



2019 Master Plan Reexamination Report and Master Plan Amendment

Ocean Township
Ocean County, New Jersey

2019 Master Plan Reexamination Report

Adopted: _____ 2019

Prepared for:
Ocean Township
Ocean County, New Jersey

Prepared by:



11 Tindall Road
Middletown, NJ 07748



Stan Slachetka, PP, AICP
NJ Professional Planner No.: 3508



Martin Truscott, PP, AICP, LEED GA
NJ Professional Planner No.: 2443

*The original of this document was signed
and sealed in accordance with New Jersey Law*

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Acknowledgements

Mayor and Committee

Ben LoParo, Mayor
Ken Boulderstone, Deputy Mayor
Lydia Dodd, Committeewoman
Diane B. Ambrosio, RMC, Municipal Clerk

Planning Board

Donald Lippincott, Jr, Chair
Aaron Shapiro, Vice Chair
Shawn Denning
Nick Bonamassa
William Sneddon
Robert Beck
Ken Boulderstone
Ben Loparo
John Petrosilli
Paul Kavka
Laurie Clune, Board Secretary
Diane Ambrosio, Alternate Board Secretary

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Master Plan Reexamination Report

Introduction

New Jersey's Municipal Land Use Law requires that each municipality in the state undertake a periodic review and reexamination of its local Master Plan. The purpose of the Reexamination Report is to review and evaluate the master plan and municipal development regulations on a regular basis in order to determine the need for updates and revisions. In addition, the preparation of a statutorily compliant Reexamination Report provides a legal presumption of validity of the municipal zoning ordinance. This report constitutes the Master Plan Reexamination Report for Ocean Township as required by the Municipal Land Use Law at NJSA 40:55D-89.

Ocean Township originally adopted its comprehensive master plan in 1982. The Township's last reexamination report was adopted in 2015. The current document (hereinafter referred to as the 2019 Master Plan Reexamination Report) serves as a reexamination of the 1982 Master Plan, as supplemented by the 1999 Update, 2001 Reexamination Report, 2005 Reexamination Report, and 2015 Reexamination Report and Master Plan Amendment. Other significant planning documents in Ocean Township include:

- 1998 Circulation Element;
- 2000 Economic Redevelopment Plan;
- 2002 Open Space and Recreation Plan, as amended in 2005;
- 2003 Amended Land Use Plan Element;
- 2004 Amended Housing Plan Element and Fair Share Plan;
- 2004 Edgemont Park Subdivision Redevelopment Plan;
- 2004 Route 9 Phase I Redevelopment Plan;
- 2005 Route 9 Phase I Redevelopment Plan Amendments;
- 2005 Stormwater Management Plan Element;
- 2005 Amended Land Use Plan Element, Circulation Plan Element, & Master Plan Reexamination Report;
- 2005 Housing Plan Element & Fair Share Plan, Cycles I, II, & III;
- 2006 Land Use Element Amendment Environmental Constraints & Bayfront Conservation Areas;
- 2008 Housing and Fair Share Plan;
- 2008 Municipal Stormwater Management Plan;
- 2008-2012 Community Forestry Management Plan;

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- 2012 Floodplain Management Plan;
- 2013 Waretown Town Center Redevelopment Plan; and,
- 2014 Strategic Recovery Planning Report.

Requirements of the Reexamination Report

The Municipal Land Use Law requires that Ocean Township provide for the reexamination of the municipal master plan and development regulations at least once every ten years. The purpose of the reexamination is to review the progress of the Township in achieving its planning objectives, and to consider the need for changes in order to ensure that the municipal plan is current and meets the needs of the Township. The municipal planning board is responsible for completing the reexamination, and preparing and adopting by resolution a report on the findings of the reexamination.

The Municipal Land Use Law requires that the reexamination report state the following:

- The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report;
- The extent to which such problems and objectives have been reduced or have increased subsequent to such date;
- 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, 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;
- 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; and,
- The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the Local Redevelopment and Housing Law (NJSA 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.

The 2019 Master Plan Reexamination Report addresses each of these statutory requirements.

Major Problems and Objectives in 2015

The major problems and objectives of Ocean Township in 2015 are reflected in the following comprehensive list of goals and objectives, which were outlined in the 2015 Reexamination Report and Master Plan Amendment.

General Development Goals

- Encourage the use of best management policies for all development to ensure the least negative impact on the overall quality of residential life and the environment in the Township;
- Review and continually update, as needed, the various codes and development standards and maintain an aggressive code enforcement policy to ensure the highest quality of life within the Township;
- Review and continually update the permitted uses within each zone to ensure that only those uses compatible with the land capacity to support them are permitted;
- Promote public awareness of hazard mitigation and resiliency issues;
- Focus public agencies on community vulnerabilities to hazards such as flooding;
- Encourage regional solutions to flood- and storm-related impacts;
- Ensure that future capital projects are designed and constructed to incorporated features that are resilient to storm- and flood-related impacts;
- Automate, update and expedite the Township's system for processing zoning and construction permits; and,
- Increase participation in FEMA's Community Rating System (CRS).

Residential Development and Housing

- Maintain and enhance the prevailing single-family character of the community. Increase lot sizes where possible and limit multi-family development to selected locations and types;
- Maintain and upgrade the quality of seasonal housing converted to year-round occupancy through the administration and use of proper standards and codes;
- Encourage new residential development in areas with public water and sewer facilities and in areas where these facilities can be made available. Provide for large lot sizes in areas not served by central sewer and water facilities;
- Provide for cluster subdivision design to conserve open space and natural amenities in residential areas and to reduce road and utility cost;
- Maintain and enhance the existing single-family residential neighborhoods. Develop programs that will encourage the upgrading of these neighborhoods;

- Ensure that any conversion of seasonal residential units to year-round residential uses is accomplished in a manner consistent with all applicable codes and standards; and,
- Encourage development of new residential housing units in areas that are served with adequate infrastructure including water, sewer, stormwater management, and streets, so as to minimize any negative environmental impacts.

Commercial and Industrial Development

- Discourage “strip” development along the entire Route 9 frontage; provide for concentrated patterns of commercial use to facilitate traffic control and promote traffic safety; use frontage roads and minimize access/egress points wherever practicable;
- Promote the development of marine-oriented and complementary commercial uses, including marinas, in certain bay front locations; minimize their traffic, noise, and aesthetic impacts on adjacent residential areas by screening and other means;
- Review economic development and redevelopment programs to encourage both new construction and conversion of existing non-commercial uses to viable commercial activities;
- Encourage owner-occupied commercial uses in selected areas of the Townships;
- Review and update as required the home occupation and “cottage industry” commercial activities;
- Maximize the economic benefit of resource-based development with the lowest possible negative environmental impact; and,
- Encourage the use of incentive programs, which promote industrial development that provide the maximum positive tax revenue at the least possible municipal cost impact.

