



**CITY OF OCEAN CITY**  
**ORDINANCE NO. 20-08**  
**Master Plan Consistency Report**

**Introduction.**

Ordinance 20-08 “An Ordinance Amending, Revising and Supplementing the Affordable Housing Provisions of Chapter XXV of the Revised General Ordinances of the City of Ocean City, New Jersey (**Driveways, Parking, Grass Block Pavers**)” was introduced and adopted on first reading by City Council on May 14, 2020 and will be advertised according to law and scheduled for second reading and public hearing on June 4, 2020.

The “Municipal Land Use Law” provides the Planning Board with thirty-five (35) days from the referral date (May 15, 2020) to prepare, review, adopt and transmit their consistency report regarding Ordinance 20-08 to City Council. NJSA 40:55D-26 describes the Planning Board’s responsibility regarding the master plan consistency review as follows:

*“... the planning board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning those inconsistencies and any other matters as the board deems appropriate.”*

The statute requires that every zoning ordinance must “either be substantially consistent with the land use plan element and the housing plan element of the master plan, or designed to effectuate such plan element.” NJSA 40:55D-62a.

While formerly only zoning ordinances and amendments thereto were required to be submitted to the planning board, it is now clear from the wording in NJSA 40:55D-26 that all “development regulations” must be referred to the planning board for comment and report. The statute requires that every zoning ordinance must “either be substantially consistent with the land use plan and housing plan of the master plan, or designed to effectuate such plan elements.” The “Master Plan” referred to herein is the City of Ocean City Master Plan adopted February 3, 1988, and as subsequently amended.

**Ordinance Summary.**

The primary goal of Ordinance 20-08 is to provide standards for and encourage the use of grass block pavers as an alternative to conventional concrete driveways. Revisions to the effected sections of the City Code including parking areas and driveways are described below. The full text of Ordinance 20-08 is attached at the end of this report.

Section 17-2.5 - Alternative construction standards for driveways will permit the use of grass block pavers.

Section 25-107 - The definition of Impervious Coverage (as applied to the Gardens) is repealed. The remaining Impervious Coverage definition deletes "swimming pools," is modified to recognize grass block pavers as a permeable surface and will apply city-wide.

Section 25-300.8.2 - This section repeals the five (5) percent impervious coverage bonus associated with stormwater recharge systems.

Section 25-300.12.4 - Specifications for grass block pavers are added to the off-street parking requirements; redundant/conflicting residential parking standard is repealed.

Section 25-1700.11.4 - This section modifies the separation requirements for driveways in proximity to collector and arterial streets.

Section 25-1700.11.10 - As an option, driveways for residential use may be constructed with grass block pavers; reference for paved driveway construction is added; design standards for ribbon/concrete strip driveways added.

Section 25-1700.22.2 - As an option, parking lots with less than fifty (50) cars may be constructed with grass block pavers; mandate for paved parking is repealed.

Section 25-1700.45.3 - Regulations for landscaping stones are clarified.

Chapter XXX - Schedule L is revised to repeal the "stormwater recharge system" application and escrow fees; "grass block pavers" is added; application fee for grading and grass block pavers is increased/established at \$150.

**Analysis and Conclusion.**

As noted above the Planning Board's responsibility in terms of the master plan consistency review is to evaluate the ordinance with regard to the land use plan and housing plan and

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(1) identify any provisions in the proposed ordinance which are inconsistent with the Master Plan, and (2) make recommendations concerning those inconsistencies and any other matters as the Board deems appropriate.

In defining “substantial consistency” the Supreme Court in *Manalapan Realty v. Township Committee* made it clear that some inconsistency is permitted “provided it does not substantially or materially undermine or distort the basic provisions and objectives of the Master Plan.”

