



**CITY OF OCEAN CITY
CAPE MAY COUNTY**

**MASTER PLAN
REEXAMINATION REPORT**

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The original of this document has been signed
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January 10, 2019



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City of Ocean City

Master Plan Reexamination Report

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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. 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.

Municipal master plans generally comprise a report or statement of land use and development proposals, with maps, diagrams and text, presenting, at least the following two elements:

- (1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;
- (2) A land use plan element that takes into account physical features, identifying the existing and proposed location, extent, and intensity of development for residential and



nonresidential purposes, and states the relationship of the plan to any proposed zone plan and zoning ordinance, and a statement of strategy concerning:

- (a) smart growth which, in part, shall consider potential locations for the installation of electric vehicle charging stations,
- (b) storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure, and
- (c) environmental sustainability.

In addition, the MLUL identifies a number of other plan elements that may be incorporated into a comprehensive master plan document, such as: housing, circulation, open space, recreation, community facilities, and historic preservation. These elements are not obligatory.

Introduction

The City of Ocean City has a longstanding and proactive practice of comprehensive planning. This tradition began eighty years ago, when the City adopted its first zoning map in 1938. 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 updated throughout the years and periodically revised to address evolving development patterns, changing socioeconomic and development trends, and various judicial, legislative, and administrative actions affecting the City.

- 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
- Open Space and Recreation Plan - 2014
- Reexamination Reports – 1982, 2000, 2006, 2012

The Ocean City Planning Board has reviewed the City master plan, development regulations, 2012 Reexamination Report and related documents. This Reexamination Report represents a continuing effort to ensure that the City's planning policies and land use goals remain effective and up-to-date, documents the Planning Board's findings and recommendations consistent with the "New Jersey Municipal Land Use Law" ([NJS 40:55D-89](#)) and represents an update to the last Reexamination Report adopted by the Planning Board October 17, 2012. While the report does not radically depart from the policies and land use goals set forth in previous studies, it



nevertheless acknowledges and recommends actions to address a number of issues that have potential undesirable impacts on the community.

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.

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.

As part of the overall reexamination analysis, the MLUL requires an identification of the major land use problems and objectives that were outlined in the most recently adopted master plan or reexamination report. The major problems and objectives related to land development in the City at the time of the adoption of the 2012 Reexamination Report are identified 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.

B. The Extent to Which Such Problems and Objectives Have Been Reduced or Have Increased Subsequent to the 2012 Reexamination Report.

The extent to which the problems and objectives identified in Section A above – from the 2012 Reexamination Report - have been reduced or have increased is described in Table 1.



Table1
Status of Problems and Objectives

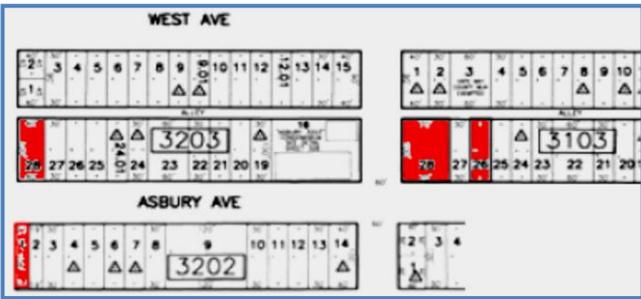
Problem or Objective	Key¹	Comment
Hotel-Motel Zones	R	Issues with the Hotel-Motel Zones were largely resolved by creation of the Hospitality Zone.
On-Boardwalk and Off-Boardwalk Zones	R	Creation of the Hospitality Zone resolved zoning boundary issues. The On-Boardwalk Zone is recommended for additional study in this Report.
Marine Village Harbor	NC	The MVH Zone is recommended for additional study in this Report.
Circulation and Parking	R	The City has adopted a Complete Streets policy to guide safe and efficient pedestrian, bicycle and vehicular traffic.
Corner Lots	NC	This Report recommends additional evaluation of corner lots.
Central Business Zone	NC	This Report recommends changes to the Central Business zone.
Corinthian Neighborhood Zones	NC	This Report recommends changes to the rear yard setback.
Porches	R	The previously identified porch issues have been addressed.
Minimum Duplex Lot	R	Required parking serves to control lot size – a minimum lot size (other than that required in the zone) is not necessary.
Number of Stories	NC	This Report recommends a revision to half-stories.
Commercial Zoning	R	Issues with the DB and OB Zones, CB lot size, setback, parking and glass have been resolved.
Gardens Zoning	NC	Concerns identified in 2012 remain.
Parking and Driveways	R	Parking for commercial uses reduced; ordinance defers to RSIS; this Report recommends evaluation of impervious limitations and green infrastructure to alleviate concrete parking strips.
Residential	R	Concerns with storage areas and first floor limitations have been addressed. This Report recommends changes to half-story and other terms.
General	R	Roof decks are permitted except in the Gardens; this Report recommends a new definition for “building coverage” and provisions for “senior housing.”
Compatibility of New Development	R	The ordinances have been revised to address concerns related to the additional building elevations required post-Sandy.
Gateways – <i>Ninth Street Corridor</i>	R	A ‘Community Resilience Plan for 9 th Street and the CBD’ was prepared in 2017.
“Fair Housing Act”	R	This Report includes recommendations intended to address the terms and conditions of a court-approved settlement.
Goals and Objectives	R	The 2012 Master Plan Reexamination Report adopted amendments to the Master Plan Goals and Objectives.

¹ Key: R = Reduced; NC = No Change

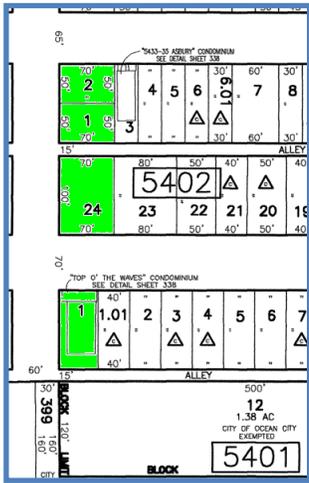


The 2012 Reexamination Report recommended changes to the master plan and development regulations. The current status of these recommendations is indicated in Table 2.

Table2
Status of 2012 Master Plan Reexam Recommendation

<u>2012 Master Plan Reexam Recommendation</u>	<u>Status</u>
1. <u>Senior Housing</u> – Amend the Zoning Ordinance to establish conditional use requirements for “senior housing”	Incomplete.
2. <u>Tax Abatement</u> – 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.	Incomplete.
3. <u>Neighborhood Business (NB)</u> – Retain existing Neighborhood Business zone boundaries and zoning regulations, except as follows (Figure 1): <ol style="list-style-type: none"> a. Rezone Block 3103, Lots 26-28 from R-2-30 to NB b. Rezone Block 3202, Lot 1 from R-2-30 to NB c. Rezone Block 3203, Lot 28 from NB to R-2-30 <p align="center">Figure 1 <u>Neighborhood Business Re-zoning</u></p> 	Incomplete.
4. <u>Central Business</u> – <ol style="list-style-type: none"> a. Maintain CB and CB-1 zoning boundaries b. Repeal parking requirements for commercial uses c. Revise ordinances to include form-based code elements and streetscape standards for both zones d. 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 e. Encourage community art displays to counter voids created by vacant storefronts 	Incomplete.
5. <u>34th Street Gateway</u> – <ol style="list-style-type: none"> a. Retain existing zone boundaries, design and use regulations b. Increase Minimum Lot Area and Lot Width to 10,000 square feet 	Incomplete.