Transportation and Public Facilities

- Maintain and enhance the traffic carrying capacity of principal thoroughfares, such as Route 9, by making traffic engineering improvements and regulating access and egress;
- Develop a system of secondary streets in built-up and urbanizing areas, which improve access to individual areas and reduce use of Route 9 for internal trips;
- Improve local streets and drainage where poor conditions and problems exist;
- Develop a system of recreation sites to serve local neighborhoods, such facilities to be accessible primarily by foot or bicycle; and,
- Expand and improve all other public services and facilities commensurate with need and population growth.

Conservation and Environmental Protection

- Provide for cluster design, as mentioned above, to conserve open space and natural amenities in residential subdivisions and projects;
- Establish a system of conservation areas that are designed to limit or restrict development in wetlands, along streams, and in undeveloped bayfront locations; promote appropriate recreational uses in these conservation areas;
- Limit the type and scale of development west of the Parkway in accordance with Pinelands regulations;
- Retain and improve the village atmosphere and identity of Waretown center by regulating land uses, and the design of new facilities and by promoting the restoration, reuse, and maintenance of older structures;
- Stabilize bay shoreline by installing riprap or developing living shorelines;
- Compile low elevation aerials to produce high-quality mapping with six-inch contour levels within identified special flood hazard areas;
- Prepare a Green Buildings and Environmental Sustainability Element;
- Update Stormwater Management Plan to include green infrastructure management techniques; and,
- Update Floodplain Management Plan.

Infrastructure and Utilities

- Install new generators at Township Hall, the Department of Public Works complex, the building that houses the Construction and Zoning, and the first aid building;
- Create a Township Debris Management Plan including such components as allocating debris removal sites, collection strategies, and describes reduction methods;
- Provide more radios for emergency communication;
- Install a town-wide Supervisory Control and Data Acquisition (SCADA) system throughout the Township in conjunction with its owned and operated facilities to communicate critical alarms to a centralized location or operational personnel;
- Prepare a Capital Improvement Plan that identifies needed capital investments in public facilities to improve local resiliency;
- Develop GIS database and user interface to catalog and inventory all infrastructure owned by the Township, including roadways, its stormwater collection system, its sanitary sewer collection system, and residential and commercial property information;
- Develop GIS-based, low elevation aerial mapping to support future planning efforts;
- Update Township's Emergency Operating Plan;
- Elevate key municipal facilities above the Advisory Base Flood Elevation; and,

- Encourage Green Infrastructure projects.

Waretown Town Center

General Goals

- Create an attractive, diverse, and vibrant center consisting of mixed-use development, open space, civic buildings and residential uses; and,
- Create safe trail linkages between the destination nodes in the center, municipal facilities, elementary schools, and the Barnegat Bay (across Route 9).

Land Use Goals

- Create a pedestrian friendly town, easily accessible from neighboring residential areas;
- Provide essential services to residents; and,
- Develop a Center at a density that creates a sense of place, encourages pedestrian activity and uses infrastructure efficiently.

Environmental Goals

- Protect environmentally sensitive lands and direct growth towards areas of Township with existing infrastructure.

Housing

- Encourage a variety of housing types suiting the needs of all income and age levels; and,
- Incorporate low- and moderate-income housing in Centers in accordance with the State Development and Redevelopment Plan and Council on Affordable Housing regulations.

Circulation

- Create pedestrian walkways, bikeways, and other pathways to enhance both the ability and desirability of walking and bicycling; and,
- Establish trails and greenways linking neighborhoods, schools, recreational facilities, community facilities and the Town Center.

Design

- Create building design that ensures privacy, safety and contributes to the long-term desirability of the community; and,
- Create small-town charm as a key design element for future development.

The Extent to Which Major Problems and Objectives in 2015 Have Been Reduced or Increased

The extent to which the major problems and objectives that were outlined in the 2015 Reexamination Report and Master Plan Amendment have been reduced or increased is discussed in the following subsections. Commentary on the extent to which the objective has been reduced or increased is provided in italics.

General Development Goals

- Encourage the use of best management policies for all development to ensure the least negative impact on the overall quality of residential life and the environment in the Township. *This goal remains valid;*
- Review and continually update, as needed, the various codes and development standards and maintain an aggressive code enforcement policy to ensure the highest quality of life within the Township. *This goal remains valid;*
- Review and continually update the permitted uses within each zone to ensure that only those uses compatible with the land capacity to support them are permitted. *This goal remains valid;*
- Promote public awareness of hazard mitigation and resiliency issues. *This goal remains valid;*
- Focus public agencies on community vulnerabilities to hazards such as flooding. *This goal remains valid;*
- Encourage regional solutions to flood- and storm-related impacts. *This goal remains valid;*
- Ensure that future capital projects are designed and constructed to incorporate features that are resilient to storm- and flood-related impacts. *This goal remains valid;*
- Automate, update and expedite the Township's system for processing zoning and construction permits. *This goal remains valid;* and,
- Increase participation in FEMA's Community Rating System (CRS). *This goal remains valid.*

Residential Development and Housing

- Maintain and enhance the prevailing single-family character of the community. Increase lot sizes where possible and limit multi-family development to selected locations and types. *This goal remains valid.*

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- Maintain and upgrade the quality of seasonal housing converted to year-round occupancy through the administration and use of proper standards and codes. *This goal remains valid;*
- Encourage new residential development in areas with public water and sewer facilities and in areas where these facilities can be made available. Provide for large lot sizes in areas not served by central sewer and water facilities. *This goal remains valid;*
- Provide for cluster subdivision design to conserve open space and natural amenities in residential areas and to reduce road and utility cost. *This goal remains valid;*
- Maintain and enhance the existing single-family residential neighborhoods. Develop programs that will encourage the upgrading of these neighborhoods. *This goal remains valid;*
- Ensure that any conversion of seasonal residential units to year-round residential uses is accomplished in a manner consistent with all applicable codes and standards. *This goal remains valid;* and,
- Encourage development of new residential housing units in areas that are served with adequate infrastructure including water, sewer, stormwater management, and streets, so as to minimize any negative environmental impacts. *This goal remains valid.*