Ordinance 20-08 will advance the following Master Plan Goals and Objectives:

- *To encourage municipal actions which will guide the long-range appropriate use and development of lands within the City of Ocean City in a manner which will promote the public health, safety, and general welfare of present and future residents.*
- *To secure safety from fire, flood, panic and other natural and man-made disasters.*
- *To promote a desirable visual/physical environment for residents and visitors by updating the City’s ordinances and through creative development techniques that recognizes the environmental assets and constraints of individual development sites.*
- *To encourage coordination of the numerous regulations and activities which influence land development with a goal of producing efficient uses of land with appropriate development types and scale.*
- *To encourage the efficient management of stormwater runoff through the development of appropriate guidelines which will prevent future drainage problems and provide environmentally sound land use planning, and to reduce water pollution and tidewater infiltration through capital improvements.*

Having considered the content of Ordinance 20-08, the Municipal Land Use Law and the City Master Plan, it is my professional opinion that Ordinance 20-08 is substantially consistent with the Master Plan, and will serve to advance the Master Plan Goals and Objectives identified herein.

Respectively submitted,



Randall E. Scheule, PP/AICP

New Jersey Professional Planner License No. LI003666

May 18, 2020

**ORDINANCE NO. 20-08**

AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER XXV, ZONING AND LAND DEVELOPMENT OF  
THE REVISED ORDINANCES OF THE CITY OF OCEAN CITY  
**(Driveways, Parking, Grass Block Pavers)**

BE IT ORDAINED by the Mayor and Council of the City of Ocean City, County of Cape May, State of New Jersey, as follows:

**Section 1**

**Section 17-2.5 Sidewalks, Driveways and Flat Work** of Volume I of the Revised General Ordinances of the City of Ocean City, New Jersey is hereby amended as follows:

**17-2.5 Sidewalks, Driveways and Flat Work.**

The construction, reconstruction, repair or alteration of any sidewalk, driveway or flat work shall conform to the following requirements:

a. *Materials and Methods of Construction.* Concrete utilized for any construction, reconstruction, repair or alteration of sidewalks, driveways or flat work shall be as specified in subsection 17-2.4c of this section. Methods of construction shall conform to Section 606 of the Standard Specifications. The sidewalk subgrade shall be compacted prior to the placement of any sidewalk. Any unsuitable material encountered in the subgrade shall be removed and replaced with suitable material acceptable to the City Engineer or his designee.

b. *Construction Details.* ~~Where concrete is used, S~~sidewalks and flat work shall have a minimum concrete thickness of four (4") inches. ~~In all areas with vehicular traffic (driveways, aisles, aprons, and sidewalks that are part of a driveway) ,except where the sidewalk is part of a driveway in which case~~ the minimum concrete thickness shall be six (6") inches. The City Engineer or his designee may require reinforcement if unsuitable ground conditions are encountered. Minimum sidewalk width shall be six (6') feet except in those blocks or areas where partially developed sidewalks of lesser or greater widths exist. In those situations the City Engineer or his designee may permit or require such other widths to conform to the adjacent sidewalks. That portion of the driveway from the ~~interior~~ property line to the street shall have a minimum thickness of six (6") inches and shall be constructed of concrete. ~~All driveways shall be reinforced with welded wire fabric (minimum 6x6), fiber mesh, or an equivalent approved by the City Engineer or his designee.~~ The width of the driveway shall be in accordance with Section 25-1700.11.3 or 25-1700.11.10. Expansion joints shall be installed at intervals not exceeding twenty (20') feet. Preformed bituminous cellular joint fillers one-half (1/2") inch thick shall be placed in the expansion joints. Formed joints shall be cut into the concrete sidewalk between the expansion joints at equal intervals not exceeding the width of the sidewalk.

