

Redevelopment Plan

Block 241.11, Lots 12.02, 13.01 and 13.02

Block 343 (All Lots)

Block 352 (All Lots)

Ocean Township, Ocean County, New Jersey

Prepared for: Township of Ocean

Prepared on: November 18, 2020

Adopted on: Dec 22, 2020

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

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Appendix B: Tax Map Sheet 26

Appendix C: Environmental Constraints Mapping

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1.0 – Introduction

The Township of Ocean has determined that the utilization of the powers of the Local Redevelopment and Housing Law (NJSA 40A:12A-1 et seq.) is the most effective approach to revitalize and redevelop the following properties: Block 241.11, Lots 12.02, 13.01 and 13.02; Block 343 (All Lots); and, Block 352 (All Lots).

Block 241.11, Lots 12.02, 13.01 and 13.02 are partially located within the C-1 (General Commercial) Zone District, and Blocks 343 and 352 are entirely located within this district. The Ocean Township Committee, with the adoption of Resolution No. 2000-80 and upon the recommendation of the Ocean Township Planning Board, previously designated the entire C-1 (General Commercial) Zone District as an area in need of redevelopment.

Portions of Block 241.11, Lots 12.02, 13.01 and 13.02 that are not located in the C-1 (General Commercial) Zone District are located within the R-1B (Residential, Medium–Low Density) and R-PB (Residential, Pebble Beach) zone districts. Upon the recommendation of the Ocean Township Planning Board, the Ocean Township Committee adopted Resolution No. 2020-286 to designate the portions of Block 241.11, Lots 12.02, 13.01 and 13.02 that are not located in the C-1 (General Commercial) Zone District as an area in need of redevelopment. This Redevelopment Plan is designed in a manner to facilitate the redevelopment of Block 241.11, Lots 12.02, 13.01 and 13.02 and Blocks 343 and 352 as one coordinated development project.

2.0 — Statutory Requirements

This Redevelopment Plan is written pursuant to Section 7 of the Local Redevelopment and Housing Law at NJSA 40A:12A-7a, which provides that “no redevelopment project shall be undertaken or carried out except in accordance with a Redevelopment Plan adopted by ordinances of the municipal governing body.” Pursuant to the requirements of the LRHL, the Redevelopment Plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the redevelopment area sufficient to indicate:

1. Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities, and other public improvements.
2. Proposed land uses and building requirements in the redevelopment area.
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the redevelopment area, including an estimate of the extent to which decent, safe, and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
4. An identification of any property within the redevelopment area that the municipality envisions acquiring, in accordance with the Redevelopment Plan.
5. Any significant relationship of the Redevelopment Plan to: (a) the Master Plans of contiguous municipalities; (b) the Master Plan of the county in which the municipality is located; and (c) the State Development and Redevelopment Plan (SDRP), adopted pursuant to the “State Planning Act,” P.L. 1985, c. 398 (C.52:18A-196 et al.).

As evidenced by the following sections of the plan, this Redevelopment Plan meets these statutory requirements.

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3.0 — Redevelopment Area Description

This Redevelopment Plan has been prepared for Block 241.11, Lots 12.02, 13.01 and 13.02 and Blocks 343 and 352, which are located in the southeastern portion of the mainland part of Ocean Township and comprise an area of approximately 24.52 acres. All areas have frontage on US Route 9. In addition, Block 241.11 also has frontage on Navajo Drive and the terminus of Third Street.

According to the 2020 MOD-IV Property Tax Assessment Information, all parcels are under common ownership (n.b., the owner of record is “Herman and Marsha Zell”) and assessed as follows:

- Block 241.11, Lot 12.02: Class 3B (Farm Qualified);
- Block 241.11, Lot 13.01: Class 3B (Farm Qualified);
- Block 241.11, Lot 13.02: Class 3B (Farm Regular), Class 3B (Farm Qualified), Class 4A (Commercial);
- Block 343 (All Lots): Class 3B (Farm Qualified); and,
- Block 352 (All Lots): Class 3B (Farm Qualified).

Please note that Class 3A includes farm buildings, such as barns, silos or accessory farm buildings. Class 3B includes land only.

The Redevelopment Plan Area consists of undeveloped, unimproved lands that are predominantly wooded. Notable exceptions include: private, unpaved access lanes, which are located on Block 241.11, Lot 13.01; and, a paved area measuring approximately 300 square feet, which is located on Block 241.11, Lot 13.01 near its frontage with US Route 9 (n.b., this feature is visible on recent aerial photography; historic aerial imagery indicates that the feature may be a remnant of a building that previously existed onsite).