Commercial and Industrial Development

- Discourage “strip” development along the entire Route 9 frontage; provide for concentrated patterns of commercial use to facilitate traffic control and promote traffic safety; use frontage roads and minimize access/egress points wherever practicable. *This goal remains valid;*
- Promote the development of marine-oriented and complementary commercial uses, including marinas, in certain bay front locations; minimize their traffic, noise, and aesthetic impacts on adjacent residential areas by screening and other means. *This goal remains valid;*
- Review economic development and redevelopment programs to encourage both new construction and conversion of existing non-commercial uses to viable commercial activities. *This goal remains valid;*
- Encourage owner-occupied commercial uses in selected areas of the Townships. *This goal remains valid;*
- Review and update as required the home occupation and “cottage industry” commercial activities. *This goal was addressed in 2016 and can be deleted;*
- Maximize the economic benefit of resource-based development with the lowest possible negative environmental impact. *This goal remains valid; and,*

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- Encourage the use of incentive programs, which promote industrial development that provide the maximum positive tax revenue at the least possible municipal cost impact. *This goal remains valid.*

Transportation and Public Facilities

- Maintain and enhance the traffic carrying capacity of principal thoroughfares, such as Route 9, by making traffic engineering improvements and regulating access and egress. *This goal remains valid;*
- Develop a system of secondary streets in built-up and urbanizing areas, which improve access to individual areas and reduce use of Route 9 for internal trips. *This goal remains valid;*
- Improve local streets and drainage where poor conditions and problems exist. *This goal remains valid;*
- Develop a system of recreation sites to serve local neighborhoods, such facilities to be accessible primarily by foot or bicycle. *This goal remains valid;* and,
- Expand and improve all other public services and facilities commensurate with need and population growth. *This goal remains valid.*

Conservation and Environmental Protection

- Provide for cluster design, as mentioned above, to conserve open space and natural amenities in residential subdivisions and projects. *This goal remains valid;*
- Establish a system of conservation areas that are designed to limit or restrict development in wetlands, along streams, and in undeveloped bayfront locations; promote appropriate recreational uses in these conservation areas. *This goal remains valid;*
- Limit the type and scale of development west of the Parkway in accordance with Pinelands regulations. *This goal remains valid;*
- Retain and improve the village atmosphere and identity of Waretown center by regulating land uses, and the design of new facilities and by promoting the restoration, reuse, and maintenance of older structures. *This goal remains valid;*
- Stabilize bay shoreline by installing riprap or developing living shorelines. *This goal remains valid;*
- Compile low elevation aerials to produce high-quality mapping with six-inch contour levels within identified special flood hazard areas. *This goal remains valid;*
- Prepare a Green Buildings and Environmental Sustainability Element. *This goal remains valid;*

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- Update Stormwater Management Plan to include green infrastructure management techniques. *This goal is ongoing and remains valid;* and,
- Update Floodplain Management Plan. *This goal is ongoing and remains valid.*

Infrastructure and Utilities

- Install new generators at Township Hall, the Department of Public Works complex, the building that houses the Construction and Zoning, and the first aid building. *This goal remains valid;*
- Create a Township Debris Management Plan including such components as allocating debris removal sites, collection strategies, and describes reduction methods. *This goal has been addressed and can be removed;*
- Provide more radios for emergency communication. *This goal remains valid;*
- Install a town-wide Supervisory Control and Data Acquisition (SCADA) system throughout the Township in conjunction with its owned and operated facilities to communicate critical alarms to a centralized location or operational personnel. *This goal remains valid;*
- Prepare a Capital Improvement Plan that identifies needed capital investments in public facilities to improve local resiliency. *This goal has been partially addressed but should remain;*
- Develop GIS database and user interface to catalog and inventory all infrastructure owned by the Township, including roadways, its stormwater collection system, its sanitary sewer collection system, and residential and commercial property information. *This goal has been addressed but updating of the GIS is required. The goal should be revised to indicate that periodic and continuous updating of the GIS database is necessary for the system to remain useful;*
- Develop GIS-based, low elevation aerial mapping to support future planning efforts. *This goal remains valid;*
- Update Township's Emergency Operating Plan. *This goal remains valid;*
- Elevate key municipal facilities above the Advisory Base Flood Elevation. *This goal remains valid;* and,
- Encourage Green Infrastructure projects. *This goal remains valid.*

Waretown Town Center

General Goals

- Create an attractive, diverse, and vibrant center consisting of mixed-use development, open space, civic buildings and residential uses. *This goal remains valid;* and,

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- Create safe trail linkages between the destination nodes in the center, municipal facilities, elementary schools, and the Barnegat Bay (across Route 9). *This goal remains valid.*

Land Use Goals

- Create a pedestrian friendly town, easily accessible from neighboring residential areas. *This goal remains valid;*
- Provide essential services to residents. *This goal remains valid;* and,
- Develop a Center at a density that creates a sense of place, encourages pedestrian activity and uses infrastructure efficiently. *This goal remains valid.*

Environmental Goals

- Protect environmentally sensitive lands and direct growth towards areas of Township with existing infrastructure. *This goal remains valid.*

Housing

- Encourage a variety of housing types suiting the needs of all income and age levels. *This goal remains valid;* and,
- Incorporate low- and moderate-income housing in Centers in accordance with the State Development and Redevelopment Plan and Council on Affordable Housing regulations. *This goal remains valid.*

Circulation

- Create pedestrian walkways, bikeways, and other pathways to enhance both the ability and desirability of walking and bicycling. *This goal remains valid;* and,
- Establish trails and greenways linking neighborhoods, schools, recreational facilities, community facilities and the Town Center. *This goal remains valid.*

Design

- Create building design that ensures privacy, safety and contributes to the long-term desirability of the community. *This goal remains valid;* and,
- Create small-town charm as a key design element for future development. *This goal remains valid.*

The Extent to Which There Have Been Significant Changes in the Assumptions, Policies and Objectives

The following changes in the assumptions, policies and objectives relating to land use and development in Ocean Township are noted:

Changes at the Local Level

As indicated in the following subsections, there have been a number of changes at the local level since the adoption of the 2015 Reexamination Report and Master Plan Amendment.

Zoning Ordinance and Rezoning

The Township adopted a comprehensive amendment to Chapter 410 Zoning in accordance with the recommendations of the 2015 Master Plan Reexamination Report. The changes included creation of new residential zone districts with bulk requirements consistent with existing developed neighborhoods, rezoning of other tracts and a number of other revisions to update the chapter.

Floodplain Management Plan

Ocean Township adopted a Floodplain Management Plan in 2015 as an element of the Master Plan.

