr.	5950, 8	39	Ocean Village South 79 units	Retain RMF

RMF Bulk Requirements

Although the RMF zone permits single-family dwellings, the Schedule of District Regulations does not contain bulk area and dimensional requirements for this use. The RMF Schedule of District Regulations is recommended for revision as follows:

Zone District	Minimum Lot Area (Square Feet)		Minimum Lot Width and Lot Frontage (Feet)		Minimum Yard Requirements (Feet)			Min. Lot Depth (Feet) (4)	Maximum Building Height (5)		Maximum Building Coverage (percent)	Maximum Impervious Coverage (percent)
	Interior	Corner	Interior	Corner (3)	Front (1)	Rear (2,8)	Side		Flat/ Pitched	Habitable Stories		
Apartments						20						
Triplex/Quad	10500	10500	105	115	Schedule B	20	Schedule C	100	27/35	3	35	55
Duplex/Guest	7000	8000	70	80		20		100	23/33	2	35	55
One-family dwellings	3500	4000	35	40		25%		100	23/33	2	35	55
	3,000	4,000	30	40		of lot depth		100	28/33	2	35	65

Section 3. Subsequent to approval of the 2012 Master Plan Reexamination Report, the following municipal actions regarding the Master Plan and Zoning Ordinance are recommended.

- a. Master Plan update including the following elements:
 - i. Land Use – including On-Boardwalk, Off-Boardwalk, RMF and Hotel-Motel Zones, as described in Section 2.b below, and with an emphasis on reducing the complexity of the current zone plan
 - ii. Circulation
 - iii. Utility Service
 - iv. Community Facilities
 - v. Recreation (pending)
 - vi. Economic
 - vii. Historic Preservation
 - viii. Recycling
 - ix. Green Building/Environmental Sustainability
 - x. Visual Design Plan to support form-based code
 - xi. Stormwater Management

Section 4. Master Plan Amendments - The Ocean City Master Plan Land Use Element is amended as follows. This section of the Master Plan Reexamination Report contains amendments to the Ocean City Master Plan. Adoption of this 2012 Reexamination Report in accord with the Municipal Land Use Law (NJS 40:55D-1 et seq.) shall be construed as formally amending the Ocean City Master Plan as follows:

- Master Plan Amendment #1: Assumptions, Goals and Objectives
- Master Plan Amendment #2: Drive-in Business, Office & Bank Zones
- Master Plan Amendment #3: Beach and Dune Zone
- Master Plan Amendment #4: Gardens 75/7000 Zone
- Master Plan Amendment #5: North End Neighborhood Zone
- Master Plan Amendment #6: 60/40 Half-block Zoning
- Master Plan Amendment #7: Block 309, Lots 6-14 (NB Zone)
- Master Plan Amendment #8: Block 1207, Lots 11-19.01 (DB Zone)
- Master Plan Amendment #9: 1500-1700 Simpson Avenue
- Master Plan Amendment #10: Brown's and Oves' Restaurants
- Master Plan Amendment #11: Central Business-1 Zone
- Master Plan Amendment #12: Hospitality Zone

MASTER PLAN AMENDMENT #1: ASSUMPTIONS, GOALS AND OBJECTIVES.

Master Plan goals statements are broad expressions of desired future outcomes which when coupled with objectives and strategies progressively provide structure for future action and implementation. The Ocean City Master Plan promotes the *purposes of zoning* as described in NJS 40:55D-2 of the “Municipal Land Use Law and by reference incorporates these *purposes of zoning* into the Master Plan, as if recited here in full.

Ocean City’s Master Plan Assumptions are amended as follows.

- 1) Property taxes will continue to be the primary source of municipal revenue without substantial reform of the basic system
- 2) The *graying of America* will continue and at a greater rate in Ocean City than the State
- 3) Ocean City will continue to lose population at a significant rate, a trend that will be partially offset by an increase in the Hispanic population
- 4) Ocean City will provide relevant services and amenities, and implement policies and programs to support the business community, year-round residency, part-time residents, visitors and ‘special needs’ population
- 5) Ocean City will maintain its identity as a desirable, safe and clean barrier island resort community
- 6) A healthy and desirable community includes an appropriate mix of age groups and household types, facilities and services
- 7) The trend in short-term rentals will be towards larger, more luxurious rooms and suites
- 8) Permanent and seasonal populations will be affected by:
 - a. Employment opportunities in the City and nearby
 - b. Economic conditions and forecasts
 - c. A diversity of housing opportunities
 - d. Availability of essential services including businesses, services and medical facilities
 - e. Perception of Ocean City as a ‘resort’ or ‘community’

- f. Type, quality, viability and access to amenities, including civic, educational, recreation and social venues and events
- 9) Ocean City will practice sustainability that balances protection of the environment with desirable land uses and activities
- 10) Ocean City will continue to recognize and encourage activities and land uses that are compatible with its vision
- 11) Year-round business success will be challenged by competition from mainland communities and declining year-round population

Ocean City's Master Plan Goals and Objectives are amended as follows.

Goal 1: Borne from common values and a shared vision, the over-arching goal of the Ocean City Master Plan is to enhance and promote those characteristics that identify Ocean City as a desirable community for resident families, and as a family resort destination for the region and beyond.

Objective 1.1 – Encourage public input in the development of priorities and strategies for implementing the master plan vision and goals.

Goal 2: To support the upgrading of substandard housing, increase the diversity of housing choices, housing affordability and year-round population; and maintain and enhance existing residential areas as the foundation of a desirable and vibrant family resort community.

Objective 2.1 - Promote population densities and age cohorts in locations that will contribute to the well-being of persons, while preserving, maintaining and enhancing Ocean City as a community. Density should not be increased and opportunities to reduce density should be explored.

Objective 2.2 - Enhance the physical appearance and the economic value of existing residential areas by promoting architectural detail and design standards as essential components in new development.

Objective 2.3 - Ensure that multi-family development/redevelopment is compatible with the adjoining area.

Objective 2.4 - Promote safety and security through the management of traffic volumes and speeds which are detrimental to residential areas.

Objective 2.5 - Promote a "Walkable Community" environment that will facilitate pedestrian and bicyclist use.

Objective 2.6 - Attract new residents to the City by providing a full-range of quality housing opportunities that meet the housing needs of all demographic groups including but not limited to individuals, couples, first-time home buyers, families, retirees, and the elderly.

Objective 2.7 - 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, and reducing the complexity of the zoning ordinance.

Objective 2.8 – Improve housing conditions through diligent enforcement of housing codes, housing improvement loans, technical assistance, education, grants and public improvements.

Objective 2.9 – To create and increase single-family housing in the City.

Objective 2.10 - To consider and evaluate innovative development proposals, which protect environmental features, minimize energy usage and encourage development densities consistent with the amended goals and objectives contained within this Reexamination Report.

Goal 3: To maintain and promote the City's historic character through the identification and preservation of historically-significant properties and events that serve to preserve the heritage and traditions of Ocean City for future enjoyment consistent with maintenance and the appropriate redevelopment of the City.

Objective 3.1 - Recognize and promote the community's historic resources.

Objective 3.2 - Encourage the maintenance and rehabilitation of historic structures and sites.

Goal 4: To maintain and improve the City's business community in a manner that encourages investment, supports business retention and expansion, and provides services and commodities for visitors, permanent and seasonal residents.

Objective 4.1 - Enhance the physical appearance of the commercial areas.

Objective 4.2 - Encourage mixed-use development in the central business district with emphasis on expanded retail, professional office, entertainment and housing.

Objective 4.3 - Enhance the quality of business opportunities and reduce vacancies in the central business district.

Objective 4.4 - Maintain and encourage neighborhood and drive-in businesses.

Objective 4.5 - Ensure that adequate buffers are provided between commercial and residential uses.

Objective 4.6 - Promote a pedestrian-friendly community.

Goal 5: To improve the function and visual appearance of the City's gateways and commercial corridors on 9th Street, 34th Street and 55th Street, while protecting and enhancing adjacent residential areas.

Objective 5.1 - Provide design guidelines for treatment of buffers to create a seamless transition between residential and non-residential uses.

Objective 5.2 - Improve the visual appearance of the gateways and commercial corridors.

Objective 5.3 - Create a corridor that is inviting, distinctive, visually-rich and well-organized.

Objective 5.4 - Improve safety, control traffic speed and reduce congestion.

Objective 5.5 - Encourage multi-modal use of the corridor.

Objective 5.6 - Maintain a healthy and vibrant retail and institutional mix that transforms 9th Street and 34th Street into “sought after” business addresses, and phase-out (over time) uses or buildings that have a negative impact on the corridor.

Goal 6: To provide a comprehensive, integrated, connected multi-modal transportation system throughout the City that facilitates safe, attractive, comfortable and efficient movement and access for all users via a “complete streets” policy.

Objective 6.1 - Ensure that the road network is safe, efficient and adequate to meet the needs of residents, visitors and businesses.

Objective 6.2 - Promote a "Walkable Community" environment that will facilitate pedestrian and bicyclist use.

