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OCEAN CITY PLANNING BOARD

RESOLUTION

1. Pursuant to the statutory authority provided for in N.J.S. 40:55D-28, on February 3, 1988, the Ocean City Planning Board legally adopted a Master Plan for the City of Ocean City [the “Master Plan”] and has thereafter conducted periodic reexaminations of the Master Plan as required by N.J.S. 40:55D-89.

2. Pursuant to N.J.S. 40:55D-28 b. (3) a housing plan element is an essential part of the Master Plan and the Master Plan includes a Housing Plan Element that has been amended from time to time [the “Existing Housing Plan Element”].

3. Consistent with the provisions of N.J.S. 40:55D-28 and upon proper notice having been provided pursuant to N.J.S. 40:55D-13, the Ocean City Planning Board conducted a public hearing on the adoption of amendments to the Existing Housing Plan Element of the Master Plan and the Master Plan embodied in a written report (Amended Housing Plan Element and Fair Share Plan of the City of Ocean City 4th Round 2026) prepared by Dan Levin, AICP, PP and Peter Van den Kooy, AICP, PP of Acuity Consulting Services [the “Amendments”] on April 8, 2026 [the “Amendments to Existing Housing Plan Element Public Hearing”].

4. At the Amendments to Existing Housing Plan Element Public Hearing, the Ocean City Planning Board considered the Amendments and received a presentation from Dorothy McCrosson Esquire, Solicitor for the City of Ocean City in respect of the Amendments. Solicitor McCrosson provided the Ocean City Planning Board with background information which included Ocean City's past, present and future commitment to fulfilling its obligation to provide a fair share of affordable housing. By its past compliance with its affordable housing obligations the City of Ocean City has obtained protection from exclusionary zoning litigation, including builder's remedy lawsuits. It being the intention of the City of Ocean City upon City Council adoption to file a Declaratory Judgment action in the Superior Court to establish compliance with Fourth Round affordable housing obligations and once again secure immunity from builder's remedy litigation.

5. There was no public comment at the Amendments to Existing Housing Plan Element Public Hearing.

6. The Ocean City Planning Board has determined that the Amendments are consistent with the goals and objectives of the City of Ocean City and the Master Plan and that the Amendments and implementation thereof are in the public interest and protect the public health and safety and otherwise promote the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Ocean City Planning Board on April 8, 2026 that 1. the Amendments are **APPROVED AND ADOPTED**; and, 2. the Amended Housing Plan Element and Fair Share Plan of the City of Ocean City prepared by Dan Levin, AICP, PP and Peter Van den Kooy, AICP, PP of Acuity Consulting Services is likewise **APPROVED AND ADOPTED**; and, 3. the Existing

Housing Plan Element of the Master Plan and Master Plan for the City of Ocean City are **AMENDED** to include the Amendments.

This Resolution was adopted on motion made by Ocean City Planning Board Member Bekier and seconded by Ocean City Planning Board Member Birch on April 8, 2026 [“Bekier Motion”]. The vote on the Beiker Motion was eight (8) in favor of and zero (0) against with Ocean City Planning Board Members Bekier, Adams, Sheppard, Allegretto, Barnes, Birch, Stell and Loeper all voting in the affirmative.

OCEAN CITY PLANNING BOARD

JOHN LOEPER,
CHAIRPERSON

Dated: May 13, 2026

CERTIFICATION

I, JAIME M. FELKER, Secretary to the Ocean City Planning Board, do hereby certify that the foregoing Resolution was duly adopted at the meeting of the Ocean City Planning Board held on April 8, 2026 and memorialized herein pursuant to N.J.S. 40:55D-10 g. (2) on May 13, 2026. This resolution has been filed in the office of the Board and is available for inspection upon request.

JAIME M. FELKER,
Secretary, Ocean City Planning Board