Housing Element and Fair Share Plan

The Township prepared a Housing Element and Fair Share Plan (HE&FSP), which was adopted by the Ocean Township Planning Board on October 5, 2017 and endorsed by the Ocean Township Committee on October 12, 2017. This HE&FSP is discussed further in the subsection of "Changes at the State Level" that is entitled "Affordable Housing (COAH)".

Demographic Changes

The 2015 Reexamination Report and Master Plan Amendment noted that Ocean Township's population has grown at an exceptional pace. Indeed, it noted that in the period between 2000 and 2010, the Township's population grew by an average of approximately 2.9 percent per year, which is significantly higher than the approximate average annual growth rates of 1.3 percent and 0.4 percent experienced by Ocean County and the State of New Jersey, respectively, during the same period.

While population growth has slowed since 2010, it is noted that the average annual growth in Ocean Township is still approximately three times higher than in Ocean County and the State of New Jersey. Indeed, the annual average rate of growth in Ocean Township has been approximately 0.9 percent in the period from 2010 through 2017, whereas it has been approximately 0.3 percent in Ocean Township and the State of New Jersey. This estimate results when the United States Census Bureau's five-year American Community Survey population estimates (for Ocean Township, Ocean County and the

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State of New Jersey) for the period from 2013 through 2017 are used as a proxy 2017 population estimate and compared against the 2010 United States Census Bureau's population totals (for the same geographies).

The following table summarizes recent population development in Ocean Township, Ocean County, and the State of New Jersey.

Table 1: Recent Population Development

	Ocean Township		Ocean County		New Jersey	
	Population	Average Annual Change	Population	Average Annual Change	Population	Average Annual Change
2000	6,450	—	510,916	—	8,414,350	—
2010	8,332	2.9%	576,567	1.3%	8,791,894	0.4%
2017	8,838	0.9%	589,699	0.3%	8,960,161	0.3%

Source: US Census Bureau

The 2015 Reexamination Report and Master Plan Amendment also noted that Ocean Township's population has aged in recent years. Indeed, in the period from 2000 to 2010, the population aged 45 and over increased by 19.2 percent, with the largest percentage increase in Ocean Township's population occurring in those aged 65 and over; this portion of the population grew by 10.7 percent. These trends have continued through 2017 with the portions of Ocean Township's population aged 45 and over and 65 and over having increased by 5.6 percent and 10.0 percent since 2010, respectively.

Population distribution is summarized in the following table.

Table 2: Population Distribution 2000, 2010 and 2017

	2000 Population		2010 Population		2017 Population	
	Township	County	Township	Township	Township	County
Under 5	5.8%	6.3%	4.2%	4.2%	4.3%	6.9%
5-14	15.6%	13.3%	8.9%	8.9%	7.8%	13.0%
15-24	10.9%	10.2%	10.2%	10.2%	6.3%	11.3%
25-34	13.1%	11.2%	9.4%	9.4%	11.5%	10.8%
35-44	17.2%	14.9%	10.6%	10.6%	7.9%	10.3%
45-54	13.5%	12.4%	14.9%	14.9%	11.4%	12.6%
55-64	10.3%	9.5%	17.4%	17.4%	16.5%	13.0%
65 and Over	13.7%	22.1%	24.4%	24.4%	34.4%	22.1%
Total	100.0%	100.0%	100.0%	100.0%	100%	100%
Median Age	37.7	41.0	49.6	42.6	55.8	42.9

Source: US Census Bureau

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As can be seen in the foregoing table, the township's population has, indeed, aged. It is interesting to note that the increase in the portion of population aged 45 and over is also reflected in median age, which increased by 11.9 years between 2000 and 2010 and 6.2 years between 2010 and 2017. Additionally, as is demonstrated above, it should be noted that the township's population is ageing at a faster rate than the county's population, which was also the case at the time of the 2015 Reexamination Report and Master Plan Amendment.

Population trends within Ocean Township continue to be influenced by a variety of factors including national, state, and regional economic conditions, social trends and changes, and government policy. Changing birth rates, changing employment trends and consumer preferences, the availability of land, flood insurance rates, and other factors can also affect future development within the Township. The planning board should, therefore, continue to monitor population growth and composition, and review its planning program to determine how the needs and desires of present and future residents of Ocean Township may be changing.

With regard to household size, it is noted that the average household size in Ocean Township at the time of the 2010 US Census was 2.39 persons, which is lower than the average household size of 2.58 persons in Ocean County. Through 2017, the average household size continued to decrease. This is demonstrated by the American Community Survey's five-year estimate of average household size for the period from 2013 through 2017, which was 2.23 members.

The increasing age of the township's population continues to be an explanation for the continued decline in average household size. Indeed, senior populations tend to live in smaller households due to a variety of factors, such as a lower number of children present; and, a growing number of non-family households resulting from the death of a spouse or domestic partner.

With regard to the number of households in Ocean Township it is noted that there was a total of 2,446 households in 2000. By 2010, however, there was a total of 3,483 households, which represents a 42.4 percent increase over the 2000 number. Through 2017, households continued to increase, with the American Community Survey's five-year estimate for the period from 2010 through 2017 representing an increase of 475 households or 13.6 percent over 2010 values.

Review of Land Use Designations

As noted above the Township Committee adopted a comprehensive amendment to Chapter 410 Zoning to implement the zoning recommendations of the 2015 Master Plan

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Reexamination Report. Ordinance #2016- 3 (April 2016) updated definitions, provided standards for conditional uses, rezoned certain areas and created the following residential zone districts to support existing patterns of development and expedite reconstruction of homes damaged by Superstorm Sandy:

Residential Sands Point(R-SP);

Residential Skippers Cove (R-SC):

Residential Holiday Harbor (R-HH);

Residential Pebble Beach(R-PB);

Residential Bay Haven;/Bryant Beach R-BH); and,

Residential Barnegat Beach, (R-BB).

Zoning Board of Adjustment Annual Reports

The Ocean Township Zoning Board of Adjustment releases an annual report that covers the Board's actions in each calendar year. The board works with applicants to develop improved designs and reduce the intensity and quantity of variances, often reducing the number requested. Summaries of the Board's actions from 2007 through 2018 can be found in the following table.