<p>and 100 feet, respectively</p> <p>c. Clarify applicability of “design standards” relative to use</p>	
<p>6. <u>55th Street Gateway</u> –</p> <p>a. Retain existing use and bulk regulations except as noted in 6.b</p> <p>b. Amend ordinance to accommodate existing residential uses as conditional uses subject to district regulations that correspond to the particular use and lot size.</p> <p>c. 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 2)</p> <p style="text-align: center;">Figure 2 <u>Neighborhood Business @ 55th Street Re-zoning</u></p> 	<p>Incomplete.</p>
<p>7. <u>Corinthian R-2 Zones</u> – Revise rear yard setbacks in the C-2-30/1950 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</p>	<p>Incomplete.</p>
<p>8. <u>Parking Requirements</u> – 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.</p>	<p>Incomplete.</p>
<p>9. <u>Site Improvements</u> – 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</p>	<p>Incomplete.</p>
<p>10. <u>Design Standards</u> - Revise Section 25-1700 of the City Code to clearly distinguish their respective applicability to residential or commercial uses.</p>	<p>Incomplete.</p>
<p>11. <u>Special Improvement District (Boardwalk area)</u> - On the Zoning Map, revise the SID boundary in the Boardwalk area consistent with the parcels listed in Ordinance 95-23.</p>	<p>Incomplete</p>
<p>12. <u>Half-story</u> – 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.</p>	<p>Incomplete.</p>
<p>13. <u>Base Flood Elevation and Freeboard</u> - 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</p>	<p>§21-5.2 of the FDPO requires BFE+2 for residential, and BFE+1 or</p>



<p>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.</p>	<p>floodproofing for commercial.</p>
<p>14. <u>Residential Multi-family (RMF) Zone</u> - 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.</p> <p>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 of 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.</p> <p>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.</p>	<p>Incomplete.</p>

Table 7 <u>Residential Multi-Family Zones</u>					Incomplete.
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
Bay to Haven, between 22 nd - 23 rd	2206, 1	24	Shores at Wesley Manor	Retain RMF
Bay to Simpson, between 24 th - 25 th	2406, 1-2.01	24	Methodist Home	Retain RMF
Bay at Airport, between 27 th - 28 th	2707, 1,2	29	Bay Landing – 12 units Nantucket- 91 units	Retain RMF
Bay to Simpson, between 35 th - 36 th	3506, 1-2	33	Four Seasons – 108 units	Retain RMF
West, between 40 th - 41 st	4003, 1-2	36	Seascape – 28 units Nordic Sands – 9 units	Retain RMF
West, between 43 rd - 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	10500	10500	105	115	Schedule B	20	Schedule C	100	27/35	3	35	55
Triplex/Quad	7000	8000	70	80		20		100	23/33	2	35	55
Duplex/Guest	3500	4000	35	40		25% of lot depth		100	23/33	2	35	55
One-family dwellings	3,000	4,000	30	40		100		28/33	2	35	65	

15. Master Plan update including the following elements:

- 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
- Circulation
- Utility Service
- Community Facilities
- Recreation (pending)
- Economic
- Historic Preservation
- Recycling
- Green Building/Environmental Sustainability
- Visual Design Plan to support form-based code
- Stormwater Management

Recreation-Open Space Plan adopted (2014).

Historic element updated (2017).

Green Infrastructure standards prepared (2017).

Revisions to stormwater code prepared (2017).

16. Master Plan Amendments. The Ocean City Master Plan is amended 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

Amendments formally adopted by the 2012 Reexam



<ul style="list-style-type: none"> ○ 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 	
<p>17. <u>Master Plan Amendment #2: Drive-in Business, Office & Bank Zones</u></p>	<p>Zone Revisions 1-8, and 10 (Principal Uses only) are complete DB Zone Schedule has been revised. DB Zone Map has been revised</p>
<p>18. <u>Master Plan Amendment #7: Block 309, Lots 6-14 (NB Zone)</u></p>	<p>Complete</p>
<p>19. <u>Master Plan Amendment #8: Block 1207, Lots 11-19.01 (DB Zone)</u></p>	<p>“Coastal Cottage” ordinance adopted and subsequently repealed.</p>
<p>20. <u>Master Plan Amendment #11: Central Business-1 Zone</u></p>	<p>Complete</p>
<p>21. <u>Master Plan Amendment #12: Hospitality Zone</u></p>	<p>Complete</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

There are a number of substantive changes at the state and local level that have occurred since the adoption of the 2012 Reexamination Report that require attention. In addition, the City has experienced significant changes resulting from growth and development which are noteworthy. This section provides an analysis of these changes.

Municipal Land Use Law

Performance Guarantees.

Assembly Bill 1425/Senate Bill 3233, which was signed into law on January 15, 2018 modifies the requirements for furnishing performance and maintenance guarantees under the Municipal



Land Use Law modifies the current limitations on the collection of inspection fees. Under the law, a municipality will only be able to require developers to post performance guarantees to cover improvements being dedicated to a public entity.

The new law eliminates the following types of improvements from the list of improvements that may be subject to a performance guarantee under current law: culverts, storm sewers, erosion control and sedimentation control devices, other on site improvements and landscaping. This provision further reduces bonding costs. The law further provides that provides a municipality may require a performance guarantee for privately owned perimeter buffer landscaping.

The law alters the requirement for maintenance guarantees. A municipality may only require a maintenance guarantee to be posted for the limited bonded improvements and specific private storm water management improvements. The law authorizes municipalities to require two additional types of guarantees:

1. A temporary certificate of occupancy bond; and
2. A safety and stabilization bond.

The new law also alters municipal inspection fees. Under current law, a developer must reimburse a municipality for reasonable inspection fees incurred for the inspection of improvements with a cap except for extraordinary circumstances of 5% of the cost of improvements. This law eliminates the inspection fee limitation if required inspection costs are determined to exceed the 5% amount and even authorizes those inspections to occur without the additional funds being placed in escrow. This part of the bill will increase a developer's cost and removes the "extraordinary circumstances" standard that needs to be met in order to for a municipality to exceed the 5% cap on inspection fees.

While the new law, by its terms, took effect immediately, there are many questions regarding what this means in practice. The new law requires municipalities to adopt an ordinance prior to requiring any of the guarantees. It appears clear that as of the effective date of the amendments, municipalities can only require new performance guarantees calculated upon the cost those improvements specified in the amended act. Since performance guarantees are not among the "general terms and conditions" protected under vesting provisions of the MLUL, the applicability of the new law to any particular project is not affected by the date of board approval.

While replacing existing guarantees may raise practical difficulties, it appears clear that the amount of any existing performance guarantees should be adjusted at the time of any renewal and guarantees for future phases of a development of a multi-phased project must be calculated



under the new law notwithstanding that a different law applied to earlier phases. Particular circumstances may require negotiation with the municipality to reach a workable accommodation that balances the cost differential between guarantees required under the prior law.

Solar Panels.

The MLUL (NJS 40:55D-38.1) was amended in 2014 to specify that an ordinance requiring approval by the planning board of either subdivision of site plans, or both, shall not include solar panels in any calculation of impervious surface or impervious cover.

Statement of Strategy.

Legislation (S2873/A4185) was adopted on January 8, 2018 which requires any new land use element to incorporate a statement of strategy concerning the following issues:

1. Smart growth which, in part, shall consider potential locations for the installation of electric vehicle charging stations;
2. Storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure, and;
3. Environmental sustainability.

Permit Extension Act

On September 6, 2008 the Permit Extension Act at N.J.S.A. 40:55D-136.1 et seq. was signed into law. The purpose of the Act was to revive and extend State, county and local government approvals in an effort to provide the regulated community, developers, property owners, and the real estate sector with relief in recognition of the ongoing economic downturn. In 2010, 2012, and 2014 the Act was amended to further extend some approvals.

On June 30, 2016 the Act was amended to extend certain permits and approvals affecting development of properties located in Superstorm Sandy-impacted counties including Cape May. As a result, project approvals have been extended until June 30, 2017

Council on Affordable Housing

In May 2008, COAH adopted revised Third Round regulations which were published and became effective on June 2, 2008. Coincident to this adoption, COAH proposed amendments to the rules they had just adopted, which subsequently went into effect in October 2008. These 2008 rules and regulations were subsequently challenged, and in an October 2008 decision the Appellate Division invalidated the Growth Share methodology, and also indicated that COAH should adopt regulations pursuant to the Fair Share methodology utilized in Rounds One and Two. A 2010 Appellate Division case, which was affirmed by the New Jersey Supreme Court in 2013, invalidated the third iteration of the Third Round regulations and sustained the invalidation



of growth share. As a result, the Court directed COAH to adopt new regulations pursuant to the methodology utilized in Rounds One and Two.

Deadlocked with a 3-3 vote, COAH failed to adopt its newly revised Third Round regulations in October 2014. The Fair Share Housing Center, who was a party in the 2008, 2010 and 2013 cases, responded by filing a motion in aid of litigants' rights with the New Jersey Supreme Court. The Court heard the motion in January 2015, and issued its ruling on March 20, 2015. The Court ruled that COAH was effectively dysfunctional, and consequently returned jurisdiction of affordable housing issues back to the trial courts where it had originally been prior to the creation of COAH in 1985. This decision has since been identified as the Mt. Laurel IV decision.

This Court decision created a process for municipalities that had participated in the process before COAH and had received substantive certification, but due to the inertia of COAH never obtained Third Round substantive certification of their Housing Element and Fair Share Plan (HE&FSP) to file a declaratory judgment seeking a judgment that their HE&FSP was constitutionally compliant, and receive temporary immunity from affordable housing builders remedy lawsuits while they prepare a new or revised HE&FSP to ensure their plan continues to affirmatively address their local housing need as may be adjusted by new housing-need numbers promulgated by the Court or COAH. In addition, while the Supreme Court's decision did set up a process for municipalities to address their Third Round obligation, it did not assign those specific obligations.