- c. *Lot Coverage by Impervious Surface.* Impervious surface coverage for any lot is limited to the maximum permitted in the Zoning Ordinance for the applicable zone.
- d. *New Sidewalk.* All new sidewalks shall be constructed along full street and avenue frontage of new residential or commercial development.
- e. *Time Frame.* All removed or destroyed sidewalk shall be replaced within forty-eight (48) hours.  
(Ord. #26-79, § 4; Ord. #94-19, § 4; Ord. #11-10, § 6)

## **Section 2**

**Section 25-107, Definitions** of Chapter XXV “Zoning and Land Development” of the Revised General Ordinances of the City of Ocean City, New Jersey is hereby amended as follows:

~~*Impervious Surface (as applied to all single family detached dwelling units in the Gardens R-1 Neighborhood Zones) shall mean any natural or manmade surface that does not permit the infiltration of water, including all principal and accessory buildings, decks at the same and below the elevation of the first finished floor in the rear yard of waterfront lots, porches, swimming pools, driveways, sidewalks, patios and parking areas, constructed of gravel, crushed stone or crushed shells, pavers, asphalt or concrete, areas underlain with plastic sheeting, and other materials determined by the City Engineer. Permeable landscaped areas in a natural state, vegetated, mulched or landscaped with stone such as river rock over a porous weed barrier, shall not be counted as impervious surface. Impervious Surface does not include retaining walls eight inches (8") or fewer in width below cap width.*~~

*Impervious Surface* shall mean any natural or manmade surface that does not permit the infiltration of water, including all principal and accessory buildings, decks, porches, ~~swimming pools~~, driveways, sidewalks, patios and parking areas, constructed of gravel, crushed stone or crushed shells, brick pavers, asphalt or concrete, areas underlain with plastic sheeting, and other materials determined by the City Engineer. Permeable landscaped areas in a natural state, vegetated, mulched or landscaped with stone such as river rock over a porous weed barrier, shall not be counted as impervious surface. Impervious surface does not include retaining walls eight inches (8") or fewer in width below cap width. Grass block pavers utilized for off-street parking areas in accordance with Section 25-1700.11.10 and Section 25-300.12.4j are not considered an Impervious surface.

## **Section 3**

**Section 25-300.8.2 Stormwater Recharge and Impervious Surface Coverage** of Chapter XXV “Zoning and Land Development” of the Revised General Ordinances of the City of Ocean City, New Jersey is repealed in its entirety.

**25-300.8.2 ~~Stormwater Recharge and Impervious Surface Coverage.~~**

~~—Impervious surface coverage allowances may be offset a maximum of five percent (5%) above the maximum impervious surface coverage limits established in Section 25-209.1 of this Ordinance in certain instances provided the developer designs and constructs an underground recharge system approved by the City Engineer, Planning Board Engineer, or Zoning Board Engineer, as appropriate. Prior to issuance of a Zoning Permit or final approval of an application for development, the recharge system must be designed by a licensed New Jersey Engineer and approved by the City Engineer, Planning Board Engineer, or Zoning Board Engineer, as appropriate. Prior to occupancy of a Certificate of Occupancy for the subject premises, the design engineer must provide written certification that the system has been constructed and will function as designed and approved; and the applicant/owner shall certify that the maintenance program and schedule will be adhered to. (Ord. #02-19; Ord. #02-36, §10; Ord. #03-12, §6; Ord. #04-13, §5)~~

**Section 4**

**Section 25-300.12.4, Off-Street Parking** of Chapter XXV “Zoning and Land Development” of the Revised General Ordinances of the City of Ocean City, New Jersey is hereby amended as follows:

**25-300.12.4 Off-Street Parking.**

a. *General.* Off-street parking spaces shall be provided as further specified in this Ordinance. All off-street parking spaces, except for those accessed from an alley, including passageways, driveways and turning areas shall be provided with a dustless, durable, all-weather ~~pavement~~ parking surface clearly marked for parking spaces and adequately drained in accordance with Section 25-1700.22 of this Ordinance. Parking spaces accessed from an alley may utilize crushed stone, crushed shell, porous paving, paver blocks or other materials as may be found suitable by the City. Driveway aprons are required pursuant to subsection 25-1700.11.9 and Section 25-1700.12 of this Ordinance.