Objective 6.3 - Promote non-motorized transportation and use of public transit.

Goal 7: To provide for the maintenance of Ocean City’s family resort character and identity as a recreation resource of the state and region including: protection and maintenance of the ocean, bay, wetlands, open spaces and beaches, and recreation facilities which are convenient, accessible and appropriate for year-round residents and seasonal visitors.

Objective 7.1 - Develop a comprehensive recreational, open space, cultural, leisure activity and facility plan.

Objective 7.2 - Provide recreation, open space, parks and playgrounds, and access to the beach and bay, which is convenient for residents and visitors.

Objective 7.3 - Acquire, develop and maintain park and recreation facilities to meet reasonable and affordable needs and demands for recreation by residents and visitors.

Objective 7.4 - Eliminate existing barriers to recreation facilities and programs by creating barrier-free facilities and adopting a policy of "inclusive recreation."

Objective 7.5 - Encourage efficient management of stormwater to address existing and prevent future drainage problems, and provide

environmentally-sound land use planning, improve water quality, and reduce tidal flooding.

Objective 7.6 - Increase recreation opportunities in the face of diminished open space funding and increase the City's probability of receiving state and federal grants to obtain and improve open space and recreational facilities.

Objective 7.7 - Promote and implement "Green" building techniques, sustainable design best management practices and energy conservation in the City, and encourage energy efficient and environmentally-sustainable development through the use of the standards established and published by the United States Green Building Council.

Goal 8: To provide community facilities and services which recognize relevant Master Plan goals, contribute to the overall improvement of the community, and meet the needs the City's year-round residents and visitors.

Objective 8.1 - Infuse the Master Plan's goals into the planning, programming, construction, and maintenance of community facilities.

Objective 8.2 - Develop new or improve upon existing community facilities that contribute to the community's vision.

Objective 8.3 - Increase awareness of Ocean City's rich cultural and artistic heritage; celebrate and expand cultural expression, and encourage cultural institutions to develop and grow.

Objective 8.4 - Encourage understanding and support for the unique needs of the City's aging population and the value they provide to the community.

Master Plan Amendment #2: Drive-in Business, Office & Bank Zones

The Drive-in Business and Office & Bank Zones are considered jointly due to their interface on 9th Street, their location within highly-traveled 9th Street and West Avenue corridors, and their aesthetic importance as a major entrance into the City. Neither of these zones has been seriously considered since they were adopted as part of the 1985 zoning ordinance. The development of the Haven Avenue bike route and

As a means to advance the Master Plan Goals and Objectives related to commercial development the Master Plan recommends, and is hereby amended to support the following zoning changes:

- 1) Consolidate the O&B and DB zones into a new DB Zone
- 2) Rezone Block 607, Lots 17-31 from DB to NEN
- 3) Rezone Block 907, Lot 6 from O&B to Drive-in Business
- 4) Rezone Block 908, Lots 19-24 from O&B to R-1-40
- 5) Rezone Block 910, Lots 11-18 from O&B to R-1-30
- 6) Rezone Block 910, Lots 8-10 from O&B to R-1-30
- 7) Realign the R-1-30/R-2-30 zone boundary line in Block 909 to the rear lot lines/alley
- 8) Rezone Block 1505, Lots 2 and 2.01 from DB to R-1-30
- 9) Adopt streetscape requirements and form-based code elements to improve the appearance of the 9th Street corridor as redevelopment occurs
- 10) Expand permitted principal and conditional uses in the new DB zone to encourage appropriate redevelopment; acknowledge potential for increased pedestrian/bicycle traffic on 9th Street; allow greater use versatility on West Avenue as follows:

Principal Uses:

- a. Retail Sales
- b. Retail Services
- c. Professional offices
- d. Business services
- e. Health care facilities, health care services
- f. Health clubs, indoor recreation center
- g. Banks, savings and loan associations, and other fiduciary institutions
- h. Public transportation facilities
- i. Restaurants, including fast-food and drive-in restaurants
- j. Animal hospitals in conjunction with veterinarians
- k. Shopping centers
- l. Arts studio and arts center
- m. Aquarium
- n. Pedestrian mall
- o. Contractor's office, showroom, garage, warehouse and shop except on lots adjoining 9th Street
- p. Laundry, except on lots adjoining 9th Street
- q. Taxi stands, except on lots adjoining 9th Street
- r. Warehousing and storage, except on lots adjoining 9th Street
- s. Essential services
- t. Auto sales, except on lots adjoining 9th Street

- u. Car wash, except on lots adjoining 9th Street
- v. Lumber yard, except on lots adjoining 9th Street

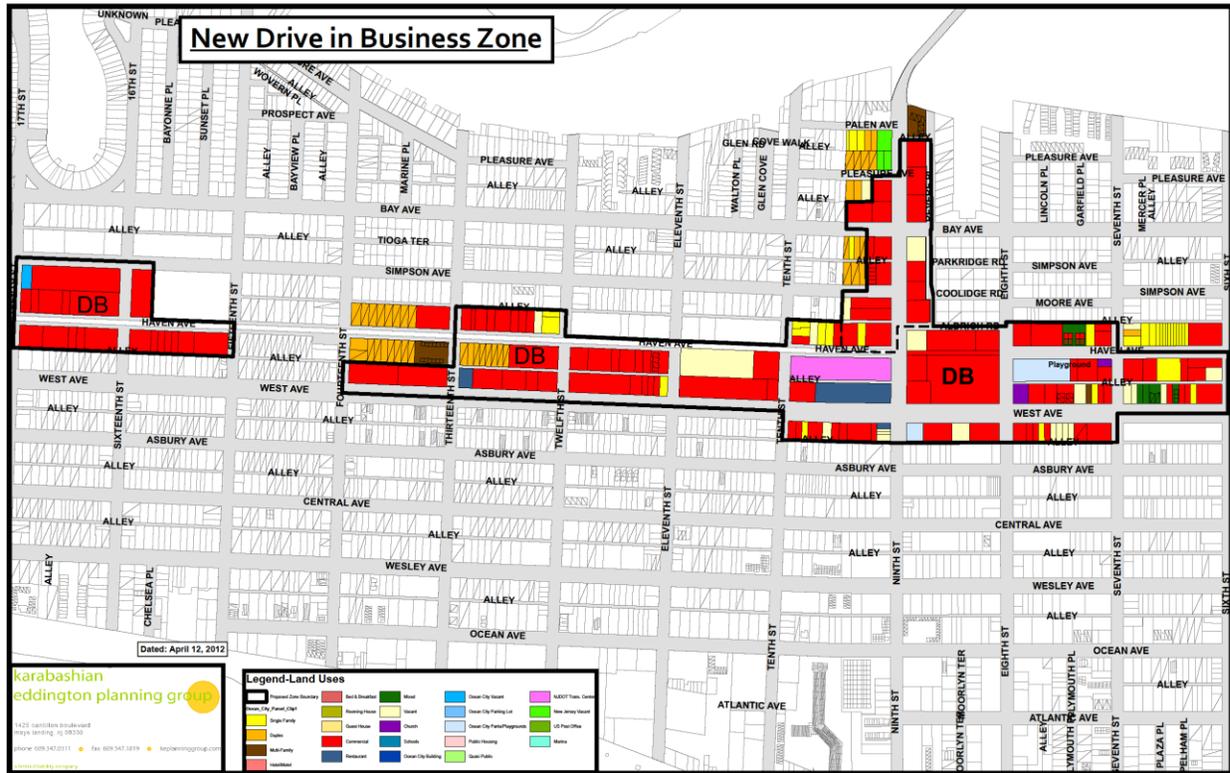
Conditional Uses:

- a. Schools, educational uses and libraries subject to Section 25-208.2.1 of this Ordinance
- b. Churches, places of worship and clergy residences subject to Section 25-208.2.2. of this Ordinance
- c. Private and quasi-public recreational, philanthropic and eleemosynary uses subject to Section 25-208.2.3 of this Ordinance
- d. Public utilities and structures subject to Section 25-208.2.4 of this Ordinance
- e. Residential dwelling units subject to Section 25-208.2.5 of this Ordinance
- f. Filling stations subject to Section 25-208.2.7 of this Ordinance
- g. Minor auto repair, auto body repair [conditions to be added]
- h. Funeral homes [conditions to be added]
- i. Senior citizen housing [conditions to be added]
- j. Adult day care [conditions to be added]
- k. Day care, child care center [conditions to be added]
- l. Continuing care retirement community [conditions to be added]
- m. Self-storage facility [conditions to be added]

The Drive-in Business Zone Schedule of District Regulations is recommended for revision as noted in the following chart:

Zone District	Minimum Lot Area (Square Feet)		Minimum Lot Width and Lot Frontage (Feet)		Minimum Yard Requirements (Feet)			Min. Lot Depth (Feet)	Maximum Building Height		Maximum Building Coverage (percent)	Maximum Impervious Coverage (percent)
	Interior	Corner	Interior	Corner	Front	Rear	Side		Flat/Pitched Roof	Total Stories		
DB	8,000	9,000	90	100	20 (1)	4	4	100	22/29	2	80	90

Figure 7
New Drive-In Business Zone



MASTER PLAN AMENDMENT #3: BEACH AND DUNE ZONE.