Subsequently, the New Jersey Supreme Court issued an additional decision on January 17, 2017 regarding the "gap period." Commonly referred to as the Mt. Laurel V decision, the Supreme Court found that the "gap period," defined as 1999-2015, generated an affordable housing obligation which must be addressed under the Present Need obligation. Accordingly, the municipal affordable housing obligation is now functionally comprised of four (4) parts, which include: Present Need (rehabilitation), Prior Round (1987-1999), Gap Present Need (1999-2015) and Prospective Round (2015-2025).

Through the declaratory judgment process initiated in 2015, Ocean City and the Fair Share Housing Center (FSHC), a Supreme Court-designated interested party agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.



According to the Settlement Agreement², Ocean City has a Prospective Need Obligation of 1,276. The Fair Share Plan and ordinances address the City's constitutional obligation to provide its fair share of low- and moderate-income housing as directed by the Superior Court consistent with NJAC 5:93-1, et seq., as amended and supplemented, NJAC 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

The City's Master Plan Housing Element and Fair Share Plan have been updated and revised to address the Settlement Agreement and are afforded operative significance by revisions to the zoning ordinance. The City Housing Element and Fair Share Plan provide a realistic opportunity for the development of affordable housing that will be developed or created by the following ordinances and mechanisms.

- Inclusionary Housing Option in Business Zone Districts
- Inclusionary R-2 Zone Districts Assemblage Incentive Overlay Zone
- Town-wide set-aside
- Municipally sponsored family rentals/market to affordable program
- Partnership with the Ocean City Housing Authority

Local Redevelopment and Housing Law (LRHL)

In 2013, an amendment to the Local Redevelopment Housing Law was approved by the State Legislature which permits the option of designating a redevelopment area with or without condemnation powers. Specifically, the amendment notes the following (amended section is underlined):

“The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of the municipality. The resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non - Condemnation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a "Condemnation Redevelopment Area").

The LRHL amendment also establishes additional notice requirements when designating an area in need of redevelopment, provides guidelines regarding challenges to condemnation redevelopment designations, and allows for additional options for designating an area in need of rehabilitation.

² Agreement between the City of Ocean City and Fair Share Housing Center, July 18, 2018.



State Development and Redevelopment Plan

The State Development and Redevelopment Plan (State Plan) was created pursuant to the State Planning Act of 1985 (NJS 52:18A-196 et seq.) in order to create statewide planning objectives relative to land use, housing, economic development, transportation, natural resource conservation, agriculture, and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.

The City's Petition for Plan Endorsement seeking Regional Center designation was approved by the State Planning Commission on November 24, 2009 and effective until November 24, 2019. The resolution of approval stipulates that the State's endorsement is contingent upon the implementing the Planning and Implementation Agreement (PIA). Achieving Plan Endorsement provides official recognition that the City's master plan and development regulations are consistent with the goals and objectives of the State Planning Act. As an endorsed Regional Center, the City is designated as a Smart Growth Area which has significant benefits in terms of regulatory permitting and funding from State agencies including the NJ Board of Public Utilities (BPU).

The City should continue to monitor actions by the State Planning Commission regarding expiration of the Regional Center designation. Depending on action or inaction by the State, the City may need to take additional steps to extend its Regional Center designation.

State Strategic Plan

In October of 2011, the Draft State Strategic Plan (SSP) was developed as an update to the current State Development and Redevelopment Plan (SDRP). The intent of the SSP is to increase focus on policies aimed to foster job growth, support effective regional planning, and preserve the State's critical resources. The four overarching goals that serve as the blueprint of the Plan are summarized as follows:

- Goal 1: Targeted Economic Growth. Enhance opportunities for attraction and growth of industries of statewide and regional importance;
- Goal 2: Effective Planning for Vibrant Regions. Guide and inform regional planning so that each region of the State can experience appropriate growth according to the desires and assets of that region;
- Goal 3: Preservation and Enhancement of Critical State Resources. Ensure that strategies for growth include preservation of the State's critical natural, agricultural, scenic, recreation, and historic resources.
- Goal 4: Tactical Alignment of Government. Enable effective resource allocation, coordination, cooperation, and communication amongst governmental agencies on local, regional, and state levels.



Unlike the existing SDRP, the SSP did not contain any mapping. Thus far in its draft form, the SSP appears to have a greater emphasis on the State’s overall economic framework and provide information and goals for New Jersey’s various industry clusters. When and if the SSP is formally adopted, the City should examine how its Master Plan is consistent with the SSP.

Marijuana Legalization

Legislation legalizing the adult use of recreational marijuana in New Jersey is advancing. Although a final vote on “New Jersey Cannabis Regulatory and Expungement Aid Modernization Act” may not occur until 2019, there are potential impacts to municipalities that should be anticipated.

The City Zoning and Land Use ordinances do not include regulations related to the sale of medicinal marijuana, recreational marijuana, or related paraphernalia. In response to the proposed legislation and citing the potentially serious implications for the health, safety and welfare of the City, its residents, its guests and its employees the City has drafted and expected to adopt an ordinance prohibiting businesses which cultivate, manufacture, test or sell marijuana and marijuana paraphernalia.

Airbnb

Airbnb, Inc.. is a privately held global company headquartered in San Francisco that operates an online marketplace and hospitality service which is accessible via its websites and mobile apps. Members can use the service to arrange or offer lodging, primarily homestays, or tourism experiences. The company does not own any of the real estate listings, nor does it host events; as a broker, it receives commissions from every booking.

Some cities have restrictions on subletting for a short period of time. In some cities, collection of a transient occupancy tax by Airbnb is required. In many cities, including Ocean City, Airbnb hosts must register with the government and obtain a permit or license.

Airbnb is criticized for its impacts on housing affordability other transient lodging facilities. As of the beginning of 2018, several studies found that rental prices in many areas increased due to Airbnb, as landlords kept properties off the longer-term rental market and instead get higher rental rates for short-term housing via Airbnb.

New Jersey Governor Phil Murphy has signed a bill into law that imposes the same lodging taxes on short-term rentals that hotels and motels pay. The change means operators of short-term rentals that are booked through companies such as Airbnb, VRBO, HomeAway, or others are now required to add these taxes to guests' bills and remit them to the state. The new law allows



municipalities the option to impose new taxes and fees on short-term rentals. Short-term rental operators must register with the state for tax purposes before they can start collecting lodging taxes from guests.

Open Space and Recreation Plan

Due to its unique physiography and heritage, Ocean City enjoys a treasure of natural, cultural and historic resources. From the miles of sandy beaches along the shores of the Atlantic to the biologically rich environs of the Great Egg Harbor Bay, this barrier island is home to a diverse community of natural amenities important to long-time homeowners and thousands of visitors. In addition, the City boasts first class recreation facilities and programs that are enjoyed year-round by individuals and groups of all ages and abilities.

In 2011, the Ocean City Environmental Commission recognized the need for a plan to address open space issues in the City. Following a presentation to City Council on November 29, 2011 the Commission assumed the responsibility to oversee the development of a plan which would focus on local efforts to preserve additional lands, and provide passive and active recreation opportunities. The generous support provided by the Association of New Jersey Environmental Commissions' *Sustainable Land Use Planning Grant* program was used to fund preparation of this Plan.

The *Open Space and Recreation Plan* adopted in November 2014 provides guidance for maintenance of recreation improvements and a structured evaluation process and criteria for potential property acquisitions. It also adheres to requirements set forth by the New Jersey Department of Environmental Protection's Green Acres Program, making the City eligible for future site acquisition funds under the Planning Incentive Grant program. The Plan is available here - https://imageserv11.team-logic.com/mediaLibrary/242/Ocean_City_OSRP-Nov5-2014.pdf

Municipal Public Access Plan

The NJDEP adopted new rules governing public access in 2012 that enable municipalities to develop and adopt Municipal Public Access Plans (MPAP) to govern public access within their municipality. The MPAP generally consists of an inventory of public access locations and strategies to preserve and enhance access based on community needs and State standards.

Ocean City applied for and received grant funding from NJDEP in 2015 to develop a Municipal Public Access Plan. The City's MPAP supports the policy of local determination of public access locations and facilities, while safeguarding regulatory flexibility and potential funding opportunities for Ocean City. This Plan has been reviewed and approved by NJDEP, and subsequent to revision will be adopted by the Planning Board as an element of the Master Plan.



Post Sandy Planning Grant

Ocean City prepared a “Strategic Recovery Planning Report (SRPR)” in October 2015 that recommends actions for upgrading planning and hazard mitigation documents to properly respond to the impact of Superstorm Sandy and mitigate future weather events and natural disasters. The Strategic Recovery Planning Report enabled the City to obtain funding from the NJDCA through the Post Sandy Planning Grant (PSPA) grant program to amend or develop new master plan elements, neighborhood plans, design standards, capital improvement plans, hazard mitigation plans, ordinances and development permitting process.