Appendix A provides aerial mapping of the Redevelopment Plan Area and shows its location within Ocean Township. In addition, Appendix B provides a copy of Sheet 26 of the official tax maps of Ocean Township.

3.1 — Surrounding Land Uses

Land uses in the immediate vicinity of the Study Area include a mix of: residential properties to the east; undeveloped lands to the south, west and north; and, commercial properties located further afield to the north and south of the subject property along US Route 9.

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3.2 — Environmental Constraints

As shown in Appendix C, the Redevelopment Plan Area contains freshwater wetlands. Indeed, wetlands are indicated at the rear of the Redevelopment Plan Area, and specifically on Block 241.11, Lot 13.01, near an unimproved portion of the Navajo Drive right-of-way. The presence and extent of wetlands has not been independently confirmed as an on-site delineation has not been conducted as part of this Redevelopment Plan or the preceding Redevelopment Study and Preliminary Investigation Report. However, T&M is in receipt of a Letter of Interpretation (LOI) issued by the New Jersey Department of Environmental Protection (NJDEP) on November 26, 2019 (NJDEP File No.: NJDEP File No. 1520-03-0014.1-FWW140001), which extends its original LOI issued on March 19, 2015 confirming the boundaries and classification of wetlands or lack thereof on Lots 12.02, 13.01, and 13.02.

In addition, the Redevelopment Plan Area may also contain areas that are suitable habitat for threatened and endangered species.

Conformance with all applicable requirements of the New Jersey Department of Environmental Protection shall be required.

3.3 — Existing Zoning

As indicated on the Township of Ocean Zoning Map, the Study Area is located within the C-1 (General Commercial), R-1B (Residential, Medium–Low Density) and R-PB (Residential, Pebble Beach) zone districts, as follows:

- Block 241.11, Lot 12.02: C-1 (General Commercial) and R-PB (Residential, Pebble Beach);
- Block 241.11, Lot 13.01: C-1 (General Commercial) and R-1B (Residential, Medium–Low Density);
- Block 241.11, Lot 13.02: C-1 (General Commercial) and R-1B (Residential, Medium–Low Density);
- Block 343 (All Lots): C-1 (General Commercial); and,
- Block 352 (All Lots): C-1 (General Commercial).

Appendix D depicts existing zoning as it applies to the Study Area. Land use regulations for the zoning districts are outlined in the following subsections.

The principal permitted uses of the C-1 (General Commercial) Zone District include: detached single-family dwellings present at the time of adoption of Chapter 410 of the Code of the Township of Ocean; public and community-related parks and play areas; landscape nursery garden centers; roadside markets for the sale of agricultural produce and related goods; restaurants, including fast food restaurants; retail stores, including mixed uses; alcoholic

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beverage stores; banks or other financial institutions; licensed personal service establishments; laundromat dry cleaners; business and professional offices; funeral homes; veterinary clinics, however any overnight accommodations must be indoors; motor vehicle and boat sales and service; printing and publishing establishments; medical complexes, including offices and treatment facilities; commercial recreation facilities; and, government and public service offices and facilities.

The principal permitted uses of the R-1B (Residential, Medium-Low Density) Zone District include: detached single-family dwellings; public and community-oriented parks and play areas; nature preserves and wildlife sanctuaries; and, agricultural uses, but not the raising and keeping of livestock.

The principal permitted uses of the R-PB (Residential, Pebble Beach) Zone District include: detached single-family dwellings; public and community-oriented parks and play areas; and, nature preserves and wildlife sanctuaries.

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4.0 — Goals and Objectives

The goals and objectives of Redevelopment Plan are as follows:

1. Abate the conditions that cause the Redevelopment Plan Area to be in need of redevelopment;
2. Provide tax ratables for the Township through the redevelopment of the area;
3. Promote development of currently underutilized lands;
4. Improve the aesthetic image of the Township;
5. Facilitate the creation of high-quality housing, including market rate and affordable units, within the Township;
6. Facilitate job creation; and,
7. Promote the overall economic and land use objectives of the Ocean Township Master Plan.

5.0 — Redevelopment Standards

This Redevelopment Plan shall constitute an overlay on the existing C-1 (General Commercial), R-1B (Residential, Medium–Low Density) and R-PB (Residential, Pebble Beach) zone districts. The redevelopment standards provided in Subsection 5.2 of this Redevelopment Plan shall apply to the Redevelopment Plan Area when a redevelopment project is undertaken in accordance with the Redevelopment Plan Overlay.