The Beach and Dune (B&D) Zone was created by adoption of Ordinance 88-27 on June 16, 1988. This Zone contains beach and dune areas along the Ocean City beachfront. According to the City’s zoning ordinance and consistent with the 1988 Master Plan, the purpose of the B&D Zone is to promote conservation of natural resources, maintain the flood-preventive function of the beach and dune areas, and encourage compatible recreational use of this area. Residential and commercial uses within the B&D Zone are not permitted.

As part of the Master Plan Reexamination, the Planning Board has reviewed the Beach and Dune Zone, and has found that although the majority of land within the zone is being used as envisioned in the Master Plan, non-conforming uses do exist. The following nonconforming uses – seven (7) residential dwelling units and one commercial use (*) - within the B&D zone have been identified.

- ◆ 4900 Wesley Avenue
- ◆ 9 Beach Road*
- ◆ 19 Beach Road
- ◆ 21 Beach Road

- ◆ 113 Beach Road
- ◆ 233 Beach Road
- ◆ 237 Beach Road
- ◆ 341 Waverly Boulevard

Figure 8
Beach and Dune Zone Aerial #1



Figure 9
Beach and Dune Zone Aerial #2



Figure 10
4900 Wesley Avenue (B&D Zone)



The Planning Board has determined that the uses on these eight properties (except 341 Waverly Boulevard) were established prior to creation of the Beach and Dune zone in 1988. The residence at 341 Waverly Boulevard exists as the result of a 1993 Order of Judgment from the Superior Court of New Jersey. This order requires that Block 70.99, Lot 2 “be changed from Beach and Dune Zone to R-1-60 Zone.”

Since the Beach and Dune Zone does not permit residential or commercial uses there are no zoning standards for either of these use types. The owners of these nonconforming Beach and Dune Zone properties are therefore unable to enlarge their buildings (or rebuild in the event of destruction) without obtaining use variance approval from the Ocean City Zoning Board.

The Planning Board has analyzed the above properties in the context of the City’s Master Plan and Zoning Ordinance, has reviewed the City’s Flood Damage Prevention Ordinance and the June 1993 Order of Judgment.

The Planning Board has concluded that, provided certain conditions are satisfied, the flood preventative functions of the beach and dune area are assured, and conformance is maintained with the Flood Damage Prevention Ordinance, re-establishment of zoning standards for six of the seven residential properties is appropriate.

This Master Plan amendment recommends that the six (6) residential properties located at the following addresses be considered *conditional uses* in the Beach and Dune Zone, subject to the requirements described below.

- | | |
|----------------------|------------------|
| ❖ 4900 Wesley Avenue | ❖ 113 Beach Road |
| ❖ 19 Beach Road | ❖ 233 Beach Road |
| ❖ 21 Beach Road | ❖ 237 Beach Road |

To implement these recommendations, and in acknowledgement of the nonconforming residential dwellings that exist in the Beach and Dune Zone, the *Purpose, Conditional Use* and *District Regulations* contained in Section 25-206.2 Beach and Dune Zone should be amended, and a new section to contain the conditional use requirements added to Section 25-208 of the City Code.

The following conditional use standards are recommended:

1. The parcel shall have an existing perimeter (except for the lot’s frontage) shore protection structure (bulkhead or seawall) and be occupied by an existing single-family dwelling

2. A sand dune exists, or will be constructed, seaward of the parcel that conforms to the “Recommended Design Profile for Ocean City Dunes” and as required by the Flood Damage Prevention Ordinance
3. The owner of the subject property has entered (or will enter) into an agreement known as a “Deed of Dedication and Perpetual Storm Damage Reduction” with the City of Ocean City and State of New Jersey to guarantee future beach fill projects can occur, and including the Public Trust Doctrine that provides public access to the beach. This agreement shall include an acknowledgement that the City's cultivation of dunes adjacent to the homes located in the BD Zone is expected to result in larger and higher dunes and the City will not restrain such growth or its effect on private property
4. Rights to lands seaward of the bulkhead are passed to the City of Ocean City to allow beach fill projects as deemed necessary and appropriate by the City of Ocean City

The Planning Board recommends adoption of the district regulations contained in the following table for the Beach and Dune Zone. These regulations will apply only to those properties that satisfy the four conditional use requirements outlined above.

Beach and Dune Zone

Schedule of District Regulations

[Applicable only to conditional uses – Section 25-208]

Minimum Lot Area (Square Feet)		Minimum Lot Width and Lot Frontage (Feet)		Minimum Yard Requirements (Feet)			Min. Lot Depth (Feet) (4)	Maximum Building Height (5) Flat/Pitched Roof	Total Stories	Floor Area Ratio (FAR) (percent)	Maximum Building Coverage (percent)	Maximum Impervious Coverage (percent)
Interior	Corner	Interior	Corner	Front (1)	Rear (2,8)	Side						
6000	7000	60	70	Schedule B	25% of lot depth	Schedule C	100	23/33	2.4	70	35	60

NOTES TO SCHEDULE

- (1) The minimum front yard setback shall be as indicated on Schedule B, "Schedule of Front Yard Setback Depths by Street." Where development is proposed on lots adjacent to a street not listed on Schedule B, the front yard shall be the average setback of the adjacent buildings on the entire block, as determined from a certified survey provided by the applicant/owner.
- (2) Refer to Section 25-300.17
- (3) Reserved.
- (4) The minimum required lot depth indicated shall be provided, except that lots with less than 100 feet in depth as platted at the time of adoption of this Ordinance, shall be deemed to be conforming for purposes of lot depth.

- (5) See Section 25-300.16 for design controls governing eaves, dormers, half-stories and porches.
- (8) For lagoon-front, bay-front and oceanfront lots, the front yard shall be the street side and the rear yard shall be the water side of the lot.

SCHEDULE B—Schedule of Front Yard Setback Depths by Street (Section 25-209.2)

SCHEDULE C—Schedule of Side Yard Setbacks (Section 25-209.3)

MASTER PLAN AMENDMENT #4: THE GARDENS 75/7000 ZONE.

In its review of the Beach and Dune Zone the Planning Board analyzed Block 70.44 and Block 611.01 which are within the G-75/7000 zone district. Block 70.44 consists of 28 individual parcels. Single-family homes exist on Lots 1, 2, 3, 4, 5, 6, 7, 9, and 10 along East Atlantic Boulevard and Seaspray Road. Block 611.01 consists of Lots 1-4, all owned by the City and occupied by sand dunes. Refer to Tax Parcel and Land Use Map below. Within Block 70.44, the City of Ocean City owns Lots 8, 9.01, 16, 16.01-16.03, 19, and 21. Single-family homes exist on Lots 1-7, 9 and 10. The remaining parcels are privately-owned and vacant. Lots adjoining Waverly Road (a paper street) are occupied by sand dunes. Refer to 2010 Aerial.