The reports developed with PSPA grant funds are identified below.

- Floodplain Management Plan³ https://imageserv11.team-logic.com/mediaLibrary/242/Ocean_City_Floodplain_Management_Plan-Final_R2_.pdf
- Community Resilience Plan https://imageserv11.team-logic.com/mediaLibrary/242/Ocean_City_Community_Resilience_Plan_-_Final.pdf
- Development of Codes, Ordinances, Standards & Regulations https://imageserv11.team-logic.com/mediaLibrary/242/Codes_Ordinances_Standards_Regulations_Signed_Final.pdf
- Economic Plan, Historic Preservation Plan, Community Resilience Plan (9th Street & CBD) https://imageserv11.team-logic.com/mediaLibrary/242/Economic_Historic_9th_St_CBD_-_Final.pdf
- Design Standards – 9th Street Gateway & Central Business District https://imageserv11.team-logic.com/mediaLibrary/242/Design_Standards-Final_Deliverable.pdf

Complete Streets

“Complete Streets” are those designed to balance the needs of pedestrians, bicyclists, motorists, transit vehicles, emergency responders, and goods movement. The specific design depends on the context of the location, but safety is always a priority. New Jersey is a national leader in Complete Streets policies, with the most policies of any state. The New Jersey Department of Transportation was among the first to adopt an internal Complete Streets policy. Today, 121 municipalities and seven counties have policies.

Ocean City recently received the State of New Jersey’s “Complete Streets Excellence Award.” The City was commended “for instituting an all-encompassing program to provide a “safe, multi-

³ The ‘Floodplain Management Plan’ was valued at 238 points by FEMA which elevated the City to a Class 4 CRS Rating



modal transportation system that is accessible to all.” Ocean City was one of only six entities in the State to receive the Complete Streets Excellence Award.

The transportation system of “honoree communities” must accommodate transit-riders, pedestrians, and cyclists as well as motorists. Roads must be safe for children, the elderly, and persons with disabilities as well as able-bodied adults. New Jersey’s “Complete Streets Movement” seeks to institutionalize these principles in all state communities.

“This award is a tribute to the City and individuals and groups that worked on projects to keep our streets safe for all,” said Mayor Jay A. Gillian. “The Police Department, Public Works Department, Bicycle Advocacy Committee and many others participated to make this award possible. The community’s emphasis on safe street polices is especially important to a tourist destination that experiences huge influxes of vacationers many of whom need extra attention when it comes to street safety.”

City Council adopted Resolution 11-48-082 in October 2011 describing and endorsing a *complete streets policy* for the City of Ocean City.





FEMA - Community Rating System

The Community Rating System or CRS is a part of the National Flood Insurance Program (NFIP) that provides reductions to flood insurance premiums in participating communities. Insurance premium reductions are based upon a community's level in the CRS Program. The reductions take into account the community floodplain management programs, including public information activities. In order to increase the Flood Insurance discount levels the community must continue to promote the necessity that citizens of Ocean City purchase flood insurance and to continue to implement CRS programs and report status to the NFIP each year.

Ocean City entered the National Flood Insurance Program in 1970 and has been recertified each year since 1991. The entire island has been determined to be in the Special Flood Hazard Area for the 100-year storm as determined in 1984 by the National Flood Insurance Program (NFIP) with an A-zone Base Flood Elevation (BFE) of either 9' or 10' NGVD and a V-zone BFE of 11-14' on the beach. All properties are required to be newly constructed or substantially repaired in accordance with NFIP rules in effect since 1970 and updated from time to time. The Construction Official is responsible for compliance with the NFIP rules.

The City of Ocean City recently underwent a review for FEMA's Community Rating System (CRS). A federal incentive program designed to incentivize flood resiliency, CRS rewards communities for adopting floodplain management ordinances, adhering to minimum standards for new construction and educating citizens about their flood risk. Due to the extensive public investments, outreach, and regulation that the City has pursued over recent years, the City improved its CRS rating to a score of five. This rating translated into a 25 percent discount in flood insurance for each resident in the Special Flood Hazard Area. The Floodplain Management Committee has made it a goal to achieve a CRS Class 3 rating and continue as the highest rated community in the state.

Sustainable Jersey

Sustainable Jersey is a nonprofit, nonpartisan organization that provides tools, training and financial incentives to support communities as they pursue sustainability programs. Currently, 76 percent, or 430 of New Jersey's 565 municipalities are participating in the municipal certification program.

Ocean City is a Sustainable Jersey certified community -- one of only 198 in the state. The City achieved Sustainable Jersey certification at the bronze level in program year 2015, and achieved certification at the silver level in 2017. Only 24 other towns in New Jersey are certified at the silver level.



To become Sustainable Jersey certified, Ocean City completed the balance of the program's sustainability actions. In addition, Ocean City created a green team and did five priority actions by completing: 1) fleet inventory, 2) municipal carbon footprint, 3) sustainable land use pledge, 4) natural resource inventory, 5) prescription drug safety and disposal.

Public Acquisitions and Improvements

Capital Projects Roads and Drainage.

Ocean City will spend \$7.75 million on road and drainage projects in 2018 and \$32 million in total over the next five years. The City has identified the most flood-prone neighborhoods on the island and is working with outside engineering experts to design comprehensive plans to mitigate flooding across these large drainage basins. Significant projects completed or on-going include:

- Merion Park
- 26th Street to 34th Street (between West Avenue and Bay Avenue)
- 1st Street to 8th Street (between West Avenue and the bay)
- North End Pumping Station - Three stormwater pumping stations and a new network of storm pipes will be used to enhance drainage in the north end neighborhood between First Street and Eighth Street, from West Avenue to the bay. The estimated \$8 million project will use a \$5 million FEMA grant, the largest Ocean City has ever received. Work is expected to take about a year to a year and a half.

Recently Completed Projects.

- West 17th Street Bridge Improvements
- 2017 Road Improvement Program – Phase 1
- 2017 Bulkhead Improvements
- Oceanfront Stormwater Outfall Improvements
- 34th Street Bridge Redecking
- South Jersey Gas Main Renewal
- 2016 Road Improvement Program – Phase 5

Use of Porous Asphalt.

Ocean City's road improvement program encourages the use of porous pavement whenever and wherever possible. This material allows water to drain through the pavement surface and into the soils below. Porous pavement has proven to be an effective way to reduce storm water on many streets in Ocean City.



Because a porous surface also allows groundwater to travel up through the pavement and onto the surface of a street, use is restricted to certain areas. The material is most effective in areas with elevation and sandy soil.

Porous pavement is currently being used for 2017 road projects on St. Charles Place, Park Place and Fourth Street.

For additional information: <http://www.ocnj.us/Capital-Projects-Roads-and-Drainage/>

Parks and Public Place (Completed Projects).

- Electric Vehicle Charging Station
- Sports Lighting at 6th Street
- 9th Street Corridor
- 29th Street Firehouse
- Pickleball Courts
- Bayside Center
- Artificial Turf and Track Surface at Carey Field
- Historic US Lifesaving Station



- Racquet and Court Facilities
- City Hall Exterior Doors and Windows
- Library Roof
- Welcome Center
- Airport Playground
- Skateboard Park
- Historic Transportation Center



For additional information: <http://www.ocnj.us/Capital-Projects-Parks-and-Public-Places/>

Beach Replenishment.

The City is a partner with the Army Corps of Engineers and the State of New Jersey for projects designed to protect coastal property. These projects are part of a 50-year agreement that calls for a three-year cycle of renourishment where the federal government pays 65 percent, the state 35 percent (with the municipality bearing 25 percent of the state's cost).

The 2015 north end beach replenishment project includes the beaches between the “terminal groin” (the northernmost jetty at Seaspray Road) to 12th Street at a total cost of \$12.3 million. The original estimate was that the project would require 700,000 cubic yards, but the Army Corps exercised options (based on updated surveys) to bring the total to 999,000 cubic yards. That figure includes about 40,000 cubic yards to restore dunes (which is typically not part of the agreement for renourishment projects at the north end).

A \$13.4 million project to restore sand lost during storms in October 2015 and January 2016 between Seaspray Road and the area beyond 12th Street was completed in December 2017. The work added about 1.3 million cubic yards of sand to the beaches and stockpiled even more for the rebuilding of dunes in areas near 5th Street and 10th Street. This was the eighth Army Corps of Engineers renourishment project since an initial restoration in the 1990s.

Beaches between 37th Street and 59th Street including the parking lot at 59th Street were restored in June 2016. Ocean City beaches received an additional 500,000 cubic yards of sand resulting in an uninterrupted line of protective dunes and beaches along the entire beachfront.



Living Shoreline.

City Council recently awarded a contract for a study and concept plan to use the existing berm along the bayside marshes between 36th Street and 52nd Street for improved resilience to tidal flooding. The study is the first step in what could be major improvements for this part of town.