5.1 — Existing Zoning

The underlying C-1 (General Commercial), R-1B (Residential, Medium–Low Density) and R-PB (Residential, Pebble Beach) zoning and relevant bulk and yard standards shall continue to be applicable when the Redevelopment Plan Area or a portion of the Redevelopment Plan Area is developed with a principal permitted or conditional use that is listed in Chapter 410 of the Revised General Ordinances of the Township of Ocean, except as may be described in this Redevelopment Plan.

5.2 — Redevelopment Plan Overlay

To promote increased development flexibility within the Redevelopment Plan Area, this Redevelopment Plan permits, as an optional overlay, the development of a mixed-use inclusionary development and supplements the underlying zoning with the following additional use, bulk and design requirements.

The use, bulk and design requirements that are set forth in this Redevelopment Plan Overlay shall apply only to the Redevelopment Plan Area and not generally to the C-1 (General Commercial), R-1B (Residential, Medium–Low Density) and R-PB (Residential, Pebble Beach) zone districts overall. Please also note that these standards shall only apply in instances when the Redevelopment Plan Area is developed with mixed-use inclusionary development as provided herein.

The extent of the Redevelopment Plan Overlay is depicted in Appendix E.

5.2.1 — Permitted Uses in Areas with Underlying C-1 (General Commercial) Zoning

The following uses are permitted uses within the portions of the Redevelopment Plan Area that overlay the underlying C-1 (General Commercial) Zone District:

1. Principal Permitted Uses
 - a. Townhomes
 - b. Multifamily residential buildings (incl., for-sale and rental units)
 - c. Home occupations in townhome units

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- d. Public and community-related parks and play areas
 - e. Open space areas
 - f. Commercial buildings, which may include the following uses:
 - i. Restaurants (excl., restaurants with drive-through facilities)
 - ii. Retail stores
 - iii. Banks or other financial institutions (excl., banks and other financial institutions with drive-through facilities)
 - iv. Licensed personal service establishments
 - v. Business and professional offices
 - vi. Medical offices
 - g. Government and public service offices and facilities when co-located with commercial uses
2. Accessory Uses
- a. Clubhouses, cabanas, gazebos, pools and similar recreational facilities for the common use of residents and their guests
 - b. Pedestrian pathways
 - c. Ancillary storage facilities for lease or sale to residents
 - d. Patios and decks associated with residential units
 - e. Off-street parking
 - f. Off-street loading
 - g. Stormwater management facilities
 - h. Refuse and recycling facilities
 - i. On-site signs, as defined in Section 410-8 of the Revised General Ordinances of the Township of Ocean
 - j. Temporary construction offices (incl., trailers used as temporary construction offices)

5.2.2 — Permitted Uses in Areas with Underlying R-1B (Residential, Medium-Low Density) and R-PB (Residential, Pebble Beach) Zoning

Uses within the portions of the Redevelopment Plan Area that overlay the underlying R-1B (Residential, Medium-Low Density) and R-PB (Residential, Pebble Beach) zone districts shall be limited to the following:

1. Stormwater management facilities
2. Open space areas (incl., required tree save areas)

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3. Fencing and retaining walls
4. Pedestrian pathways limited to areas outside of required buffer areas
Buffer areas to adjacent residential development

5.2.3 — Bulk Standards

The following standards shall apply:

1. Minimum tract area: 22 acres
2. Front yard setback (from external tract boundary):
 - a. Principal: 50 feet
 - b. Accessory: 50 feet
 - c. Parking: 20 feet
3. Rear yard setback (from external tract boundary):
 - a. Principal: 25 feet
 - b. Accessory: 10 feet
 - c. Parking: 10 feet
4. Side yard setback (from external tract boundary):
 - a. Principal: 25 feet
 - b. Accessory: 10 feet
 - c. Parking: 10 feet
5. Maximum impervious coverage:
 - a. Portions of the Redevelopment Plan Area that overlay the underlying C-1 (General Commercial) Zone District: 70 percent, or as permitted by the New Jersey Department of Environmental Protection (NJDEP), whichever is less.
 - b. Portions of the Redevelopment Plan Area that overlay the underlying R-1B (Residential, Medium-Low Density) and R-PB (Residential, Pebble Beach) Zone Districts: Five (5) percent, or as permitted by the New Jersey Department of Environmental Protection (NJDEP), whichever is less.
6. Minimum open space: 30 percent of tract area (n.b., when the NJDEP permits less than 70 percent impervious coverage, the difference between 100 percent and the maximum impervious coverage permitted by NJDEP shall be the minimum required open space area)
7. Minimum distance between principal buildings: 20 feet
8. Minimum distance between principals and accessory structures: 10 feet
9. Maximum length of townhome buildings: 170 feet
10. Maximum length of multifamily residential buildings: 120 feet
11. Maximum building height:

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- a. Principal building: 35 feet/3 stories
 - b. Accessory building/structure (excl., clubhouses and cabanas): 15 feet/1 story
 - c. Accessory building/structure (clubhouses and cabanas): 25 feet/2 stories
12. Maximum number of dwelling units permitted: 120 units
 13. Maximum number of townhome units per building: 8 units
 14. Maximum number of units per multifamily residential building: 12 units
 15. Maximum permitted footprint of commercial buildings: 9,000 square feet
 16. Maximum permitted number of commercial buildings: 1 building

5.2.4 — Affordable Housing

Affordable housing shall be required in accordance with the standards of Article XXIII of the Revised General Ordinances of the Township of Ocean, including Township's Affordable Housing Point System Ordinance at Section 410-183.

5.2.5 — Design Standards

The following design standards shall apply:

1. Sidewalks shall be provided along the frontage of US Route 9 and interior roadways.
2. Accessory buildings/structures may not be positioned in front of a principal building.
3. Side façades shall have the same architectural treatment of front façades.
4. With the exception of commercial buildings oriented toward US Route 9, rear façades shall have the same architectural treatment as front and rear façades.
 - a. Notwithstanding the above, and to the greatest extent possible, rear façades of commercial buildings oriented toward US Route 9 are encouraged to have the same architectural treatment as front and rear façades.
5. Buildings shall be constructed of high-quality materials and reflect an attractive architectural design. To this end, the following standards apply:
 - a. The use of brick, stone, precast cultured stone, vinyl siding, and synthetic or composite trims on building façades is encouraged.
 - b. Exterior Insulated Finish System (EIFS) materials shall be prohibited.
 - c. Building design shall include such architectural features as: recesses, projections, wall insets, balconies, window projections, turrets, gabled roofs, etc.
 - d. Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping along the foundation.
6. All buildings in their design and layout are to be integrated into the total development scheme. The design intent shall be to achieve the compatible relationships in scale, form,

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functional utility as well as appropriateness and relationship to adjoining buildings on the site.

7. Common elements (e.g., clubhouses, cabanas and gazebos) shall be designed to present a harmonious appearance with the rest of the development in terms of: building design, architectural style and scale; massing of building form; surface material, finish and texture; decorative features; window and doorway proportions; entryway placement and location; signage and landscaping; etc.

5.2.6 — Off-Street Parking

The following standards shall apply:

1. Off-street parking for residential uses shall be provided in accordance with the standards of the New Jersey Residential Site Improvement Standards (NJAC 5:21).
2. Off-street parking for non-residential uses shall be provided in accordance with the standards of Article VI (Off-Street Parking and Loading) of Chapter 410 (Zoning) of the Revised General Ordinances of the Township of Ocean.
3. Sidewalks shall be required between off-street parking areas and the buildings they serve.
4. Off-street parking areas shall be paved with asphalt and curbed subject to the review and approval of the Ocean Township Engineer and Planner.

5.2.7 — Landscaping

The following landscaping requirements shall apply:

1. A landscaping plan with specifications shall be prepared for all applications.
2. Landscaping plans shall be prepared by a licensed landscape architect and show: the location; names according to the latest edition of Standardized Plant Names; and, sizes of all existing and proposed plantings.
3. Not less than four (4) inches of topsoil shall be applied over all areas to be covered with grass or other ground cover.
4. Plants that require daily irrigation and regular soil amendment shall not be permitted.
5. Plants that are generally identified as invasive species are prohibited. Examples of such plants include but are not be limited to: *Acer Platanoides* (Norway Maple); *Berberis Thunbergii* (Japanese Barberry); *Lonicera Japonica Thunb.* (Japanese Honeysuckle); and, *Robinia Pseudoacacia L.* (Black Locust).
6. To promote safety and security, areas located away from buildings shall be kept free from low-growing shrubs. As an alternative to low-growing shrubs, high-headed trees shall be used.