Figure 11
2012 Zoning Map

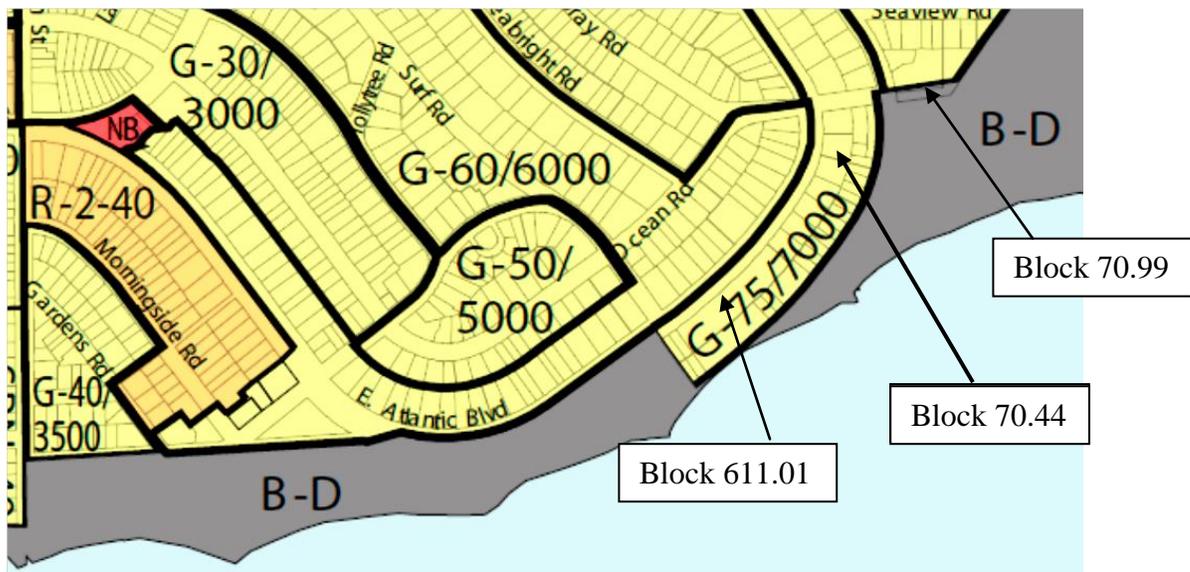
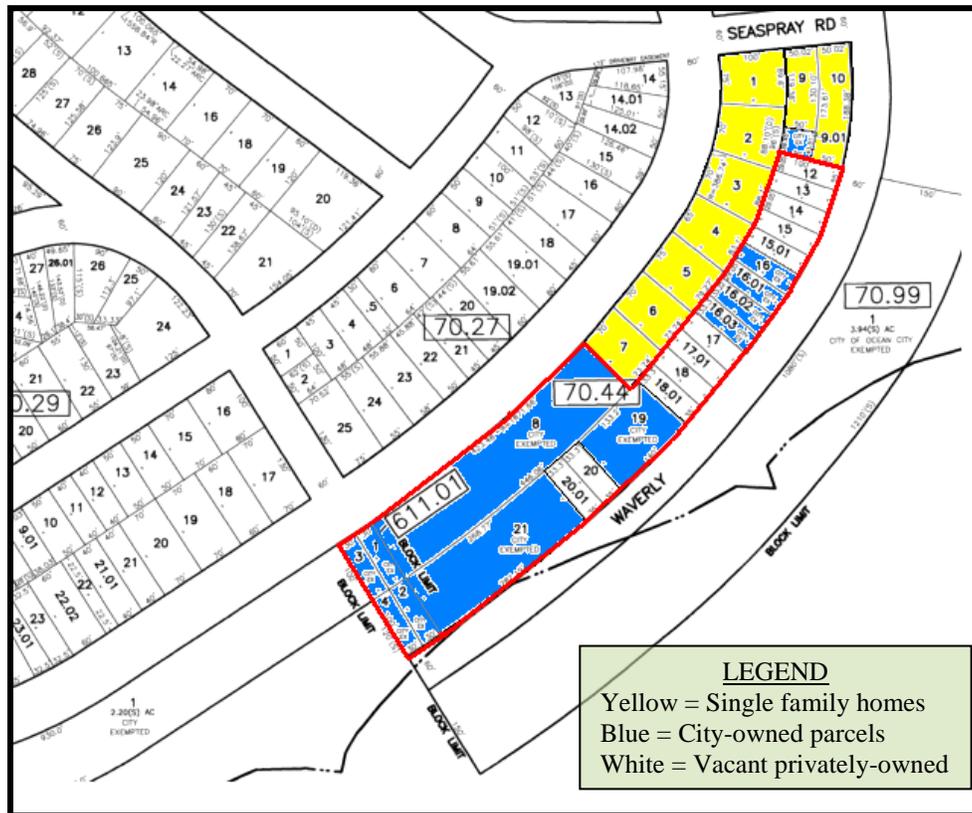


Figure 12
2010 Aerial



Figure 13
Tax Parcels and Land Use



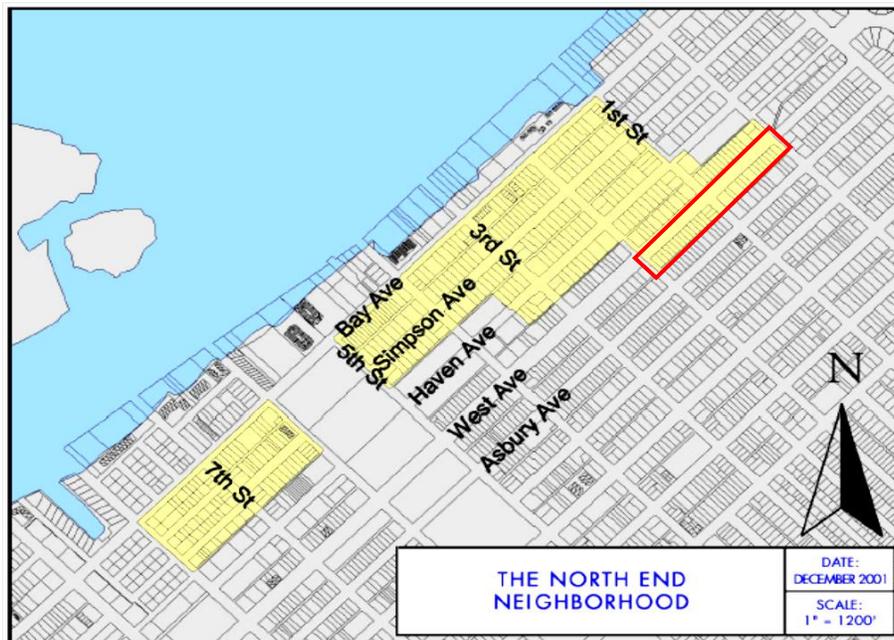
The Planning Board has concluded that the Gardens 75/7000 zoning designation for those areas of Block 70.44 occupied by sand dunes and for Block 611.01 is inconsistent with the City's efforts to provide protection from coastal flooding.

As a means to discourage development within this area and to ensure the flood preventative benefits of the dune areas the Master Plan is hereby amended to recommend re-zoning all lots within Block 70.44 and Block 611.01 except for those presently occupied by dwelling units [refer to red outline on the above Tax/Land Use Map] from G-75/70000 to Beach and Dune. The nine parcels presently occupied by dwellings will remain within the G-75/7000 zone. This rezoning from Gardens 75/7000 Zone to Beach and Dune Zone includes Block 70.44, Lots 8, 12-21, and Block 611.01, Lots 1-4.

MASTER PLAN AMENDMENT #5: NORTH END NEIGHBORHOOD ZONE

The North End Neighborhood (NEN) Zone was established as a result of recommendations contained in the 2001 Master Plan Land Use Element. This area is generally located along Simpson, Haven and West Avenues from 5th Street to North Street (excluding the existing Neighborhood Business zones in the 200 and 300 blocks of West Avenue). A second NEN Zone is located along Simpson and Bay Avenues between 6th and 8th Streets.

Figure 14
North End Neighborhood



Source: 2001 Land Use Plan

One of the principal objectives of the Land Use Plan has been and remains to provide for new, more affordable year-round single-family housing opportunities in the City. The NEN Zone allows for the establishment of family housing in proximity to the City’s central business district and municipal services. The subject area was selected because of the presence of relatively old housing stock and the relative absence of demolition activity. These factors suggested that the area may be susceptible to redevelopment.

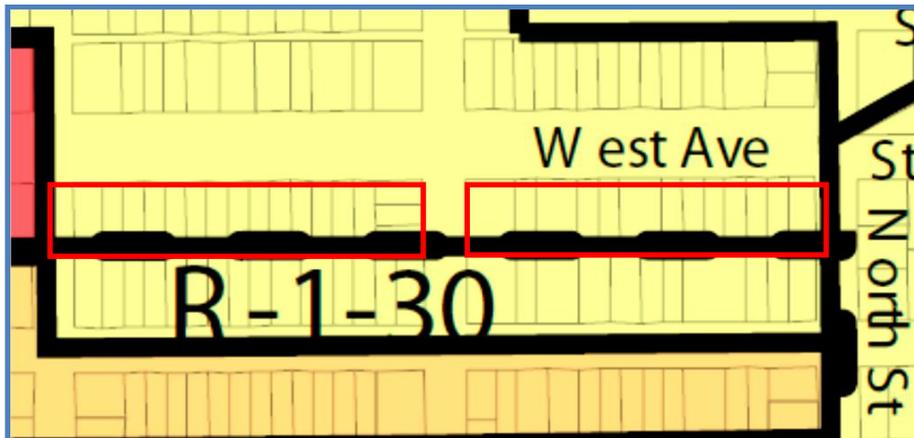
Prior to establishment of the NEN Zone, the subject area included a variety of one- and two-family zoning districts ranging from 30-foot lots to 60-foot lots. Although the 2001 Land Use Plan recommends that this area be developed with single-family detached housing on 30-foot wide, 3,000 square foot lots, the zoning ordinance requires 40-foot wide, 4,000 square foot lots. The master plan also recommended that principal building coverage be limited to 40% and total lot coverage not exceed 60%. The zoning ordinance limits building coverage in the NEN Zone to 35%.

The Planning Board has concluded that Block 108 (1-17), Block 11 (1-13) are disadvantaged by the NEN zoning controls. These two half-blocks contain thirty lots and exhibit 90-foot lot depths. Twenty-two of the thirty lots are 30-feet in width and contain 2,700 square feet. To provide greater incentive for year-round housing, the Master Plan is hereby amended to recommend that Block 108 (1-17), Block 11 (1-13) be rezoned from NEN Zone to R-1-30 Zone.

Figure 15
Tax Parcels



Figure 16
Existing Zoning



MASTER PLAN AMENDMENT #6: 60/40 HALF-BLOCK ZONING

The 1988 Master Plan recommends residential zoning on a half-block basis. According to this zoning scheme, single family zones were designated where sixty (60) percent or more of the lots were either occupied by a single-family residence or were vacant. Duplex zones were designated where 41% or more of the lots were in 2-family use. The Planning Board has found that rezoning an area by prescription does not provide an opportunity to evaluate the effects of proposed changes on the community-at-large. The Master Plan is hereby amended to recommend abandonment of the *60/40 rule* in favor of a methodology for evaluating potential zone changes that is more comprehensive in its scope, considers the Master Plan goals and objectives, and land use characteristics in a broader context.