Contractors have begun mobilizing for the restoration of the northern and western shorelines of Shooting Island in the bay area between West 17th Street and Tennessee Avenue. This project involves the installation of 2,700 linear feet of rock sill and 1,450 linear feet of oyster habitat. The sill will function as protection for the Shooting Island wetlands and will absorb energy from the waves and currents. The oyster habitat blocks will be positioned to promote the flow of tidal water between the marsh and bay.

This work represents the start of the longest living shoreline project in New Jersey. This first phase will help provide coastal resiliency and reduction of storm impacts. The shoreline of the island has receded nearly 60 feet since 1978. More than 150 acres of tidal wetlands will be restored and protected.

The City has obtained permits from multiple federal and state agencies that will facilitate long-range plan for dredging, maintenance and restoration of the back bay recreational area. This effort is anticipated to serve as a model for other shore communities in addressing similar efforts to keep their waterways open.

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 and housing trends. The following section identifies relevant aspects of this review.

As of the 2010 United States Census, the City's population was 11,701, reflecting a decline of 3,677 (-23.9%) from the 15,378 counted in the 2000 Census, which had in turn declined by 134 (-0.9%) from the 15,512 counted in the 1990 Census. The decline in population is not reflective of the City's vitality. In fact, several other resort communities have seen a similar decline in population since 1990. The decline is most likely associated with the conversion of year-round homes to second homes. The American Community Survey (2013-2017) indicates the total population is 11,328.



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. The American Community Survey (2013-2017) indicates the median age in the City is 53.2.

The Census Bureau's 2006-2010 American Community Survey showed that (in 2010 inflation-adjusted dollars) median household income was \$55,202 (with a margin of error of +/- \$6,710) and the median family income was \$79,196 (+/- \$11,239). Males had a median income of \$48,475 (+/- \$5,919) versus \$41,154 (+/- \$12,032) for females. The per capita income for the City was \$40,864 (+/- \$3,899). About 5% of families and 6.4% of the population were below the poverty line, including 4.3% of those under age 18 and 5.8% of those age 65 or over.

Superstorm Sandy

A lot has happened since Ocean City residents evacuated the island as Superstorm Sandy bore down on the Jersey Shore on October 29, 2012. Estimates indicate that the City incurred approximately \$17 million in restoration and repair costs for public property and facilities. Sandy-related adjustments for individual property assessments resulted in a \$15.5 million reduction to the City's ratable base in 2013. As a result of Superstorm Sandy 29% (6,137) of the homes in Ocean City sustained "severe" or "major" damage.

Most Ocean City businesses damaged by the storm have since recovered. The NJEDA approved 36 grants in Ocean City totaling over \$1.6 million. While Superstorm Sandy caused damage across all state industries, some industries - particularly the tourism industry - were critically affected. Ocean City mobilized forces and did an exemplary job of "cleaning up" immediately after the storm. The City also modified their permit procedures and adopted several ordinances subsequent to Sandy to facilitate rebuilding of homes and businesses. Efforts to improve the City's resilience and recovery to future storm events are on-going.

Climate Change

The Global Change Research Act of 1990 mandates that the U.S. Global Change Research Program (USGCRP) deliver a report to Congress and the President no less than every four years. The Fourth National Climate Assessment (NCA4) fulfills that mandate in two volumes. Volume II draws on the foundational science described in Volume I, the *Climate Science Special Report (CSSR)*. Where possible, NCA4 Volume II provides examples of actions underway in



communities across the United States to reduce the risks associated with climate change, increase resilience, and improve livelihoods.

This assessment was written to help inform decision-makers, utility and natural resource managers, public health officials, emergency planners, and other stakeholders by providing a thorough examination of the effects of climate change on the United States.

The *Climate Science Special Report (CSSR)*, published in 2017, provides a detailed analysis of how climate change is affecting the physical earth system across the United States and provides the foundational physical science upon which much of the assessment of impacts in this report is based. The CSSR integrates and evaluates current findings on climate science, analyzes trends in climate change, and projects major trends to the end of this century. As an assessment and analysis of the physical science, the CSSR provides important input to the development of other parts of NCA4 and their primary focus on the human welfare, societal, economic, and environmental elements of climate change. The full CSSR can be accessed at science2017.globalchange.gov.

The impacts of climate change are already being felt in communities across the country. More frequent and intense extreme weather and climate-related events, as well as changes in average climate conditions, are expected to continue to damage infrastructure, ecosystems, and social systems that provide essential benefits to communities.

Rising water temperatures, ocean acidification, retreating arctic sea ice, sea level rise, high-tide flooding, coastal erosion, higher storm surge, and heavier precipitation events threaten our oceans and coasts. These effects are projected to continue, putting ocean and marine species at risk, decreasing the productivity of certain fisheries, and threatening communities that rely on marine ecosystems for livelihoods and recreation. Lasting damage to coastal property and infrastructure driven by sea level rise and storm surge is expected to lead to financial losses for individuals, businesses, and communities, with the Atlantic and Gulf Coasts facing above-average risks.

Actions to plan for and adapt to more frequent, widespread, and severe coastal flooding, such as shoreline protection and conservation of coastal ecosystems, would decrease direct losses and cascading impacts on other sectors and parts of the country. More than half of the damages to coastal property are estimated to be avoidable through well-timed adaptation measures.⁴

⁴ FOURTH NATIONAL CLIMATE ASSESSMENT - USGCRP, 2018: *Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Volume II* [Reidmiller, D.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, K.L.M. Lewis, T.K. Maycock, and B.C. Stewart (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, 1515 pp. doi: 10.7930/NCA4.2018.



America’s trillion-dollar coastal property market and public infrastructure are threatened by the ongoing increase in the frequency, depth, and extent of tidal flooding due to sea level rise, with cascading impacts to the larger economy. Higher storm surges due to sea level rise and the increased probability of heavy precipitation events exacerbate the risk. Actions to plan for and adapt to more frequent, widespread, and severe coastal flooding would decrease direct losses and cascading economic impacts.

Fisheries, tourism, human health, and public safety depend on healthy coastal ecosystems that are being transformed, degraded, or lost due in part to climate change impacts, particularly sea level rise and higher numbers of extreme weather events. Restoring and conserving coastal ecosystems and adopting natural and nature-based infrastructure solutions can enhance community and ecosystem resilience to climate change, help to ensure their health and vitality, and decrease both direct and indirect impacts of climate change.

D. Specific Changes Recommended for the Master Plan and Development Regulations.

In consideration of the land use problems and changes pertaining to the master plan and development regulations, the following specific changes to the master plan and development regulations are recommended.

Master Plan Update

An update of the City Master Plan including the following elements is recommended.

- Land Use Plan
- Circulation Plan
- Utility Service Plan
- Community Facilities Plan
- Economic Plan
- Historic Preservation Plan
- Recycling Plan
- Green Building/Environmental Sustainability Plan
- Visual Design Plan to support form-based code
- Stormwater Management Plan
- Educational Facilities Plan

Revisions to City Code

Table 3 describes recommended changes to the Zoning Ordinance.



Table 3
Recommended Changes to the Master Plan and Zoning Ordinance

	Topic	Recommendation
1	<u>Completeness Procedure</u>	Revise ordinance (§25-1500.4) to clarify functional responsibilities and timelines per MLUL.
2	<u>Buffers and Screening</u>	Consolidate §25-1700.5, §25-1700.5.3, §25-1700.38.11 and §25-205.10.8.
3	<u>Drive-in Business (DB) Zone</u>	Revise the DB Zone (§25-205.2.3): [1] to permit “senior housing” as a conditional use, including the conditional uses identified in the 2012 Reexamination Report; [2] conditionally permit single-family homes except on 9 th Street, West Avenue and north of 10 th Street, subject to 115’ lot depth, R-1-30 standards, and alley access for new lots; [3] establish standards to permit taxi dispatch station.
4	<u>Senior Housing</u>	Develop conditional use standards for “senior housing” (§25-208.2.6.).
5	<u>Pleasure Avenue (east side, 9th – 14th)</u>	Adjust front setback on Schedule B (§25-209.2) from 25’ to 10’.
6	<u>Off-street Parking</u>	Reduce setbacks for commercial and mixed-uses on lots up to 30 feet in width to one (1) foot from property line (§25-1200.4e); revise §25-1200.4i to permit stacked parking for nonresidential uses.
7	<u>Projections and Encroachments</u>	Consolidate requirements for all permitted projections and encroachments into §25-300.1.
8	<u>Building Coverage</u>	Simplify definition (§25-107).
9	<u>Garage parking standard</u>	Delete the following phrase from §25-1700.16.1 - “Private garages which are an integral part of an individual dwelling unit shall not contain more than two (2) parking spaces each, and each parking space shall contain a minimum of two hundred forty (240) square feet of floor area.”
10	<u>Cabana</u>	Define “Cabana” (§25-107) and allow as rear yard encroachment (25-300.1.a(2) similar to sheds.
11	<u>Fences and Retaining Walls</u>	Revise §25-1700.14.1 to: [1] prohibit the installation of retaining walls in side and rear yards that render a fence on the adjoining property out of compliance with the International Swimming Pool and Spa Code, and [2] permit fences on waterfront lots to exceed the 4-foot limitation when additional height is necessary to comply with International “Swimming Pool and Spa Code” without consent from the adjoining owner. Revise 25-300.1a(2)(f) by adding the following: . . . as permitted by Section 25-1700.14 of this Ordinance.
12	<u>Checklists</u>	<u>All checklists</u> (§25-1500) – convert reference to North American Vertical Datum (NAVD 88). <u>Minor Site Plan Checklist</u> (§25-1500.13.c.11) - Delete reference to “land