Subsections b – g [no change]

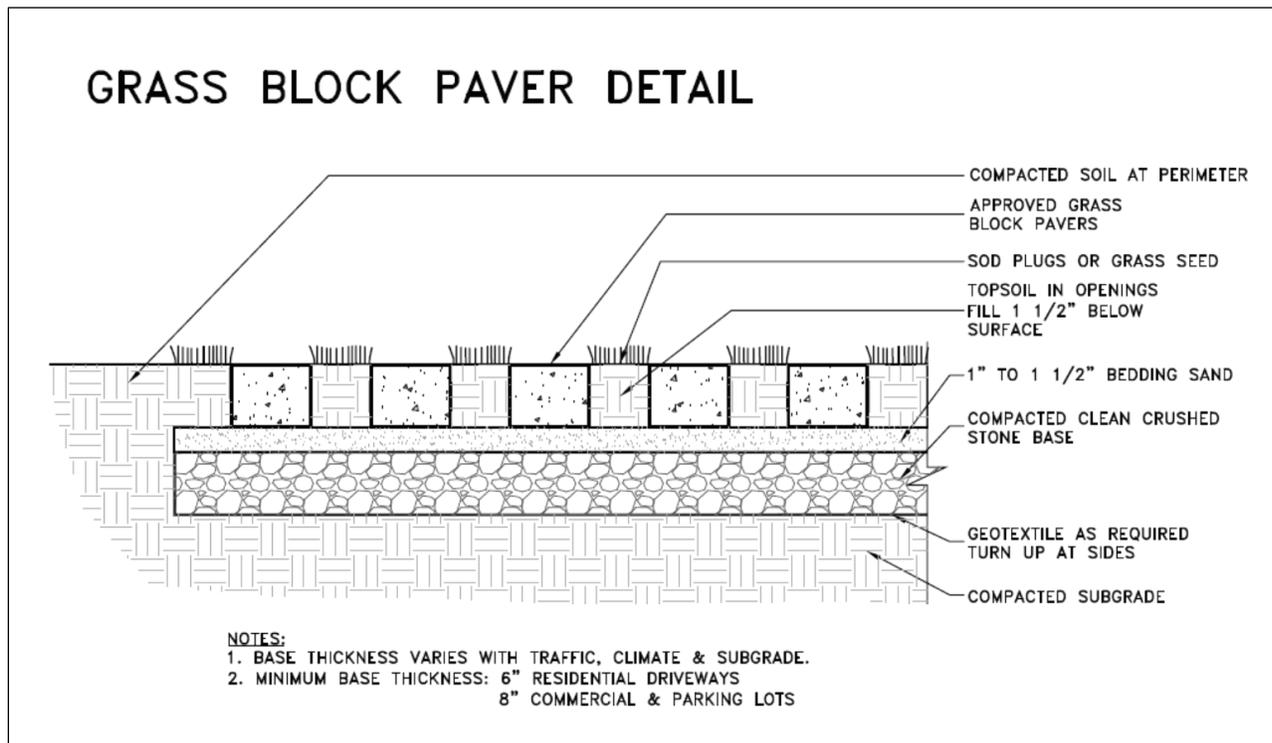
h. ~~**RESERVED. Residential Parking Requirement.** Residential parking requirements shall be met on site at a ratio of two (2) parking spaces per dwelling unit. For single family dwellings, refer to subsection 25-300.12.5.~~

Subsection i [no change]

j. Grass Block Pavers. With approval from the City Engineer or his designee grass block pavers may be installed for driveways and parking areas. Acceptable grass block pavers shall

have a minimum permeability of thirty-five (35) percent and include *Techo Bloc Aquastorm®*, *Nicolock Checker Block®*, *Nicolock Turfstone®*, and *Grasscrete®* or approved equal.