MASTER PLAN AMENDMENT #7: BLOCK 309, LOTS 6-14

The subject ten lots comprise a half-block on the Bay side of West Avenue between 3rd and 4th Streets. This half-block is identified in City Council Resolution 11-47-303 as an area where the commercial zoning designation may not be appropriate due to changes in land use. The subject lots, and those located to the north and east are presently zoned Neighborhood Business. Zoning designations to the west and south are RMF, NEN and R-2-30, respectively (refer to Figure 17).

The corner of 4th and West (Lots 13 and 14) was occupied by Wawa market until mid-2008. The remainder of the half-block consists of residential uses including eight duplex structures and two single-family buildings. Figure 18 provides an aerial perspective of the area in question. The prevailing lot width for the existing residential uses is 30 feet (See

Figure 19). Adjoining land uses to the south and west are residential. Commercial uses dominate areas to the east and north along West Avenue.

Figure 17
Existing Zoning

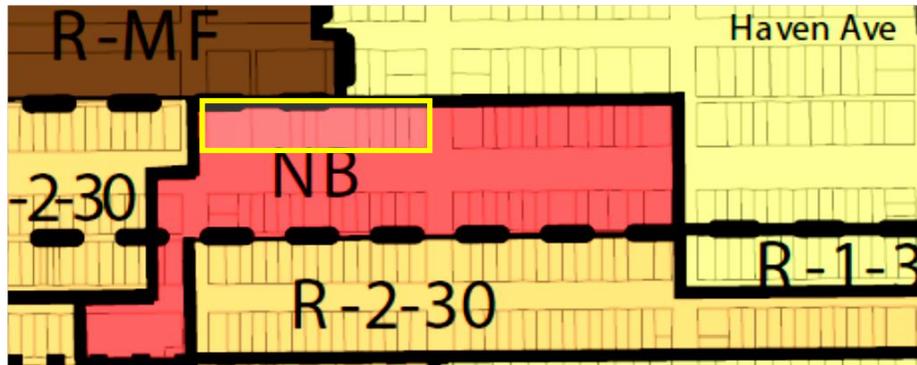


Figure 18
Aerial Image



In consideration of the Master Plan goals and objectives, the extent of commercially-zoned areas and the characteristics of current land uses, the Master Plan is hereby amended to recommend zone changes to this half-block as depicted on Figure 20 and described below.

1. At the corner of 4th Street and West Avenue rezone an area with 40 feet of width on West Avenue and 100 feet of depth from NB to mixed commercial/residential use.
2. Rezone the remainder of the half-block from NB to R-2-30.

Figure 19
Tax Map

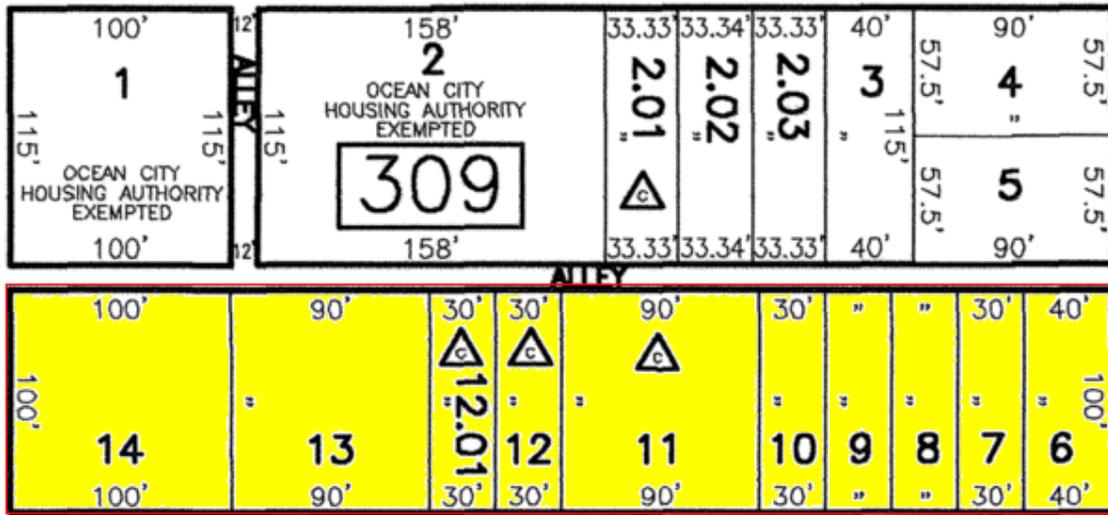
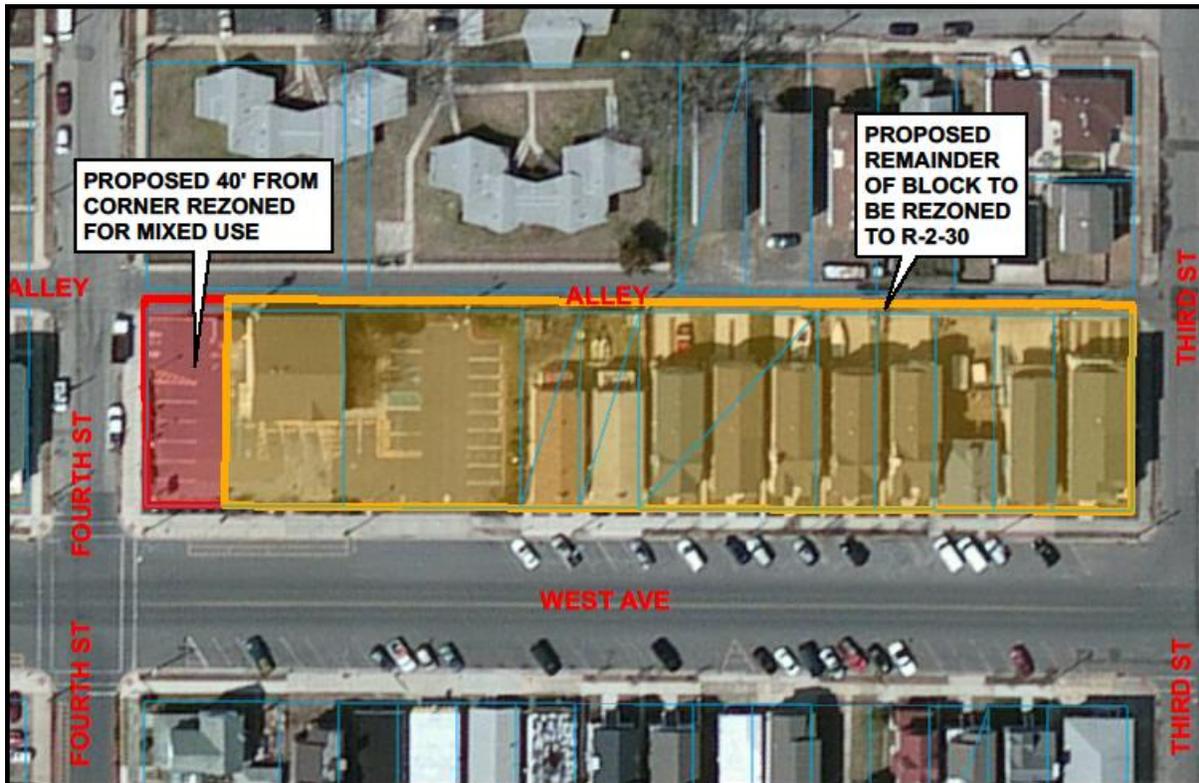


Figure 20
Proposed Rezoning of Block 309, Lots 6-14



MASTER PLAN AMENDMENT #8: BLOCK 1207, LOTS 11-19.01

The subject half-block located on the west side of Haven Avenue between 12th and 13th Streets contain 11 lots. Collectively, these lots comprise an area with dimensions of 115' x 500' and an area of 1.32 acres. This half-block is noted in City Council Resolution 11-47-303 as an area where the commercial zoning designation may not be appropriate. The subject parcels and the adjacent half-block on the east side of Haven Avenue are in the Drive-in Business Zone. Adjoining zoning designations to the south (R-2-40), west (R-1-30), north (Public) – see Figure 21. Areas adjoining Haven Avenue between 13th and 15th Streets were rezoned from DB to R-2-40 in November 2011.

The subject parcels contain a mix of commercial and residential uses including two single-family dwellings, five commercial properties and four vacant lots. Ocean City's Henry Knight building is located directly to the north of this half-block; residential properties are to the west and south; duplex units and a storage yard for Shoemaker Lumber are to the east. Figure 22 is an aerial perspective of the area in question.