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7. A six-foot high landscaped berm shall be provided between residential uses and the frontage of US Route 9.
8. Landscaping shall be provided along at least 50 percent of townhome and multifamily residential building foundation length.
9. Landscaped buffers shall be provided between parking areas for commercial and multifamily residential buildings and US Route 9 and interior roadways.
10. Buffers to adjoining residential development shall be provided in accordance with the following:
 - a. The minimum buffer width shall be 50 feet
 - b. The redeveloper may enter into an agreement with the Township to utilize adjacent Block 241.11, Lot 13.03 as a buffer area. Such agreement shall require that the required buffer area be maintained by the redeveloper to ensure a continuous, full screen between existing adjacent residential properties and the nearest on-tract development, including stormwater management facilities.

5.2.8 — Signage

The following signage requirements shall apply:

1. Signs are permitted to be installed within the Redevelopment Plan Area.
2. Directional Signage:
 - a. No single directional sign shall exceed four (4) square feet in area.
 - b. Directional signs shall not be illuminated.
3. Wall signs
 - a. Each individual entity occupying a commercial building shall be permitted to have one wall sign.
 - b. Wall signs shall not be located above eaves.
 - c. The maximum sign area of an individual wall sign shall not exceed one (1) square foot for every linear foot of façade length devoted to entity with which the sign is associated.
 - d. Wall signs shall be externally illuminated.
 - e. Wall signs may not flash.
4. Monument signs
 - a. One monument sign shall be permitted at each point of ingress/egress along US Route 9.
 - b. Monument signs shall have a maximum height of five (5) feet from average ground level to the top of the sign.

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- c. Monument signs may not flash.
- d. Appropriate landscaping shall be provided at the base of monument signs.

When not specifically regulated by the requirements that have been provided above, the requirements of Chapter 299 (Signs) and Article IX (Signs) of Chapter 410 (Zoning) of the Revised General Ordinances of the Township of Ocean shall apply.

5.2.9 — Lighting

The following lighting requirements shall apply:

1. Decorative lighting shall be provided along the frontage with US Route 9, as well as within off-street parking areas and along interior roadways. Said lighting shall be subject to the review and approval of the Ocean Township Engineer and Planner.
2. Lighting shall be shielded to prevent spillage onto neighboring properties.

When not specifically regulated by the requirements that have been provided above, the requirements of Chapter 221 (Lighting Standards) of the Revised General Ordinances of the Township of Ocean shall apply.

5.2.10 — Fencing

The following fencing requirements shall apply:

1. No fence higher than six (6) feet shall be permitted, except that no fence higher than four (4) feet shall be permitted within a front yard area.
2. Stormwater basins shall be fenced with wood plank or similarly styled fencing with a height of four (4) feet. Wire shall also be provided on the interior side of such fencing. When a stormwater basin is located adjacent to a parking area, vinyl fencing as described above shall be provided where there is adjacency.

5.2.11 — Stormwater

Conformance with Chapter 322 (Stormwater Control) and Chapter 330 (Stormwater System) of the Revised General Ordinances of the Township of Ocean is required.

In addition to the above, it is noted that the use of rain gardens and similar green infrastructure is encouraged as part of stormwater management efforts.

5.2.12 — Trash Enclosure

Separate trash and recycling enclosures must be provided for commercial buildings and multifamily residential buildings (n.b., up to two [2] multifamily residential buildings may share one [1] trash and recycling enclosure). Same shall be screened from the view of adjacent

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properties and US Route 9, and subject to the review and approval the Ocean Township Engineer and Planner.

5.2.13 — Maintenance

A customary maintenance plan shall be implemented within the Redevelopment Plan Area. In addition, the developer shall submit proposals for the ownership and maintenance of common elements (e.g., open space, driveways, parking areas, interior roadways, sidewalks and pedestrian walkways, clubhouses, cabanas, gazebos, pools).

5.2.14 — Development Fees

All development shall be subject to the imposition of applicable development fees, which are regulated by Section 410-172 of the Revised General Ordinances of the Township of Ocean.

6.0 – Plan Relationships

The following subsections outline the relationships of the Redevelopment Plan to municipal zoning and the objectives that are outlined in the municipal master plan, as well as to master plans of contiguous municipalities, Ocean County, and the State Development and Redevelopment Plan. A discussion of these relationships is required pursuant to the Local Redevelopment and Housing Law at NJSA 40A:12A-7a.