		being subdivided”.
13	<u>On-Boardwalk Zone</u>	Modify “Purpose” statement (§25-205.5.1) by deleting “. . . for a distance of two hundred feet (200') inland from the Boardwalk”; permit residential dwellings above commercial units subject to adequate parking, appropriate bulk controls and design standards.
14	<u>Rear Yard Encroachment</u>	Revise §25-300.1a(2)(i) as follows: Private above-ground swimming pools on non-waterfront lots only, and in-ground swimming pools, as permitted by the specific district regulations, if the wall of the pool is not closer than six feet (6') to any property line, or four feet (4') to any building, bulkhead or property line. Pool equipment such as pumps and filters shall be no closer than six feet (6') to any other property line. Pool lighting shall not project onto adjacent properties. Sound amplification systems are not permitted.
15	<u>Performance Guarantees</u>	Revise Article 1600 to comply with Municipal Land Use Law.
16	<u>Awnings, Awning Signs</u>	Revise §25-300.1 to be consistent with the projection and height in §25-1700.29.3.
17	<u>Garage Setbacks</u>	Revise 25-300.1 to change side yard setback from 1' to 2' for detached garages consistent with 25-300.15.
18	<u>Governor’s Strip</u>	Establish design standards and add to §25-1700.38.
19	<u>Design Studio</u>	Establish definition and add to §25-107.
20	<u>34th Street Gateway</u>	Eliminate the requirements for <i>Decorative Paver Walks, Decorative Paver Crosswalks, Alley Aprons and Drive Aprons, and Decorative Paver Cobble Strip</i> (§25-1700.28.9); increase Minimum Lot Area and Lot Width to 10,000 square feet and 100 feet, respectively; clarify applicability of “design standards” relative to use.
21	<u>Corinthian R-2 Zones</u>	Revise rear yard setbacks in the C-2-30/1950 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.
22	<u>Design Standards</u>	Revise Section 25-1700 of the City Code to clearly distinguish their respective applicability to residential or commercial uses.
23	<u>Special Improvement District</u>	Revise the Boardwalk SID boundary on Zoning Map consistent with the parcels listed in Ordinance 95-23.
24	<u>Half-story</u>	Revise R1 Schedules of District Regulations to change all R1 partial (or half-stories) to 2.5.
25	<u>Gardens 75/7000 Zone</u>	Revise Gardens 75/7000 Zone boundaries to implement the Master Plan amendment adopted by the 2012 Master Plan Reexamination Report.
26	<u>Simpson Avenue (1500-1700)</u>	Revise the Zoning Ordinance to rezone this area as described in the Master Plan amendment adopted by the 2012 Master Plan Reexamination Report.
27	<u>Brown’s and Oves’</u>	Revise the Zoning Ordinance to rezone these parcels as described in the Master Plan amendment adopted by the 2012 Master Plan Reexamination



		Report.
28	<u>Central Business, Central Business-1 Zones</u>	Repeal parking requirements for commercial uses; revise ordinances to include form-based code elements and streetscape standards for both zones; 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; encourage community art displays to counter voids created by vacant storefronts; Reference and relocate “Building Design” requirements to Article 1700; Repeal roof deck and front porch/deck prohibition; Replace residential parking requirement with reference to Residential Site Improvement Standards.
29	<u>Stormwater Management</u>	Revise §25-1700.32.12 consistent with the recommendations contained in the PSPA “Development of Codes, Ordinances, Standards & Regulations” report.
30	<u>Affordable Housing</u>	<p>The ordinances described below incorporate elements of the Court-approved agreement and comprise three components of the City’s multi-faceted affordable housing strategy.</p> <ol style="list-style-type: none"> a. <u>Inclusionary Housing Option in Business Zone Districts</u> – This ordinance will increase the density and bulk standards for residential uses in business zones and require an inclusionary component. b. <u>Inclusionary R-2 Zone Districts Assemblage Incentive Overlay Zone</u> – The ordinance adopting an inclusionary overlay zone applicable to all R-2 zone districts is triggered by an assemblage of at least 25% of the land area of a block that is designated R-2 zone district. This ordinances will (1) increase the density from the current approximately 20 units/acre in duplexes (12 to 28 units/acre depending in lot location on the block) to 30 units/acre; (2) modify bulk standards and increase the maximum building height to three habitable stories; and (3) expand permitted uses to include multifamily housing. c. <u>Town-wide set-aside</u> – This ordinance requiring an affordable housing set-aside of 20%, if the affordable units will be for-sale, and 15%, if the affordable units will be for rent, applies to all new multi-family residential developments of five (5) or more additional units (over and above those already permitted as of right) that are developed at a density of six (6) or more units per acre which developments become permissible through either a use variance, a density variance increasing the permissible density at the site, a rezoning permitting multi-family residential housing where not previously permitted or a new or amended redevelopment plan or a new or amended rehabilitation plan. This ordinance does not give any developer the right to any such rezoning, variance, redevelopment designation or redevelopment plan approval or other relief, or establish any obligation on the part of the municipality to grant such rezoning, variance, redevelopment designation or redevelopment plan approval or other relief. This provision shall not apply to sites zoned for inclusionary residential development or for which an inclusionary



		<p>residential redevelopment plan has been adopted consistent with the municipality's Court-approved Housing Element and Fair Share Plan, which sites shall comply with the applicable adopted zoning. No site shall be permitted to be subdivided so as to avoid compliance with this requirement.</p> <p>d. Approval and adoption of the following compliance mechanisms to implement the Court-approved Agreement are recommended.</p> <ul style="list-style-type: none"> i. Municipally-sponsored family rentals/market to affordable program ii. Partnership with the Ocean City Housing Authority iii. A new definition for “Municipal Uses” iv. A revised Development Fee Ordinance v. A new Affordable Housing Ordinance
31	<u>Riviera and Bayou Zones</u>	Specify that “Patios at an elevation of eighteen inches (18”) above grade or 7.0 feet NAVD (1988), whichever is less, provided they do not extend beyond the side building lines” applies to waterfront lots only.
32	<u>§25-203.4 Reserved</u>	Add reference to “Schedule D - Residential Building Height”
33	<u>§25-204.15.4B</u>	Repeal the roof deck prohibition in the Gardens
34	<u>Neighborhood Business Zone</u>	Defer to Residential Site Improvement Standards for residential parking requirements
35	<u>§205.4.8 Streetscape Standards – 34th Street Corridor</u>	Delete this section and indicate as “Reserved.”
36	<u>Hospitality Zone</u>	Defer to Residential Site Improvement Standards for residential parking requirements. Increase Maximum Impervious Coverage for triplexes from 65% to 70%.
37	<u>Marine Village Harbor Zone</u>	Defer to Residential Site Improvement Standards for residential parking requirements.
38	<u>Marine Place NB-1 Zone</u>	Defer to Residential Site Improvement Standards for residential parking requirements.
39	<u>Schedule B - Schedule of Front Yard Setback Depths by Street</u>	Repeal “Off-Boardwalk Zone” and “Hotel Motel Zone”
40	<u>Parking requirements (§25-300.12)</u>	Defer to Residential Site Improvement Standards for residential parking requirements; add bicycle parking requirements.
41	<u>Article 400 Administration</u>	Update master plan and reexam provisions consistent with Municipal Land Use Law.
42	<u>§25-1500.5.3 Application on Minor Subdivision Application</u>	Modify or repeal provisions pertaining to “Planning Board Workshop” and “Action by Committee.”
43	<u>§25-1700.3.3 – 3.5</u>	Update consistent with revisions to Article 1600 Performance Guarantees (Recommendation D.15).