Figure 21
Existing Zoning

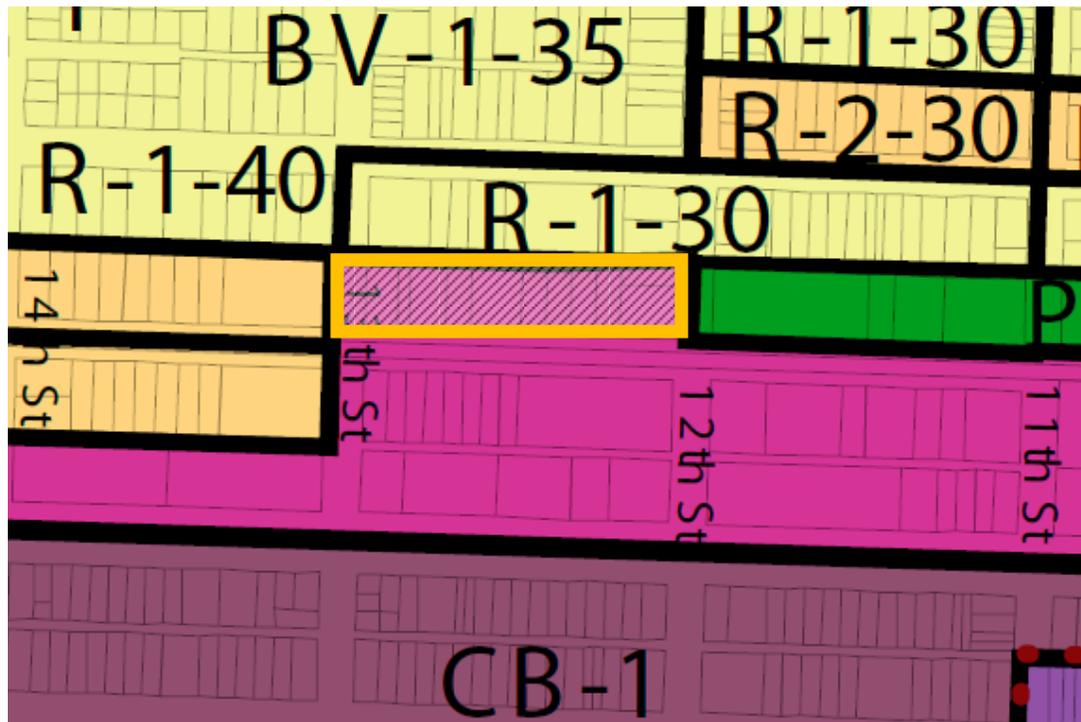


Figure 22
Aerial Image



In consideration of the Master Plan’s goal encouraging new residents and the strong preference for single-family homes, the Haven Avenue bike path and the characteristics of surrounding land uses, the Master Plan is hereby amended to support conditional use zoning that will enable the construction of single-family homes on Block 1207, Lots 11-19.01 subject to the following:

1. The minimum tract size shall be 15,000 square feet.
2. The maximum density shall be 18 dwelling units per acre.
3. Permitted lot sizes: 2100 SF to 2400 SF
4. Conceptual bulk controls

Frontage and Width	28’	40’
Front Yard (to steps/porch)	4’	4’
Rear Yard	8’	8’
Side Yards	4’/8’	5’/12’
Lot Depth	70’	55’
Unit Sizes	1770 SF	1520 SF
Building Height	33’	33’
Total Stories	3	2.6
Building Coverage	38%	36%
Impervious Coverage	65%	60%
Open Space	35%	40%

MASTER PLAN AMENDMENT #9: SIMPSON AVENUE (1500-1700)

This study area consists of three half-blocks on the west side of Simpson Avenue between 15th and 18th Streets. This location is identified in City Council Resolution 11-47-303 as an area where the zoning designation does not correspond to the uses. Existing zoning for the three half-blocks is R-1 Residential. Adjoining zoning to the south (Public), west (R-1-40), north (R-2-40); and east (DB and Public) – see Figure 23.

Figure 23
Existing Zoning

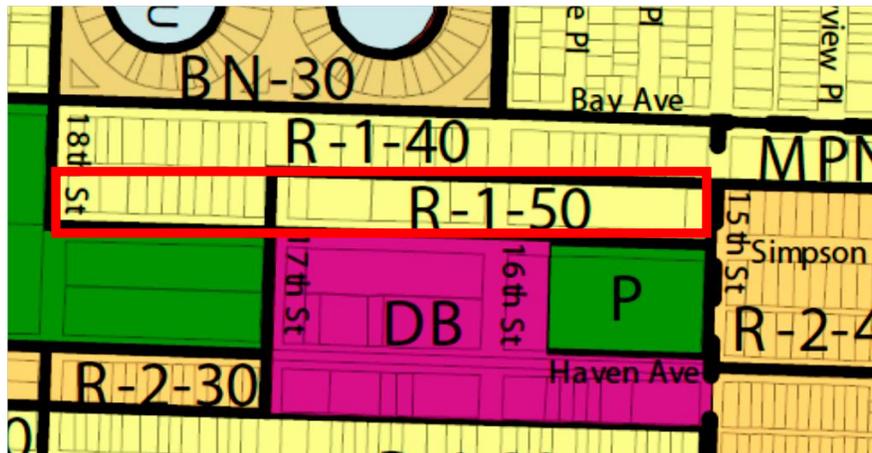
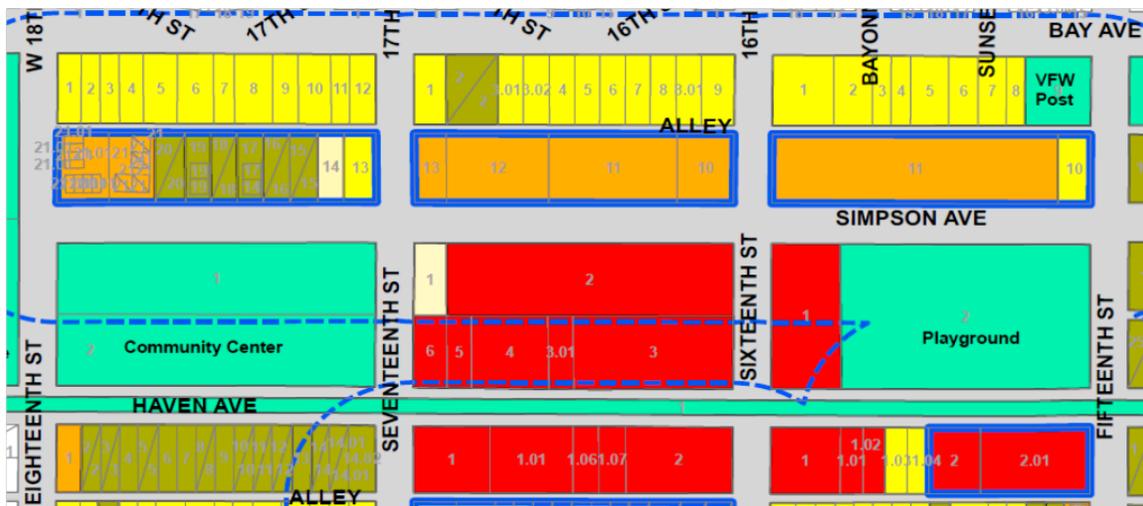


Figure 24
Existing Land Use



The subject three half-blocks contain a total of sixteen individual parcels. The two single-family dwellings and the one vacant lot are conforming uses. The duplex and multi-unit

buildings are nonconforming uses. Details of existing land uses for the three half blocks are noted below:

- Block 1507, Lots 10-11 – 1 single-family, 3 multi-unit buildings (39 rental units)
- Block 1607, Lots 10-13 – 4 multi-unit buildings (41 rental units)
- Block 1707, Lots 13-21.01 – 1 vacant, 1 single-family, 6 duplexes, 4 multi-unit buildings (16 condo units)

Figure 25
Aerial Image



In consideration of the Master Plan’s goal ‘to increase the diversity of housing choices, housing affordability and year-round population’ the Master Plan is hereby amended to recommend creation of a new R-1/Apartment Zone for Block 1507, Lots 10-11, Block 1607, Lots 10-13 and Block 1707, Lots 13-21.01. The zoning requirements for this new zone should permit single-family dwellings per the R-1-40 zoning requirements. This new zone should also permit apartment buildings designed consistent with the existing structures in the 1500 and 1600 blocks in terms of building mass, coverage, height and unit sizes to assure compatibility with the neighborhood and maintain the relative affordability of the apartment units.

MASTER PLAN AMENDMENT #10: BROWN’S AND OVES’ RESTAURANTS

Brown’s restaurant and Oves restaurant represent long-standing institutions on Ocean City’s Boardwalk that are nonconforming in terms of use under current zoning. Records indicate that Brown’s at 110 Boardwalk (Block 100, Lot 7) was originally built in 1932 and obtained its first mercantile license in 1963. Oves, located 326-34 4th Street (Block 400, Lots 7, 7.01) obtained its first mercantile license in 1972. Both properties front directly on the Boardwalk and are located in residential zones. In the event either of these businesses is destroyed, they cannot rebuild without approval of a use variance from the

Zoning Board of Adjustment. Under current banking practices, nonconforming properties are disadvantaged in terms of their ability to obtain bank financing.