1. Prior to issuance by the City of a permit or final approval of a development application involving grass block pavers, the paver block design prepared by a licensed New Jersey Engineer shall be approved by the City Engineer or his designee.
2. Paver blocks shall be installed in accord with manufacturer's specifications and as approved by the City Engineer or his designee.
3. Pavers shall be grass filled with either sod plugs or, a minimum two (2) inches of screened topsoil, fertilizer and grass seed.
4. The Grass Block Paver Detail provides guidance regarding installation of grass block pavers that may be superseded by manufacturer's specifications the City Engineer or his designee.
5. Prior to acceptance of the completed paver installation, or issuance of a Certificate of Occupancy, the site shall be inspected and approved by the City Engineer or his designee.



## **Section 5**

**Section 25-1700.11.4 Driveways in Parking Areas** of Chapter XXV “Zoning and Land Development” of the Revised General Ordinances of the City of Ocean City, New Jersey is hereby amended as follows:

### **25-1700.11.4 Driveways in Parking Areas.**

No driveway to or from a parking area servicing a multi-family, commercial or mixed-use development shall be located closer than thirty-five feet (35') from the nearest right-of-way line of an intersecting intersection collector or arterial street. However, any major use such as shopping center or office complex, which in the opinion of the Planning Board will generate large traffic volumes, shall not be located closer than one hundred feet (100') from the nearest right-of-way line of an intersecting intersection of a collector or arterial street.

## **Section 6**

**Section 25-1700.11.10 Access Drives for Single- and Two-Family Dwellings** of Chapter XXV “Zoning and Land Development” of the Revised General Ordinances of the City of Ocean City, New Jersey is hereby amended as follows:

### **25-1700.11.10 Access Drives for Single- and Two-Family Dwellings.**

Access drives for single- and two- (2-) family dwellings shall have a minimum width of nine feet (9') and utilize concrete aprons without curb returns regardless of size or location.

a. *Alley Lots.* Driveway access shall be from the alley for all lots adjoining an alley. Such drives shall have a maximum width of thirty feet (30').

b. *Non-Alley Lots.* For lots having no rear yard access, such as lagoon lots, beach front lots and other lots not accessible from an alley, maximum driveway width shall be twenty-four feet (24').

c. All such drives shall conform to the setback and impervious coverage requirements of this Ordinance, ~~and be paved.~~