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Table 3: Zoning Board of Adjustment Annual Report Data

Year	Total Applications	Approved	Denied	Dismissed	Total Variance Requests	Most Frequent Variance	Number	Zone with Most Variances Requested	Number
2007	26	16	1	1	31	Lot Building Coverage	10	R-1A	11
2008	24	20	4	0	25	Lot Building Coverage	9	R-1A	11
2009	20	19	1	0	30	Side Yard Setbacks	6	R-1A	14
2010	11	9	0	2	15	Setbacks/ Rear	5	R-1	5
2011	6	6	0	0	10	N/A	2	R-1A	5
2012	12	9	0	2	14	Lot Area	4	R-1/ R-1A	5
2013	9	9	0	0	26	Lot Frontage & Side Yard Setback	8	R-1A	16
2014	13	12	1	0	20	Yard Encroachment	5	R-1A	7
2015	21	21	0	0	21	Side Yard Setback	5	R-1A	10
2016	22	22	0	0	22	Lot Width & Rear Yard Setback	4	R-2	9
2017	17	17	0	0	17	Rear Yard Setback	5	R-BB	9
2018	24	24	0	0	24	Front Yard Setback	5	R-BB	10

Source: Ocean Township Zoning Board of Adjustment

Changes at the County Level

Ocean County Multi-Jurisdictional All-Hazards Mitigation Plan

The draft 2018 Multi-Jurisdictional All-Hazards Mitigation Plan (HMP) for Ocean County was submitted to the New Jersey Office of Emergency Management in September 2018. The plan documents Ocean County's continuing attempts to identify potential natural hazards and associated risks across jurisdictions and to develop an integrated mitigation strategy. The Plan addresses the mitigation of potential damage to public, quasi-public, and private entities, facilities, and infrastructure. Ocean County's intention in this Plan is

to substantially reduce and/or eliminate long-term risk to life and properties associated with natural hazards.

Changes at the State Level

As indicated in the following subsections, there have been several changes at the state level since the adoption of the 2015 Reexamination Report and Master Plan Amendment.

State Development and Redevelopment Plan/State Strategic Plan

As indicated in the 2015 Reexamination Report and Master Plan Amendment, the New Jersey State Planning Commission is now staffed by the Office of Planning Advocacy, which is located within the Department of State. The Office of Planning Advocacy has released a draft State Strategic Plan to supersede the current State Development and Redevelopment Plan. Public Hearings were held in February, March, and September of 2012, but the draft State Strategic Plan has not yet been adopted by the State Planning Commission. As such, the 2001 State Development and Redevelopment Plan remains current.

Ocean Township should continue to monitor the progress of the new plan and its implication for future planning in the township.

Rule Amendment Extending Certain Center Expiration Dates

On May 15, 2019, the New Jersey State Planning Commission adopted an amendment to NJAC 5:85-7.21, which became effective on June 17, 2019 and will expire on July 22, 2022. The amendment added a new provision to NJAC (viz., NJAC 5:85-7.21[g]), which stipulates that any center with an expiration date on or before December 31, 2019 is extended to June 30, 2020.

This impacts the designated Waretown Town Center, which is reflected on the township's zoning map as the "Town Center Redevelopment District (TC)". With this rule amendment, the designation of Waretown Town Center is set to expire on June 30, 2020. To obtain an extension of this designation, the township would need to repetition the State Planning Commission for plan endorsement. However, since the township's master plan has already been endorsed by the State Planning Commission, the process of repetition the State Planning Commission for plan endorsement to effectuate an extension of the designation of the Waretown Town Center is simplified with the grant of a renewed plan endorsement hinging upon: 1) a demonstration by the township that its master plan and ordinances remain consistent with the goals and objectives of the 2001 State Development and Redevelopment Plan; and, 2) a demonstration that the township's

ordinances recognize and seek to ameliorate the adverse consequences of climate change and sea level rise.

As of the preparation of this reexamination report, the township had engaged with the Office of Planning Advocacy to begin the process of securing renewed plan endorsement and, therewith, an extension of the designation of Waretown Town Center. The township should continue this engagement to ensure that the continued designation of Waretown Town Center.

Affordable Housing (COAH)

COAH originally adopted rules affordable housing rules for the third round period in 2004. However, an Appellate Division decision in 2007 stayed COAH from reviewing any plans as part of a petition for substantive certification, and resulted in a remand of the 2004 rules back to COAH to revise them consistent with the Appellate Division decision. COAH subsequently adopted revised third round rules in 2008.

In 2010, the Appellate Division invalidated COAH's 2008 third round rules, and the "growth share" methodology upon which they were based. In 2013, the New Jersey Supreme Court upheld and modified the Appellate Division's 2010 decision that invalidated COAH's third round rules. As a result, COAH was then charged with the task of adopting new affordable housing rules.

COAH failed twice to adopt new affordable housing rules for the third round period. Due to COAH's failure to adopt such rules, the New Jersey Supreme Court concluded on March 10, 2015 that there no longer exists a legitimate basis to block access to the courts, which was the original intent of the COAH process. The New Jersey Supreme Court's March 10 decision notes that: "parties concerned about municipal compliance with constitutional affordable housing obligations are [now] entitled to such access, and municipalities that believe they are constitutionally compliant[,] or that are ready and willing to demonstrate ... compliance [with such obligations,] should be able to secure declarations that their housing plans and implementing ordinances are presumptively valid in the event they ... must defend [themselves] against exclusionary zoning litigation."

In its March 10 decision, the New Jersey Supreme Court established a transitional process to not immediately allow exclusionary zoning actions to proceed in court. The decision notes that: "[d]uring the first thirty days following [June 8, 2015] ..., the only actions that will be entertained by the courts will be declaratory judgment actions filed by any [municipality] ... that either (1) had achieved substantive certification from COAH under prior iterations of Third Round Rules before they were invalidated, or (2) had

“participating” status before COAH. Assuming [that] any such [municipality] ... waits and does not file a declaratory judgment action during [the] ... thirty-day period, an action may thereafter be brought by a party against [the municipality] ..., provided the action’s sole focus is on whether the [municipality’s] ... housing plan meets its Mount Laurel obligations (a constitutional compliance challenge). The court’s evaluation of a [municipality’s] ... plan that had received substantive certification, or that will be submitted to the court as proof of constitutional compliance, may result in the [municipality’s] ... receipt of the judicial equivalent of substantive certification and accompanying protection as provided under the [Fair Housing Act]”

Ocean Township filed a plan with COAH. Therefore, the Township fulfilled Criterion 2 as outlined in the transitional process that has been described above. The Township was, as a result, able to file a declaratory judgment action immediately upon the March 10 decision becoming effective on June 8, 2015. It did so in July 2015 and the Court granted temporary immunity of August 7, 2015 while the merits of the township’s filing were evaluated.

The Fair Share Housing Center (FSHC) objected to the township’s filing of the aforementioned declaratory judgement action. The township, however, reached a settlement with the FSHC and entered into a Settlement Agreement with the FSHC on or about October 27, 2016.