The Planning Board is desirous of bringing these two businesses into use conformity in a manner that will not significantly impact adjoining properties, and consistent with the master plan.

Figure 26
Existing Zoning

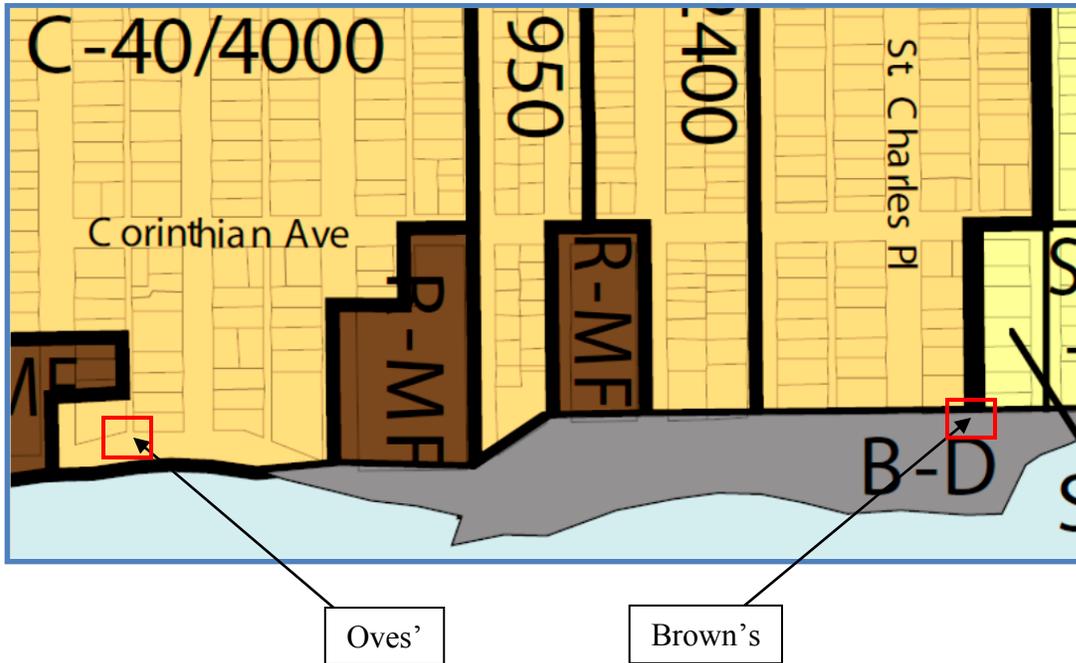


Figure 27
Aerial - Brown's Restaurant



Figure 28
Aerial – Oves’ Restaurant

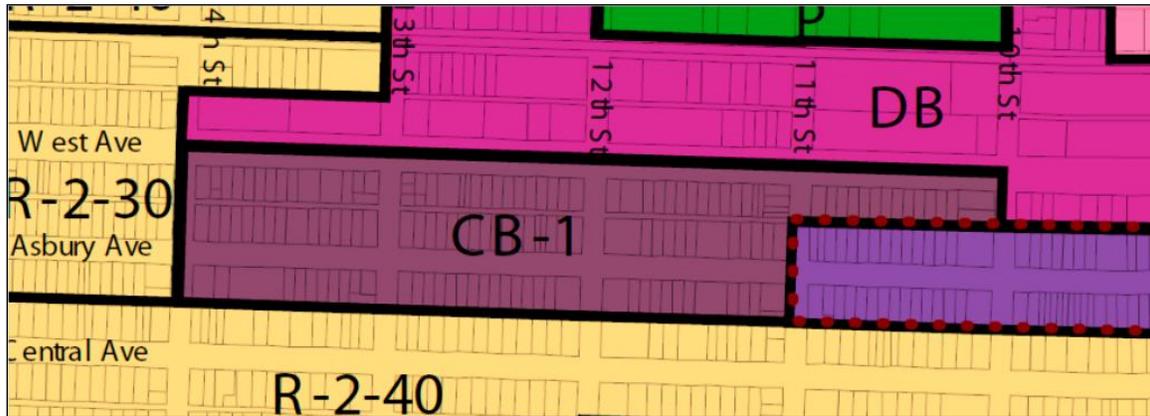


This Master Plan amendment recommends establishment of conditional use standards in the CR-2-40/4000 and CR-2-30/3000 Zones that will permit these two businesses to rebuild to the extent that the respective structures and improvements presently exist. Prior to the effective date of the ordinance effectuating this revision, the owners of these two properties shall provide the City of Ocean City with as-built surveys and such other information as may be required to verify and document the current conditions at these two properties. Upon acceptance by the City these as-built surveys will operate as approved site plans by providing the zoning parameters – including lot size, building setbacks, coverage, height, etc. – that will govern reconstruction on these properties.

MASTER PLAN AMENDMENT #11: CENTRAL BUSINESS-1 ZONE

Creation of the Central Business-1 (CB-1) Zone was recommended in the 2001 amendments to the Master Plan. The CB-1 zone was previously part of the Central Business Zone, and occupies a transitional area between the Central Business district on Asbury Avenue and the Drive-in Business zone on West Avenue. The location and extent of the CB-1 zone are indicated on Figure 29.

Figure 29
Existing Zoning



Review of the CB-1 zone’s land use characteristics indicates that a majority of the lots contain residential uses. Of the 158 total parcels in this zone, 62 are occupied by single-family homes and 13 contain duplex structures. These residential uses are not permitted in the CB-1 Zone, therefore resulting in them being classified as nonconforming uses. Figure 30 illustrates the distribution of land uses in the CB-1 Zone.

Figure 30
Central Business-1 Zone - Land Uses
(Single-family Dwelling (Yellow), Duplex (Orange))



This Master Plan amendment recommends revision to the CB-1 zoning regulations that will permit reconstruction of single-family and duplex dwellings existing as of the date this amendment is adopted by the Planning Board. For example, an existing single-family home on a 30’ x 100’ lot could rebuild or enlarge (as a single-family dwelling) consistent with the R-1-30 zoning requirements. An existing duplex on a 40’ x 100’ lot could rebuild (as a duplex or a single-family dwelling) consistent with the R-2-40 (or R-1-40 for a single-

family) zoning requirements. No additional single-family or duplex dwellings or increase in density should be permitted within the CB-1 Zone without approval of the necessary variances by the Zoning Board of Adjustment. The primary objective of this amendment is to encourage investment in and renewal of existing single-family and duplex structures within the CB-1 zone.

MASTER PLAN AMENDMENT #12: HOSPITALITY ZONE

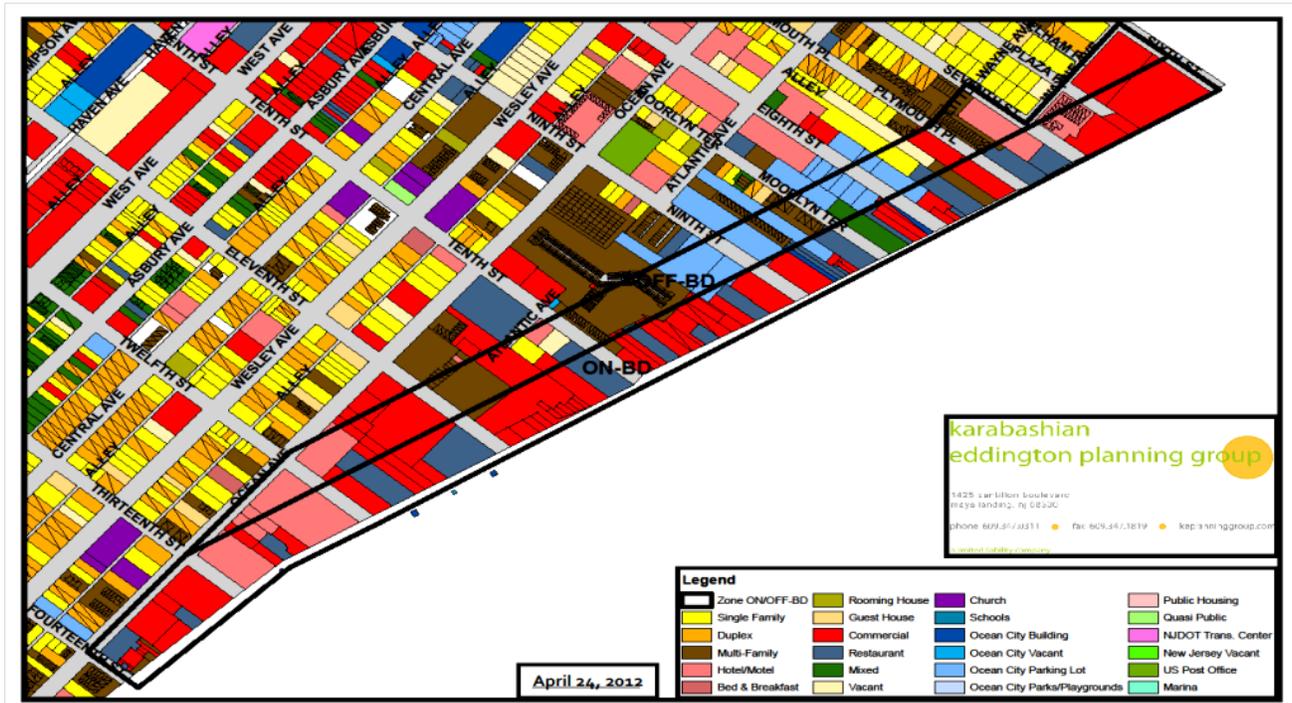
The On-Boardwalk, Off-Boardwalk, Residential Multi-Family (RMF) and Hotel-Motel (HM and HM-1) are companion zones generally located from 6th to 15th Streets, and from Central Avenue to the beach. This area contains a diversity of lot sizes, land uses, and building types. This mixed use area is ideally suited to support the City’s resort features and is framed by the oceanfront and boardwalk to the east, central business district on the west residences to the south and public spaces along its northerly boundary (refer to Figure 31).