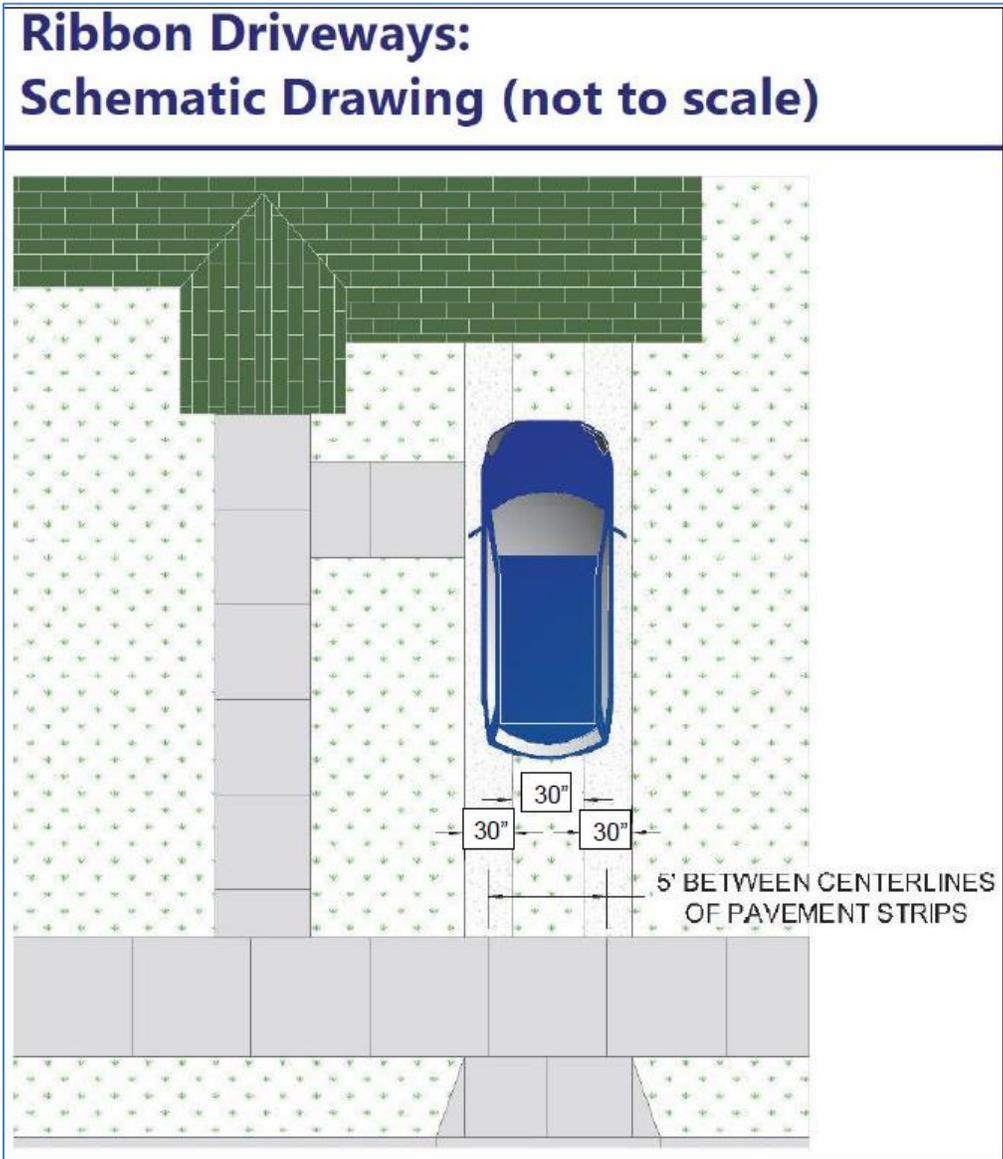
d. Paved driveways shall comply with as provided by Section 25-1700.9 of this Ordinance.

e. Driveways designed with grass block pavers shall comply with Section 25-300.12.4j of this Ordinance.

f. Ribbon/concrete strip driveways shall be constructed in accord with the following specifications.

1. Each driveway strip shall be a minimum of thirty (30) inches in width and oriented perpendicular to the public right-of-way.
2. Spacing between driveway strips shall be five (5) feet on-center.
3. The area between driveway strips shall be permeable.

1.4. Pavement shall be in accord with the standards in Section 17-2.5.b of the City Code.



### Section 7

**Section 25-1700.22.2, Standards** of Chapter XXV “Zoning and Land Development” of the Revised General Ordinances of the City of Ocean City, New Jersey is hereby amended as follows:

### **25-1700.22.2 Standards.**

Parking areas, passageways, and driveways accessed from a street shall be designed with a dustless, durable, all-weather pavement parking surface as approved by the City Engineer or his designee and surfaced with a properly designed, durable, all-weather pavement of either bituminous concrete or Portland cement concrete and clearly marked for parking spaces. Parking areas accessed from an alley may utilize crushed stone, crushed shell, porous paving, paver blocks or other materials as may be found suitable approved by the City Engineer or his designee.

a. Parking areas for less than fifty (50) cars, which the Planning Board (or Zoning Board of Adjustment) determines are not likely to be utilized by truck traffic or drive-up window service, may be paved with two inches (2") of pavement, Type FABC-1 over a six inch (6") gravel base, all in accordance with the specifications contained in Section 25-1700.25, or constructed with grass block pavers pursuant to Section 25-300.12.4j of this Ordinance.

1. Rigid Portland cement concrete pavement may be utilized at the option of the applicant who shall submit pavement details for review.

b. In parking areas for fifty (50) or more cars, access drives and aisles, which the Planning Board determines are likely to be utilized by trucks or unusually high traffic volumes, shall provide paving in accordance with the requirements for streets other than local streets set forth in Section 25-1700.25 of this Ordinance.

c. No more than one (1) two-way access drives or two (2) one-way access drives shall be permitted on any street for an individual development site.