44	<u>§25-25-204.8.5 and §25-25-204.9.5</u>	Increase Maximum Impervious Coverage in the Residential Oceanfront R-1 Zone and Residential Oceanfront R-2 Zone from 55% to 60%.
45	<u>§25-1700.5.4 Elevated Buildings</u>	Reposition this ordinance as §25-1700.18.
46	<u>§25-1700.18.1-18.15</u>	Delete these sections consistent with Ordinance 12-03.
47	<u>§25-1700.19 Lighting</u>	Update to provide additional standards, encourage greater efficiency and decrease sky glow.
48	<u>§25-1700.26 Screening of Equipment or Machinery</u>	Consolidate this section with §25-1700.5 and §25-1700.38.
49	<u>§25-1700.29 Signs</u>	Add standards for monument signs.
50	<u>§25-1700.34 Street Design and Construction</u>	Update standards to comply with Residential Site Improvement Standards and NJDOT.
51	<u>§25-1700.38.18 Performance Bond Required</u>	Modify this section as required by Recommendation D.15 above.

52. 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.

Table 4 includes recommendations for re-zoning certain of the existing RMF-zoned areas.



Table 4
Residential Multi-Family Zones

General Location	Block, Lot	Tax Map	Land Uses	Recommendation
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
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 HZ and CB zones subject to master plan update

Notes to Table.

Sfd = single-family dwelling

Dup = duplex

Mf = multi-family

Com = commercial

RMF Schedule of District Regulations (§25-204.7.5)

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 (5,6)		Maximum Building Coverage (percent)	Maximum Impervious Coverage (percent)
	Interior	Corner	Interior	Corner (3)	Front (1)	Rear (8)	Side		Flat/Pitched	Habitable Stories		
Apartments	10,500	10,500	105	115	Schedule B	20% of Lot Depth	Schedule C	100	27/35	3	35	55
Quadruplex	6,500	7,000	65	70				100	27/35	3	35	65
Triplex	5,500	6,000	55	60				100	27/35	3	35	70
Duplex, Guest House	3,500	4,000	35	40				100	Note 7	2.5	35	65
One-family dwellings	3,000	4,000	30	40				100	Note 7	2.5	35	65



NOTES TO SCHEDULE (Residential Multi-Family Zone):

- (1) In all zone districts, 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) Reserved.
- (3) On corner lots, the minimum side yard requirements shall be met for the interior side yard and the larger side yard dimension shall be provided for the side yard closest to the street.
- (4) The minimum required lot depth and lot frontage indicated shall be provided, except that:
 - (a) Existing lots with less than the required depth at the time of adoption of this Ordinance, shall be deemed to be conforming for purposes of lot depth, and except that
 - (b) The minimum required lot depth for lots created subsequent to the effective date of this ordinance fronting on the east side of West Avenue between North Street and 59th Street shall be ninety (90) feet.
- (5) See Section 25-300.16 for design controls governing eaves, dormers, half-stories and porches.
- (6) Building Height for Guest House, Triplex, Quadriplex, and Apartment shall be measured from Base Flood Elevation plus one (1) foot (BFE+1); Building Height for Duplex and One-family residential dwellings shall be measured from Zoning Flood Elevation.
- (7) Refer to Section 25-209.5, Schedule D – Residential Building Height.
- (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.
- (9) Reserved.
- (10) In all zone districts the required Minimum Lot Area shall be as indicated in the Schedule of District Regulations, except that the required Minimum Lot Area for lots created subsequent to the effective date of this ordinance (Ord. No. 14-25 was adopted 9-25-14) fronting on the east side of West Avenue between North Street and 59th Street shall be ninety (90) percent of the Minimum Lot Area indicated on the respective Schedule of District Regulations.

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

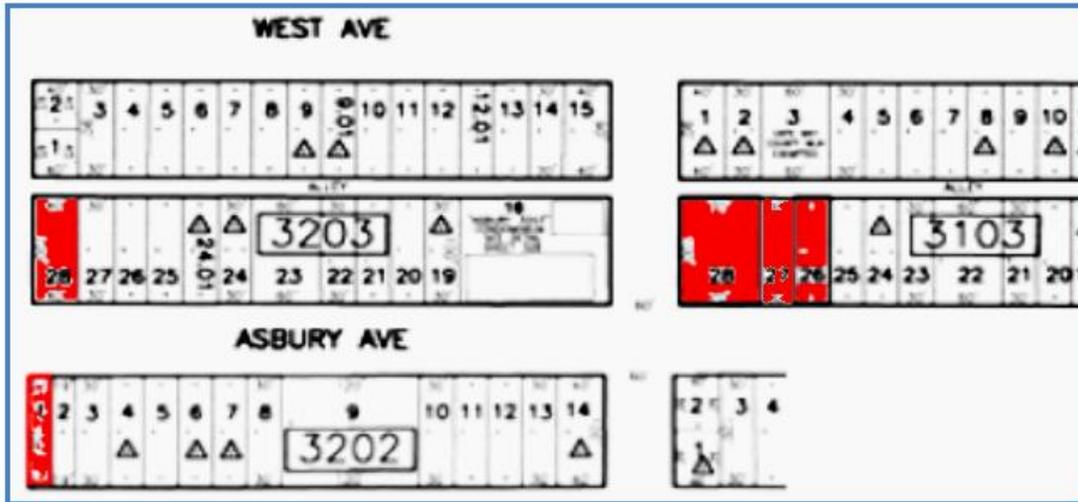
SCHEDULE C—Schedule of Side Yard Setbacks (Section 25-209.3)

53. Neighborhood Business (NB) Zone – Rezone the Neighborhood Business zone as illustrated in Figure 1 and as described below.

- a. Rezone Block 3103, Lots 26-28 from R-2-30 to NB
- b. Rezone Block 3202, Lot 1 from R-2-30 to NB
- c. Rezone Block 3203, Lot 28 from NB to R-2-30



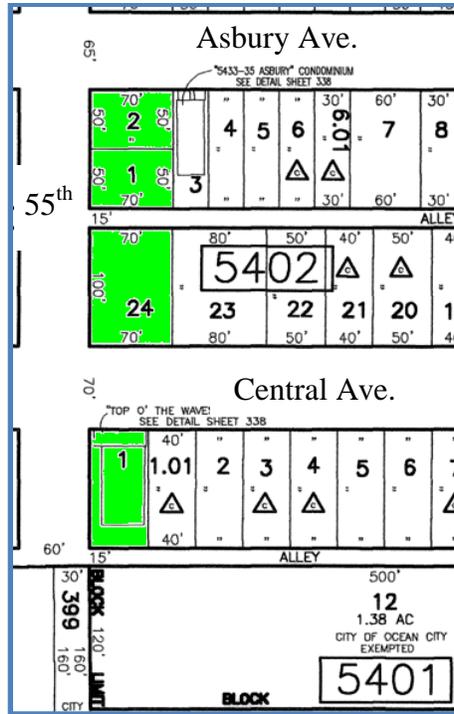
Figure 1
Neighborhood Business Re-zoning



54. Neighborhood Business (NB) Zone – Rezone the Neighborhood Business zone as illustrated in Figure 2 and as described below.
- Rezone Block 5401, Lot 1 to R-O-2-40 zone
 - Rezone Block 5402, Lots 1, 2 to R-2-30 Zone
 - Rezone Block 5402, Lot 24 to R-2-40 Zone



Figure 2
Re-zoning Neighborhood Business Zone @ 55th Street



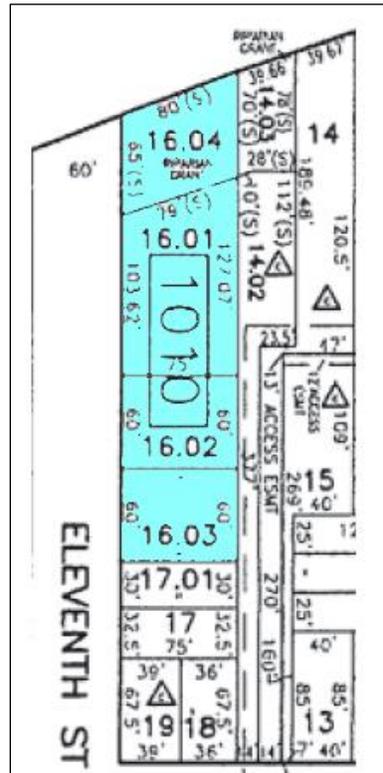
55. R-L-1-25 Zone – Revise the Minimum Lot Depth in Section 25-204.4.5 from 100’ to 70’; rezone Block 1010, Lots 16.01-16.04 to Bay View Neighborhood (1-35) Zone as identified on Figure 3.