Having found the Settlement Agreement with the FSHC fair and reasonable, and subject to a variety of conditions, the Court granted a Judgement of Compliance and Repose dated June 9, 2017. As indicated in an October 23, 2017 letter from John Maczuga, PP to the Honorable Mark A. Troncione, JSC, the Township has met these conditions, one of which was the preparation of a Housing Element and Fair Share Plan (HE&FSP) that was adopted by the Ocean Township Planning Board on October 5, 2017 and endorsed by the Ocean Township Committee on October 12, 2017, and the township’s immunity under the Judgement of Compliance and Repose extends to July 8, 2025. It is noted, however, that the township’s immunity is subject to the meeting of certain reporting requirements, which are specified within sections 15, 16 and 17 of the Settlement Agreement with the FSHC. These reporting requirements include:

- Annual reports of the affordable housing trust fund to the state and the Fair Share Housing Center commencing on the first anniversary of the execution of the settlement agreement;
- Annual reports of the status of all affordable housing activity in the municipality through posting on the municipal website and a copy to the Fair Share Housing Center;

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- Status reports on the implementation of the Township Fair Share Plan at the midpoint of the agreement and on the third anniversary a report on the satisfaction of the Township's low income requirement.

The township should ensure that these reporting requirements are met in order to ensure the validity of its immunity to July 8, 2025.

Complete Streets

In late 2009, the New Jersey Department of Transportation (NJDOT) adopted a Complete Streets Policy. A "complete street" is defined by the NJDOT as a "means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options." Eight (8) counties and 153 municipalities (as of June 18, 2019) have adopted complete streets policies. The intent of the policy is to provide streets to meet the needs of all types of users and all modes of circulation- walking, bikes, cars, trucks, and buses.

Neither Ocean County nor Ocean Township have adopted a complete streets policy. Ocean Township should consider a Complete Streets Policy.

Coastal Area Review Act (CAFRA)

CAFRA regulations apply to development projects near coastal waters. Generally, the closer the project is to the water, the more likely it will be regulated. The CAFRA zone for Ocean generally applies to land in the Township east of the Parkway, extending out to Barnegat Bay. Approximately 5,573 acres of the Township is under the jurisdiction of CAFRA.

The CAFRA divides the area of CAFRA jurisdiction into zones where development is regulated by varying degrees. The CAFRA law regulates almost all development activities involved in residential, commercial, or industrial development, including construction, relocation and enlargement of buildings, excavation, grading, shore protection structures, and site preparation.

Since the adoption of the 2015 Reexamination Report and Master Plan Amendment, CAFRA zone rules, on July 6, 2015, were consolidated into one chapter, namely N.J.A.C. 7:7. Information from the New Jersey Department of Environmental Protection (NJDEP) indicates that this consolidation was part of an effort to transform the operations of the NJDEP's Division of Land Use Regulation, as well as to align the rules governing the permitting processes of the NJDEP's coastal, freshwater and flood hazard permitting programs to the extent that the respective enabling statutes allow. In addition, the rules were amended in order to: create two new permits-by-rule, two general permits-by-

certification, a new general permit; modify several existing general permits; and, encourage appropriate development of more resilient coastal communities.

The Township should continue to monitor developments related to CAFRA zone rules.

Performance and Maintenance Guarantee Requirements

On January 15, 2018, former Governor Chris Christie signed into law Assembly Bill 1425/Senate Bill 3233, which implemented amendments to the requirements of the New Jersey Municipal Land Use Law (MLUL) for performance and maintenance guarantees.

These amendments limit the authority of municipalities to require performance guarantees for private improvements in a development. Specifically, as a result of these amendments, municipalities may now only require developers to post performance guarantees that cover improvements that are required by an approval or developer's agreement, ordinance or regulation to be dedicated to a public entity and that have not yet been installed, unless the guarantee is for privately owned perimeter buffer landscaping that is required by either local ordinance or as a condition of approval. Before the amendments, a municipality had the broad authority to require a developer to furnish performance guarantees for the cost of any improvement that the municipality deemed necessary or appropriate.

In addition to the above, it is important to note that the amendments result in the elimination of the following items from the list of improvements that may be subject to a performance guarantee requirement: culverts; storm sewers; sewerage disposal other than sanitary sewers; erosion control and sedimentation devices; other on-site improvements; and, landscaping. The amendments also confer municipalities with the authority of adopt ordinances that require two additional types of guarantees, namely: "temporary certificate of occupancy guarantees", which may be required upon issuance of a temporary certificate of occupancy to guarantee the installation of improvements that must be completed prior to the issuance of a permanent certificate of occupancy; and, "safety and stabilization guarantees", which may be required, by ordinance, in order to provide the municipality with a source of funds to return an associated property to a safe and stable condition, or otherwise implement measures to protect from access to an unsafe or unstable condition.

There were also amendments to MLUL requirements for maintenance guarantees. Previously, a municipality could require a developer to post a maintenance guarantee for any improvement. However, as a result of the amendments to the MLUL, a municipality may only require a developer to post a maintenance guarantee for improvements that are the subject of a performance guarantee, or for the following private stormwater management-related improvements: basins; in-flow and water quality structures within the basins; and, the outflow pipes and structures.

Finally, the amendments to the MLUL permit the municipality to require that a developer post money in escrow to cover fees associated with the municipal engineer's inspection of improvements completed by the developer. Previously, the municipal engineer was prohibited from performing inspections if there were insufficient funds to cover said inspection fees.

The MLUL outlines requirements for performance and maintenance guarantees at NJAC 40:55D-53.

NJMLUL: Land Use Plan Statement of Strategy on Smart Growth, Storm Resiliency, and Environmental Sustainability

In 2017, the NJ Legislature adopted an amendment of the Municipal Land Use Law as to the preparation of a land use element of the master plan. The amendment became effective January 2018 and applies to all land use plan elements adopted after the effective date. An additional component of the land use plan element is now required. The element must now contain a statement of strategy concerning smart growth including potential locations for the installation of electric charging stations, storm resiliency with respect to energy supply, flood prone areas, and environmental infra structure; and environmental sustainability.

Subsequent revisions of the land use element of the Ocean Township master plan must address this additional scope.

The Township of Ocean should consider the development of a smart growth statement of strategy as part of the next comprehensive update to its Master Plan or land use plan element.

Sustainable Jersey

Sustainable Jersey is a certification program for municipalities in New Jersey that want to go green, save money, and take steps to sustain their quality of life over the long term. The program provides tools, training, and financial incentives to support and reward communities as they pursue sustainability programs.