The two Boardwalk zones are intended to support and encourage resort commercial and amusement uses. With minor exceptions, permitted uses in the On-Bd and Off-Bd zones are identical. The most significant use differences are that the On-Bd zone permits Retail (Off-Bd does not), and the Off-Bd permits Hotels (On-Bd does not). Bulk standards in these two zones, except for height, are identical.

Land Uses (On-Boardwalk and Off-Boardwalk Zones) –

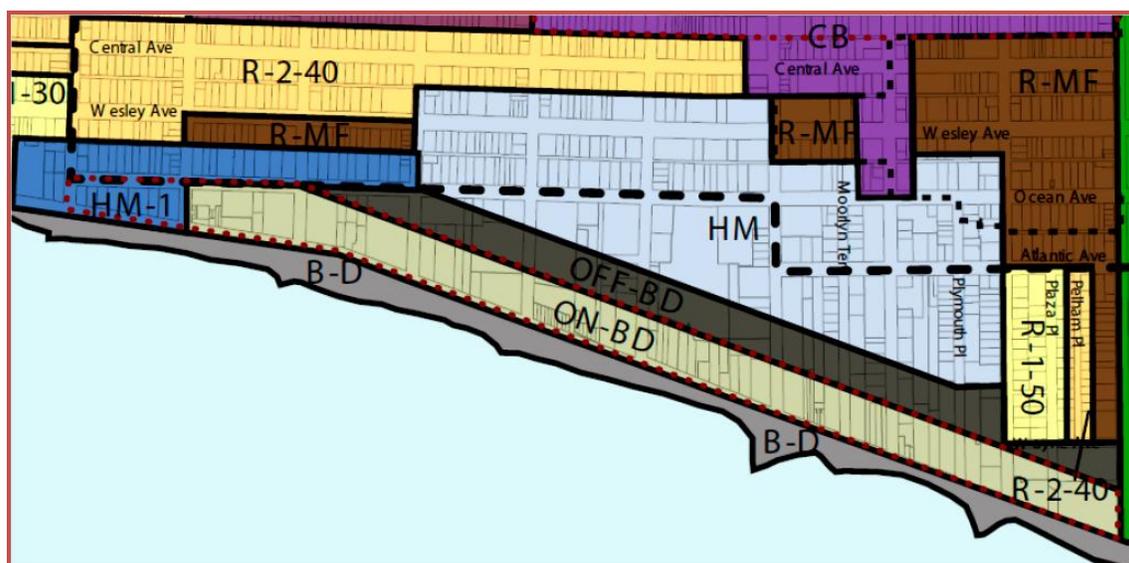
- Single-family residences – 2
 - Multi-family residences – 10
 - Commercial – 38
 - Restaurant - 16
 - Hotels – 8
 - Ocean City Buildings – 2
 - Ocean City Parking Lots – 12
 - Vacant – 2
- } Residential are nonconforming

Figure 31
Existing Land Uses



The adjoining Hotel-Motel zones were established to support the boardwalk and provide accommodations for tourists and visitors to the downtown and boardwalk businesses. The Master Plan intended the RMF Zone as an area to accommodate residents and visitors in proximity to the downtown and boardwalk. Figure 32 illustrates the zoning.

Figure 32
Zoning Map



The Master Plan is hereby amended in support of zoning changes that will:

- a. Maintain and encourage boardwalk businesses
- b. Retain the On-Boardwalk Zone with a redefined zone boundary consistent with lots fronting the boardwalk, and including those adjoining lots that directly support boardwalk commercial uses
- c. Consolidate Off-Boardwalk, Hotel-Motel and RMF zones into a single new resort zone that will permit commercial, residential and mixed uses, subject to bulk and area requirements necessary to accommodate the building, site improvements and parking.
- d. To protect the viewshed and prevent shadowing, retain height limitations in proximity to boardwalk
- e. Improve use conformity
- f. Conditionally permit: single-family and duplex residential uses subject to the appropriate Corinthian Zone district regulations; triplexes subject to RMF requirements on lots a minimum of 5,500 square feet; quadraplexes subject to RMF requirements on lots a minimum of 6,600 square feet; multi-family dwellings subject to RMF requirements on lots a minimum of 10,500 square feet.
- g. Permit a maximum building height for commercial buildings of fifty (50) feet, except south of 12th Street where the maximum height shall be 33 feet above the lowest habitable floor.

E. Recommendations of the Planning Board Concerning the Incorporation of Redevelopment Plans into the Land Use Element of the Master Plan

The 2006 Reexamination Report identified two areas in the City where the use of the redevelopment statute may be appropriate. The Marine Village Harbor zone includes most of the bayfront area from 10th Street to 1st 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 and is characterized by small parcels with a diverse ownership pattern was identified in 2006 as an area where the City and its residents could benefit through sensitive use of redevelopment. Section D of this report contains the Planning Board's recommendations regarding the Hotel/Motel Zones.

Appendix A – August 3, 2011 Master Plan Meeting Summary

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MEMORANDUM

To: Planning Board Members
City of Ocean City

From: Randall Scheule, PP/ AICP
Planning Board Planner

Date: August 10, 2011

Re: Master Plan Reexamination
August 3, 2011 Meeting - Summary of Public Comments

This memorandum identifies in summary form the nature of public comments received by the Planning Board at the August 3, 2011 meeting. These comments are not listed in order of importance, but generally reflect the order in which they were presented at the meeting.

1. Rezoning of 13th & Haven (Seashore Supply) from DB to R2-40, and the timeliness thereof
2. Rezoning of the 1200 Block of Haven (west side) from DB to R2
3. Consideration for the good of residents and the community-at-large
4. Preservation of neighborhood business, including those located in residential zones
5. Long-term vision, goals and objectives
6. Encourage single-family housing on 30' -40' lots
7. Reconsider discrete/non-discrete distinction
8. Simplify ordinance
9. Rezoning of SeaSpray condos
10. Incorporate "Complete Streets" principles into master plan
11. Parking - permit more off-street
12. Correlate zoning code to building code changes (BFE, duplex access, etc.)
13. Reconsider starting point for measuring building height
14. Find alternative uses for vacant CB-1 commercial spaces

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Appendix B – Summary of Recommendations Regarding Resolution 11-47-303

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Resolution 11-47-303

City Council Resolution 11-47-303 identifies zoning issues that were considered as part of the Master Plan reexamination. These issues are listed in four general areas: commercial zone viability, residential uses in commercial zones, single- versus two-family residential zoning, use conformity to zone.

Blocks	Lots	Current Zone District	Recommendation
309	2.02, 2.03	North End Neighborhood	Rezone to RMF
309	6-14	Neighborhood Business	Rezone S. corner for mixed-use, remainder R-2-30
400	11-13	RMF	Rezone to CR-40/4000
607	17-33	Drive-in Business	Rezone to NEN
804	1, 2	RMF	Rezone to Central Business Zone
804	3-8	RMF	Retain RMF Zone
805	14-17.04	RMF	Retain RMF Zone
805	17.05, 17.06	RMF	Rezone to Central Business Zone
1201	1.01-16	RMF	Rezone to R-2-30
1207	11-19.01	Drive-in Business	Conditional Use Ordinance for single-family homes
1302	1-9	RMF	Rezone to R-2-30
1306	1-4	R-2-40	Revised by Ordinance 11-22
1307	13-14.02	R-2-40	Revised by Ordinance 11-22
1505	2, 2.01	Drive-in Business	Rezone to R-1-30
1507	10, 11	R-1-50	Rezone to R-1-40/Apartment
1605	3-13	R-1-30	Retain R-1-30 (no change)
1607	10-13	R-1-50	Rezone to R-1-40/Apartment
1707	13-21.01	R-1-40	Rezone to R-1-40/Apartment
3306	1 (Sea Spray)	34 th St. Gateway	Permit conditional replacement of multi-unit bldgs.
RMF Zones			See Reexam Report - Table 7
CB and CB-1 Zones – 3 bedroom nonconformity			Repeal restrictions on density, unit size, number of bedrooms

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