Figure 3

Re-zone to Bay View-1-35 Zone

(Block 1010, Lots 16.01-16.04)



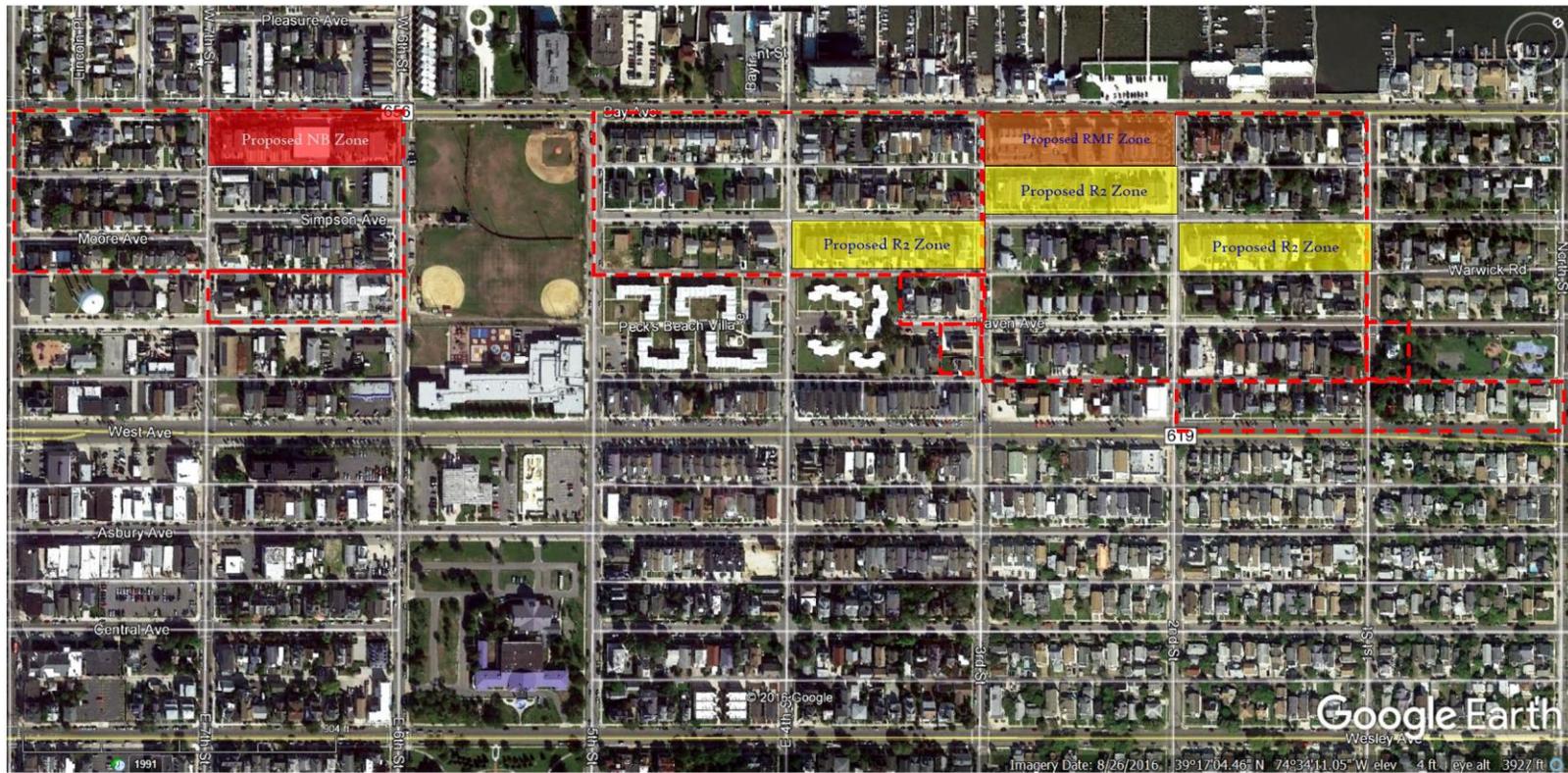
56. North End Neighborhood (NEN) Zone - Rezone five half-blocks as follows and as illustrated on Figure 4.

- a. Block 110, Lots 1-11 from NEN to R-2-40
- b. Block 214, Lots 1-6.03 from NEN to Residential Multi-Family
- c. Block 214, Lots 7-12.08 from NEN to R-2-40
- d. Block 310, Lots 1-8 from NEN to R-2-40
- e. Block 608, Lots 1-6 from NEN to Neighborhood Business
- f. The remainder of the NEN area to be rezoned as R-1-30 zone



Figure 4

North End Neighborhood Zone



With the exception of the five highlighted blocks, the remainder of the NEN zone to be rezoned to R1.



Potential changes to the Master Plan and/or Zoning Ordinance identified for further evaluation.

Table 5
Potential Changes to the Master Plan and Zoning Ordinance

	Topic	Recommendation
1	<u>Street Trees</u>	Evaluate with assistance from Shade Tree Committee whether street trees are appropriate in all areas, especially beach block.
2	<u>FEMA (CRS)</u>	In conjunction with CRS Coordinator, evaluate flood regulations to increase points via revision of the Zoning Code.
3	<u>Hospitality Zone</u>	Large lots – Evaluate development options and zoning allowances.
4	<u>Service sidewalks</u>	Evaluate setbacks and design specifications.
5	<u>Sketch plats</u>	Consider procedure to allow for preliminary evaluation of major subdivisions.
6	<u>Corner Lots and Through Lots</u>	Review controls establishing front lot line designations, and evaluate effects of applying corner lot controls (25-300.5.2) to all zones except DB.
7	<u>Impervious Coverage and Stormwater Management</u>	Definition of “Impervious Coverage” and Old City Overlay provisions require clarification. Consider adding <u>Nonhabitable building area counts towards this requirement</u> . Evaluate opportunities for Green Infrastructure, cisterns, rain barrels, porous paving, etc., and replacement of the stormwater recharge provision.
8	<u>CB & CB-1</u>	Evaluate the potential benefits/detriments of rooftop commercial uses, and possible mechanisms to maintain and enhance pedestrian connections between Asbury Avenue and adjacent parking lots.
9	<u>Marine Village Harbor Zone</u>	Consider adjusting bulk requirements; permit residential multi-family, i.e., Harbor House.
10	<u>51st & Haven (R-1-40 Zone)</u>	Pending results of a land use analysis of zone, consider possible rezoning.
11	<u>Alley Access</u>	Evaluate the benefits of allowing alley access on lots between 8 th and 10 th Streets.
12	<u>Zoning Flood Elevation</u>	Evaluate ZFE at 3' above the average grade when the average grade is within 2' of BFE, and effects of 45' lot exception.
13	<u>Site Improvements</u>	Evaluate the benefits of requiring certification that site improvements have been maintained prior to renewal of Mercantile License.
14.	<u>Creative Placemaking</u>	Consider the concept of creative placemaking as a process in which: “partners from public, private, non - profit and community sectors strategically shape the physical and social character of a neighborhood around arts and cultural activities.”



15.	<u>Airbnb</u>	Evaluate the impacts of Airbnb and other host sites on the transient lodging facilities in the City.
16.	<u>Elevated Buildings</u>	Revisit §25-1700.5.4 to evaluate the effectiveness of the current screening requirements at providing a desirable visual environment.

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

In 1992, the Local Redevelopment and Housing Law (LRHL) was enacted into law. The LRHL replaced a number of former redevelopment statutes, including the Redevelopment Agencies Law, Local Housing and Redevelopment Corporation Law, Blighted Area Act, and Local Housing Authorities Law, with a single comprehensive statute. At the same time, the MLUL was also amended to require, as part of a master plan reexamination, that the issues raised in the LRHL be addressed.

The LRHL provides the statutory authority for municipalities to designate areas in need of "redevelopment or rehabilitation," prepare and adopt redevelopment plans, and implement redevelopment projects. Specifically, the governing body has the power to initially cause a preliminary investigation to determine if an area is in need of redevelopment or rehabilitation, determine that an area is in need of redevelopment or rehabilitation, adopt a redevelopment plan, and/or, determine that an area is in need of rehabilitation.

A planning board has the power to conduct, when authorized by the governing body, a preliminary investigation and make a recommendation as to whether an area is in need of redevelopment. The planning board is also authorized to make recommendations concerning a redevelopment plan, and prepare a plan as determined to be appropriate. The board may also make recommendations concerning a determination if an area is in need of rehabilitation.

The LRHL establishes eight statutory criteria to determine if an area qualifies as being in need of redevelopment. While properties may often qualify for more than one of the criteria, the LRHL establishes that only one is needed for that area to be determined in need of redevelopment.

The statute defines redevelopment to include: "clearance, replanning, development and redevelopment; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including



recreational and other facilities incidental or appurtenant thereto, in accordance with a development plan.”

It is noteworthy that the statute specifically states that a redevelopment area may include lands which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is necessary for the effective redevelopment of an area.

Redevelopment Zones at 11th Street and Ocean Avenue, and at 10th Street and Palen Avenue haven been established and incorporated onto the Zoning Map.