The Township of Ocean was certified on October 14, 2015 as a Sustainable Jersey silver certified community based on its efforts and actions. The Sustainable Jersey Community program is consistent with many of the goals of the master plan.

Redevelopment Case Law

There have been a number of recent court decisions concerning the use of criteria for determining an area “in need of redevelopment” pursuant to the Local Redevelopment and Housing Law (LRHL). The most significant of these decisions is the NJ Supreme Court’s decision in Gallenthin vs. Paulsboro, which reevaluated and set guidelines for the use of the statutory criteria for determining an area in need of redevelopment. In 2013 the LRHL was amended to provide for a non-condemnation redevelopment area designation and define the process and criteria for designating an area in need of redevelopment and rehabilitation consistent with recent case law.

Public Access

The NJ Legislature adopted a public access amendment to the NJ MLUL on May 3, 2019. The amendment provides as follows:

“A public access plan element that provides for, encourages, and promotes permanently protected public access to all tidal waters and adjacent shorelines consistent with the public trust doctrine, and which shall include a map and inventory of public access points, public facilities that support access, parking, boat ramps, and marinas; an assessment of the need for additional public access; a statement of goals and administrative mechanisms to ensure that access will be permanently protected; and a strategy that describes the forms of access to satisfy the need for such access with an implementation schedule and tools for implementation.”

The legislation amends P.L.1975, c.291, and supplements Title 13 of the Revised Statutes.

Based on the extensive waterfront of the municipality Ocean Township should review the provisions of the new law in terms of possible future planning documents .

Changes at the Federal Level

At the time of the 2015 Reexamination Report and Master Plan Amendment, new FEMA Flood Insurance maps were in the process of being adopted. Said maps increase the flood zone and base flood elevations for some coastal areas of the Township, and their adoption will cause property owners to need to take preventative measures in order to ensure that they are in compliance.

As of the preparation of this reexamination report, the new FEMA Flood Insurance maps had not been adopted. The township should continue to monitor the adoption status of these maps.

Specific Changes Recommended for the Master Plan and Development Regulations

Based on the information presented above, it is recommended that the changes that are outlined below be made to the township's master plan and development recommendations.

Changes to the Master Plan

It is recommended that land use plan element of the municipal master plan be amended to facilitate the rezoning changes that are recommended in this reexamination report.

Changes to Development Regulations

This reexamination report recommends the following change to the township's development regulations:

Private Contractor Warehouse Space in the C-1 Zone.

The zoning ordinance should be amended to permit "private contractor warehouse space for multiple tenants" in the C-1 Zone District when permitted as part of a redevelopment overlay plan. Therefore, this use would be limited only to selected redevelopment areas rather than throughout the C-1 District.

Zoning Map Changes

Several zone changes, as identified by number in the map in Appendix A, are recommended. The change and the reason for individual zone changes are described below:

Rezoning Recommendations

1. Rezone Tract #1 from R-SC Residential- Skipper's Cove to C-2 Commercial. *The front of the tract on Old Main Shore Road is already zoned C-2 and the change allows a more viable lot depth.*
2. Rezone Tract #2 from R-1 Residential to C-2. *The tract adjoins Tract #1 and the rezoning basis is the same as Tract #1.*
3. Rezone Tract #3 from BC Bayfront Conservation to R-HH Residential Holiday Harbor. *This tract contains several existing residential dwellings and the R-HH zoning designation is appropriate.*
4. Rezone Tract #4 from R-1 to Residential Holiday Harbor R-HH. *This area consists primarily of small developed lots and the one-acre residential designation is not appropriate. The area adjoins the R-HH zone.*

5. Rezone Tract #5 from R-HH to WD Waterfront Development. *The property is located on the Barnegat Bay and waterfront access should be encouraged.*
6. Rezone Tract #6 from R-1 to R-1A. *The area consists of single-family residences on lots generally sized at 1/3 acre where the R-1 zone requires a minimum lot area of one acre. Therefore, most of the lots are non-conforming and the zone should be consistent with the current land use pattern.*
7. Rezone Tract #7 from R-PB Pebble Beach to WD Waterfront Development. *The property fronts on the Barnegat Bay and waterfront access should be encouraged .*
8. Rezone Tract #8 from R-BB Barnegat Beach to WD Waterfront Development. *The area consists of a marina and waterfront access should be encouraged .*
9. Rezone Tract #9 from R-1 to R-BH Bay Haven/Bryant Beach. *The area consists of single family homes and vacant lots. The area adjoins the R-BH zone district.*
10. Rezone Tract #10 from R-BH Bay Haven/Bryant Beach to WD Waterfront development. *The area consists of a marina and waterfront access should be encouraged.*
11. Rezone Tract #11 from R-BH Bay Haven/Bryant Beach to WD. *This is a small area adjoining the WD zone on the Bay.*
12. Rezone Tract #12 from BC Bayfront Conservation to C-1 . *The area is a single parcel that is already developed commercially.*

Changes to the Master Plan

1. Comprehensive Master Plan

Based on the planning documents adopted before and after Hurricane Sandy the Planning Board is of the opinion that there is no need to prepare a comprehensive update to the land use, housing, circulation, and community elements of the Master Plan. The Township adopted a master plan reexamination report and land use plan amendments in 2015, zoning ordinances in 2016 and has conducted redevelopment planning during the same time period.

Recommendations Concerning Redevelopment Plans

In 2005, Ocean Township received Plan Endorsement from the New Jersey State Planning Commission, which included the designation of the Waretown Town Center as a redevelopment area. This endorsement legitimized over a decade of planning in Ocean to create a vibrant new mixed-use town center at Waretown. The Waretown Town Center is reflected on the Township's zoning map as the "Town Center Redevelopment District (TC)", and integrates land uses and smart growth planning principles into a comprehensive mixed-use center design. The Waretown Town Center has also been designated a coastal town center under the Coastal Area Facility Review Act (CAFRA). The Plan Endorsement and Town Center Designation also included the extension of Volunteer Way to the Garden State Parkway, providing a key evacuation route for new and existing development in the Township.