6.1 – Municipal Zoning

The Redevelopment Plan shall result in the establishment of an overlay zone on: Block 241.11, Lots 12.02, 13.01 and 13.02; Block 343 (All Lots); and, Block 352 (All Lots). The overlay zone to be established, which shall be called the “Oceanaire East Redevelopment Overlay Zone,” will supplement the existing C-1 (General Commercial), R-1B (Residential, Medium–Low Density) and R-PB (Residential, Pebble Beach) zoning within and only within the area of: Block 241.11, Lots 12.02, 13.01 and 13.02; Block 343 (All Lots); and, Block 352 (All Lots).

6.2 – Ocean Township Master Plan

The Ocean Township Master Plan was originally adopted in 1982 and last reexamined in 2015 and 2019.

The 2015 Master Plan Reexamination Report included a Master Plan Amendment, which reestablished the Township’s goals and objectives. With few exceptions, these goals and objectives were reaffirmed in the 2019 Reexamination Report. The following goals and objectives of the Master Plan, which were reaffirmed in the 2019 Reexamination Report, would be furthered by the implementation of this Redevelopment Plan:

1. 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;
2. Encourage new residential development in areas with public water and sewer facilities and in areas where these facilities can be made available;
3. 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.
4. Discourage “Strip” development along the entire US Route 9 frontage; and,
5. Review economic development and redevelopment programs to encourage both new construction and conversion of existing non-commercial uses to viable commercial activities.

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6.3 — Plans of Contiguous Municipalities

Given the fact that the Redevelopment Plan Area is located more than 2,000 feet from the nearest municipal boundary (n.b., the municipal boundary is with Barnegat Township), it is not anticipated that there will be measurable impacts on municipalities that are adjacent to Ocean Township.

Nonetheless, it is noted that redevelopment of the Redevelopment Plan Area in a manner that is consistent with this Redevelopment Plan would be consistent with Barnegat Township's land use goals of: promoting commercial development in appropriate areas; and, identifying areas within that are in need of redevelopment or rehabilitation and developing plans for revitalizing these areas.

6.4 — 2011 Ocean County Comprehensive Master Plan

Ocean County prepared a comprehensive master plan in 2011. Said plan made several recommendations, the realization of which would be supported by the implementation of this Redevelopment Plan. Specifically, this Redevelopment Plan's implementation would support the following recommendations of the 2011 Ocean County Comprehensive Master Plan:

1. Continue Ocean County's economic development efforts to reduce unemployment, connect residents to local, year-round employment opportunities, and enhance the tax base by encouraging compatible industrial and commercial operations to located or expand in Ocean County;
2. Continue to encourage programs that assist in the increased supply of safe, decent, sustainable and affordable housing;
3. Encourage mixed-use developments, which contain a variety of building types and uses, connected by walkable and aesthetically pleasing streets and corridors;
4. Facilitate the redevelopment of underutilized properties; and,
5. Encourage the consideration of noise, visual aesthetics and natural environmental features in design projects.

6.5 — State Development and Redevelopment Plan

The State Planning Commission recognizes the importance of the idea of sustainable development. The State Development and Redevelopment Plan, which was adopted in 2001, is intended to serve as a guide for public and private sector investment in New Jersey's future. To facilitate this, the plan allocates New Jersey among a variety of planning areas. The Redevelopment Plan Area is located in within the Suburban Planning Area (Planning Area 2). The Redevelopment Plan is compatible with the State Development and Redevelopment Plan's

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intention for the Planning Area 2, which is to provide for much of the state's future development; promote growth in centers and other compact forms; protect the character of existing, stable communities; protect natural resources; redesign areas of sprawl; reverse the current trend toward further sprawl; and, revitalize cities and towns.

7.0 — Administrative and Procedural Requirements

Administrative and procedural requirements are discussed in the following subsections.

7.1 — Acquisition

This Redevelopment Plan excludes the use of eminent domain. The Township will not use eminent domain and, moreover, believes that redevelopment can successfully occur without the use of eminent domain. Accordingly, there will be no public acquisition of land in the Redevelopment Plan Area.

7.2 — Relocation

As stated above, the Township will not use the power of eminent domain, and no relocation of any household or business is contemplated as part of this Redevelopment Plan. Nonetheless, if any relocation should be necessary, it is anticipated that there is sufficient decent, safe and sanitary space within the local market. Moreover, a Workable Relocation Plan shall be prepared, and the Township shall conform to the Local Redevelopment and Housing Law (NJSA 40A:12A-1 et seq.) and all other applicable legal requirements. In addition, the developer shall be required to provide for relocation assistance pursuant to a redevelopment agreement between the redeveloper and the redevelopment entity.