~~d. Where possible, access drives shall not be located closer than fifty feet (50') from the nearest right of way line of an intersecting street.~~

## **Section 8**

**Section 25-1700.45.3 Restrictions on Landscaping Stones** of Chapter XXV "Zoning and Land Development" of the Revised General Ordinances of the City of Ocean City, New Jersey is hereby amended as follows:

### **25-1700.45.3 Restrictions on Landscaping Stones.**

a. Subsequent to the effective date of this Ordinance landscaping stones on all development as defined herein, shall be regulated as follows:

1. ~~No~~ Landscaping stone is not permitted shall be located in the that area between the sidewalk and curb.;

2. Landscaping stone may be used in rear yard areas between the parking strips only, not adjacent to a public street, subject to the provisions contained in subsection 25-1700.45.3 of this Ordinance.

~~23.~~ Landscaping stones shall are not ~~be~~ permitted in the front yard ~~and/or~~ side yard.

34. ~~All Landscaping~~ stones located in the rear yard shall be contained by permanent edging and placed over filter fabric, ~~and any use of p~~Plastic or other impermeable material as a weed barrier is prohibited.

45. ~~Landscaping S~~stone size shall be between one inch (1") and three inches (3") in diameter.  
(Ord. #88-45, §3; Ord. #89-8, §8; Ord. #08-12, §7; Ord. #09-28, §8)

## **Section 9**

**Chapter XXX Schedule L Planning, Zoning and Flood Board Application and Escrow Fees** of Chapter XXV "Zoning and Land Development" of the Revised General Ordinances of the City of Ocean City, New Jersey is hereby amended as follows:

[No change to lines 1-34.]

	<b>Application Fee</b>	<b>Escrow Fee</b>
35. Review of Grading Plan or <del>Grass Block Pavers Recharge System</del> by Engineering Office	<del>\$75.00</del> <u>\$150.00</u>	\$500.00

[No change to lines 36-37.]

## **Section 10**

All ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

## **Section 11**

If any portion of this Ordinance is declared to be invalid by a Court of competent jurisdiction, it shall not affect the remaining portions of this Ordinance which shall remain in full force and effect.

**Section 12**

This Ordinance shall take effect in the time and manner prescribed by law.

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Jay A. Gillian, Mayor

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Peter V. Madden, Council President

The above Ordinance was passed by the Council of Ocean City, New Jersey, at a meeting of said Council held on the \_\_ day of , **2020**, and was taken up for a second reading and final passage at a meeting of said Council held on the \_\_ day of , 2020, in Council Chambers, City Hall, Ocean City, New Jersey, at seven o'clock in the evening.

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Melissa G. Rasner, City Clerk

**Ordinance summary**

Section 1 – Alternative construction standards for driveways will permit the use of grass block pavers.

Section 2 – The definition of Impervious Coverage (as applied to the Gardens) is repealed. The remaining Impervious Coverage definition deletes “swimming pools,” is modified to recognize grass block pavers as a permeable surface and will apply city-wide.

Section 3 – This section repeals the five (5) percent impervious coverage bonus associated with stormwater recharge systems.

Section 4 – Specifications for grass block pavers are added to the off-street parking requirements; redundant/conflicting residential parking standard is repealed.

Section 5 – This section modifies the separation requirements for driveways in proximity to collector and arterial streets.

Section 6 – As an option, driveways for residential use may be constructed with grass block pavers; reference for paved driveway construction is added; design standards for ribbon/concrete strip driveways added.

Section 7 – As an option, parking lots with less than fifty (50) cars may be constructed with grass block pavers; mandate for paved parking is repealed.

Section 8 – Regulations for landscaping stones are clarified.

Section 9 – Schedule L is revised to repeal the “stormwater recharge system” application and escrow fees; “grass block pavers” is added; application fee for grading and grass block pavers is increased/established at \$150.

May 12, 2020