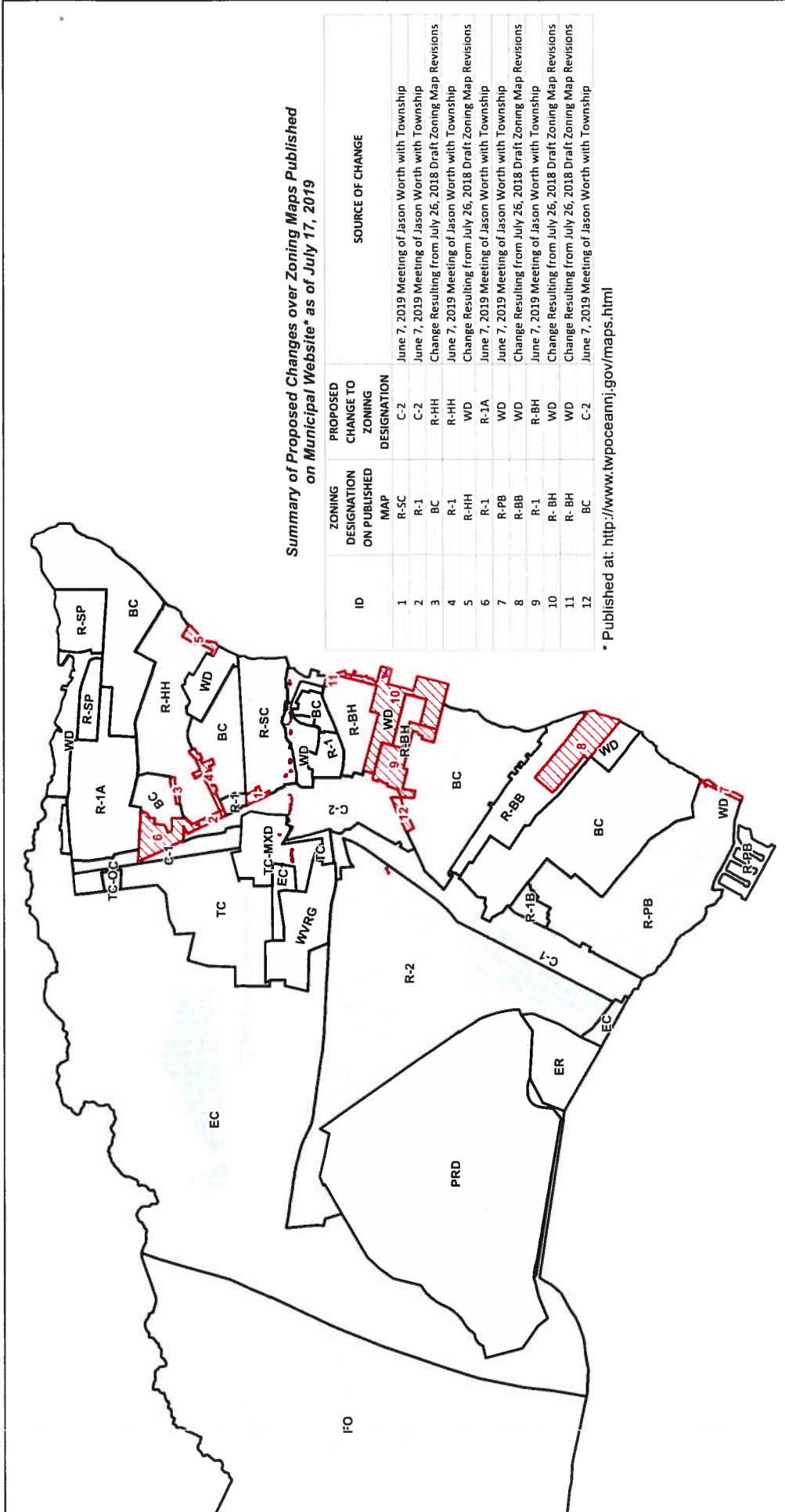
In 2007, the Economic Redevelopment Plan was amended to include the Town Center Conceptual Plan approved by the State Planning Commission. In 2013, the Economic Redevelopment Plan was further amended to outline more detailed design standards for the Waretown Town Center Redevelopment Area.

In addition to the above, the Ocean Township has prepared, or was in the process of preparing by the time of this reexamination report, site-specific redevelopment plans for the following areas of the township:

- Block 241.11, Lots 12.03 and 12.09, which are located at the northeastern corner of US Route 9 and Seminole Avenue. As part of the C-1 (General Commercial) Zone, said area, like all areas of the C-1 (General Commercial) Zone, was declared as an area in need of redevelopment with the adoption of Resolution No. 2000-80. This plan was adopted on [INSERT DATE], 2019; and,
- Block 41 Lots 37, 38.02 and 39.01, which is located on the west side of Route 9 immediately north of Volunteer Way is located in the TC Town Center District Redevelopment Plan. The Town Center Plan was adopted in April 2013. The Township Committee is currently reviewing this site and considering amendments to the TC Town Center Plan in early 2020.

It is recommended that each of the areas for which a site-specific redevelopment plan has been prepared be identified on the township's zoning map.

Appendix A: Recommended Zone Changes



Summary of Proposed Changes over Zoning Maps Published on Municipal Website* as of July 17, 2019

ID	ZONING DESIGNATION ON PUBLISHED MAP	PROPOSED CHANGE TO ZONING DESIGNATION	SOURCE OF CHANGE
1	R-5C	C-2	June 7, 2019 Meeting of Jason Worth with Township
2	R-1	C-2	June 7, 2019 Meeting of Jason Worth with Township
3	BC	R-HH	Change Resulting from July 26, 2018 Draft Zoning Map Revisions
4	R-1	R-HH	June 7, 2019 Meeting of Jason Worth with Township
5	R-HH	WD	Change Resulting from July 26, 2018 Draft Zoning Map Revisions
6	R-1	R-1A	June 7, 2019 Meeting of Jason Worth with Township
7	R-PB	WD	June 7, 2019 Meeting of Jason Worth with Township
8	R-BB	WD	Change Resulting from July 26, 2018 Draft Zoning Map Revisions
9	R-1	R-BH	June 7, 2019 Meeting of Jason Worth with Township
10	R-BH	WD	Change Resulting from July 26, 2018 Draft Zoning Map Revisions
11	R-BH	WD	Change Resulting from July 26, 2018 Draft Zoning Map Revisions
12	BC	C-2	June 7, 2019 Meeting of Jason Worth with Township

* Published at: <http://www.twpocennj.gov/maps.html>

Proposed Zoning Changes Ocean Township Ocean County, New Jersey



11 Tindall Road
Middletown, NJ 07748-2792
Phone: 732-671-6400
Fax: 732-671-7365
www.landmassociates.com



Prepared by: RED, 07/17/19
Source: Ocean County GIS (Tax Parcels), T&M Associates (Zoning Layer, Zoning Changes)
File Path: Zoning Changes East of Parkway (07-17-19; TABL01D).mxd