7.3 — Redeveloper Selection

The Township may enter into agreements with a designated redeveloper or redevelopers in connection with the construction of any aspect of this Redevelopment Plan, including off-site improvements. Redevelopment under the terms of this Redevelopment Plan shall only be undertaken pursuant to a redevelopment agreement entered into between the Township and a designated redeveloper, which may be the property owner. Before such an agreement is entered into, the redeveloper shall submit a Community Impact Statement (CIS), prepared in accordance with the requirements of Section 7.5 of this redevelopment plan and Section 340-53 of the Revised General Ordinances of the Township of Ocean, which demonstrates no negative impact to Township. The approved CIS shall be made part of the redeveloper agreement entered into between the Township and designated redeveloper.

The Township may undertake a redeveloper selection process that will yield the qualified redeveloper to implement this Redevelopment Plan in a manner that is in the best interest of the Township.

The following restrictions and controls on redevelopment are hereby imposed in connection with the selection of a redeveloper for any property or properties included in the

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redevelopment area and shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations now or hereafter in force:

1. The redeveloper, its successors, or assignees, shall develop the specified improvements in accordance with this Redevelopment Plan.
2. The redeveloper, its successors or assigns shall develop the property in accordance with the uses and building requirements specified in the Redevelopment Plan.
3. Until the required improvements are completed, and a certificate of completion is issued, the redeveloper covenants provided for in the Local Redevelopment and Housing Law at NJSA 40A:12A-9 and imposed in any redevelopment agreement, lease, deed, or other instruments shall remain in full force and effect.
4. The redevelopment agreement shall contain provisions to assure the timely construction of the redevelopment project, the qualifications, financial capability, and financial guarantees of the redeveloper and any other provisions necessary to assure the successful completion of the project.

7.4 — Redevelopment Entity Review

The governing body, acting as the redevelopment entity, shall review all proposed redevelopment projects within the Redevelopment Plan Area in order to ensure that such projects are consistent with this Redevelopment Plan and any relevant redevelopment agreement. As part of its review, the governing body may require the redeveloper to submit its proposed project to a technical review committee or subcommittee of the governing body. The technical review committee may include members of the governing body and any other members and/or professionals as determined necessary and appropriate by the Township. The technical review committee shall make its recommendations to the governing body.

In undertaking its review, the governing body shall determine whether the proposal is consistent with this Redevelopment Plan and any relevant redevelopment agreement. In addition, the review may address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of the Redevelopment Plan.

At its discretion, the Redevelopment Entity may waive its review and refer a proposed redevelopment project directly to the Ocean Township Planning Board. However, any such referral shall be contingent on the redeveloper submitting and receiving approval of a Community Impact Statement in accordance with the requirements of Section 7.5 of this redevelopment plan.

7.5 – Community Impact Statement

Prior to entering into a redeveloper agreement with the Township and proceeding to the Planning Board for review of any proposed redevelopment project, the redeveloper shall submit a Community Impact Statement (CIS) to the Redevelopment Entity, which shall be prepared in accordance with the requirements of Section 340-53 of the Revised General Ordinances of the Township of Ocean. The CIS shall demonstrate that the proposed project will have no overall negative impact to the Township. The CIS shall be prepared to the satisfaction of the Redevelopment Entity and the Township Engineer and Planner, who shall prepare a report to the Redevelopment Entity summarizing the findings of their review of the CIS.

7.6 – Planning Board Review Process

Pursuant to the Local Redevelopment and Housing Law at NJSA 40A:12A-13, all development applications for development of sites governed by this Redevelopment Plan shall be submitted to the Ocean Township Planning Board for review and approval. The following provisions shall govern review of any proposed redevelopment project within the Redevelopment Plan Area:

1. No building permit shall be issued by the construction or zoning official for any work resulting in a change of intensity of development or change of use for any properties or buildings within the redevelopment area without prior review and approval of the work by the redevelopment entity (n.b., as provided in Section 7.4 [above], the Redevelopment Entity may waive its review and refer a proposed redevelopment project directly to the Ocean Township Planning Board) and the Ocean Township Planning Board.
2. Regular maintenance and minor repair shall not require Ocean Township Planning Board review and approval.
3. The Ocean Township Planning Board shall conduct site plan and subdivision review, if applicable, pursuant to the Municipal Land Use Law (NJSA 40:55D-1 et seq.) and the Township's planning and development regulations.
4. As part of site plan approval, the Ocean Township Planning Board may require the redeveloper to furnish performance guarantees pursuant to the Municipal Land Use Law at NJSA 40:55D-53 and as required in the Township's planning and development regulations. The performance guarantees shall be in favor of Ocean Township, and the Township Engineer shall determine the amount of same.
5. Any subdivision of lots or parcels of land within the redevelopment area shall be in compliance with this Redevelopment Plan and reviewed by the Ocean Township Planning

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Board pursuant to the Local Redevelopment and Housing Law (NJSA 40A:12A-1 et seq.) and the Municipal Land Use Law (NJSA 40A:55D-1 et seq.).

6. Once a property has been redeveloped in accordance with this Redevelopment Plan, it may not be converted to any use not expressly permitted herein. No non-conforming use, building, or structure may be expanded or made more non-conforming in nature after adoption of this Redevelopment Plan. A use or structure that does not conforming to the requirements of this Redevelopment Plan may not be reconstructed in the event of its destruction. The Ocean Township Planning Board shall determine the issue of whether the non-conforming use or building structure has been "destroyed."
7. Relief and Exceptions.
 - a. The Township of Ocean Planning Board of Adjustment may grant relief from the requirements of this Redevelopment Plan where there is a hardship, and where the granting of such relief will promote the purpose of this Redevelopment Plan and would be consistent with the standards established in the Municipal Land Use Law at NJSA 40:55D-70(c).
 - b. The Township of Ocean Planning Board of Adjustment when acting upon applications for preliminary site plan approval in the redevelopment plan area may grant exceptions for site plan approval in a manner consistent with the provisions of NJSA 40:55D-51(b), if the literal enforcement of one or more provisions of the redevelopment plan is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.
 - c. In no event shall relief or exceptions be granted by the Township of Ocean Planning Board of Adjustment in order to: provide a use or facility that is not permitted by this Redevelopment Plan; or, permit an intensity of development (incl., but not limited to building height) that is not specified by this Redevelopment Plan.
8. The regulations and controls of this Redevelopment Plan shall be implemented, where applicable, by appropriate covenants or other provisions, and through agreements between the redeveloper and the Township pursuant to the Local Redevelopment and Housing Law at NJSA 40A:12A-8 and 40A:12A-9.
9. All definitions contained within this Redevelopment Plan shall prevail. In the absence of definition within said Redevelopment Plan, the definition found within the Township's planning and development regulations shall prevail. All definitions that are determined to be inconsistent with the Local Redevelopment and Housing Law at NJSA 40A:12A-3 shall be considered invalid.

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10. A redeveloper shall be required to pay all applicable escrow fees and other required charges in accordance with applicable provisions of the Township's planning and development regulations and New Jersey Law. Additionally, a redeveloper shall be required to pay their proportional share of the costs of any studies, plans, reports, or analysis prepared by the Township or its designated redevelopment entity as part of this Redevelopment Plan. Any such payments required to reimburse the Township shall be specified in the redevelopment agreement.

The aforementioned provisions are all subject to approval by ordinance and/or resolution according to law. If a court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, section, or provision shall be deemed severable, and the remainder of the Redevelopment Plan and implementing ordinances shall remain in full force and effect.

7.7 — Duration of Plan

This Redevelopment Plan shall be in full force and effect upon its adoption by ordinance by the governing body and shall be in effect until the redevelopment of the Redevelopment Plan Area has been completed, which shall be evidenced by the issuance of a certificate of project completion by the redevelopment entity.

7.8 — Amending the Redevelopment Plan

Upon compliance with the requirements of applicable law, the governing body may amend, revise, or modify this Redevelopment Plan in general or for specific portions of the Redevelopment Plan Area, as circumstances may make such changes appropriate. The review and approval of any proposed amendments shall be undertaken in accordance with the procedures set forth in the Local Redevelopment and Housing Law (NJSA 40A:12A-1 et seq.). However, any proposed changes in permitted uses, intensity of development (incl., but not limited to building height), or design concepts detailed in this Redevelopment Plan shall require notice and public hearings in the same manner required of the adoption of the original plan.

7.9 — Conflict

If any word, phrase, clause, section or provision of this Redevelopment Plan is found by a court or other jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, clause, section or provision shall be deemed severable and the remainder of this Redevelopment Plan shall remain in full force and effect.

Appendix A: Aerial Map of Redevelopment Plan Area



Appendix A: Aerial Map of Redevelopment Plan Area



Appendix B: Tax Map Sheet 26



Appendix C: Environmental Constraints Mapping

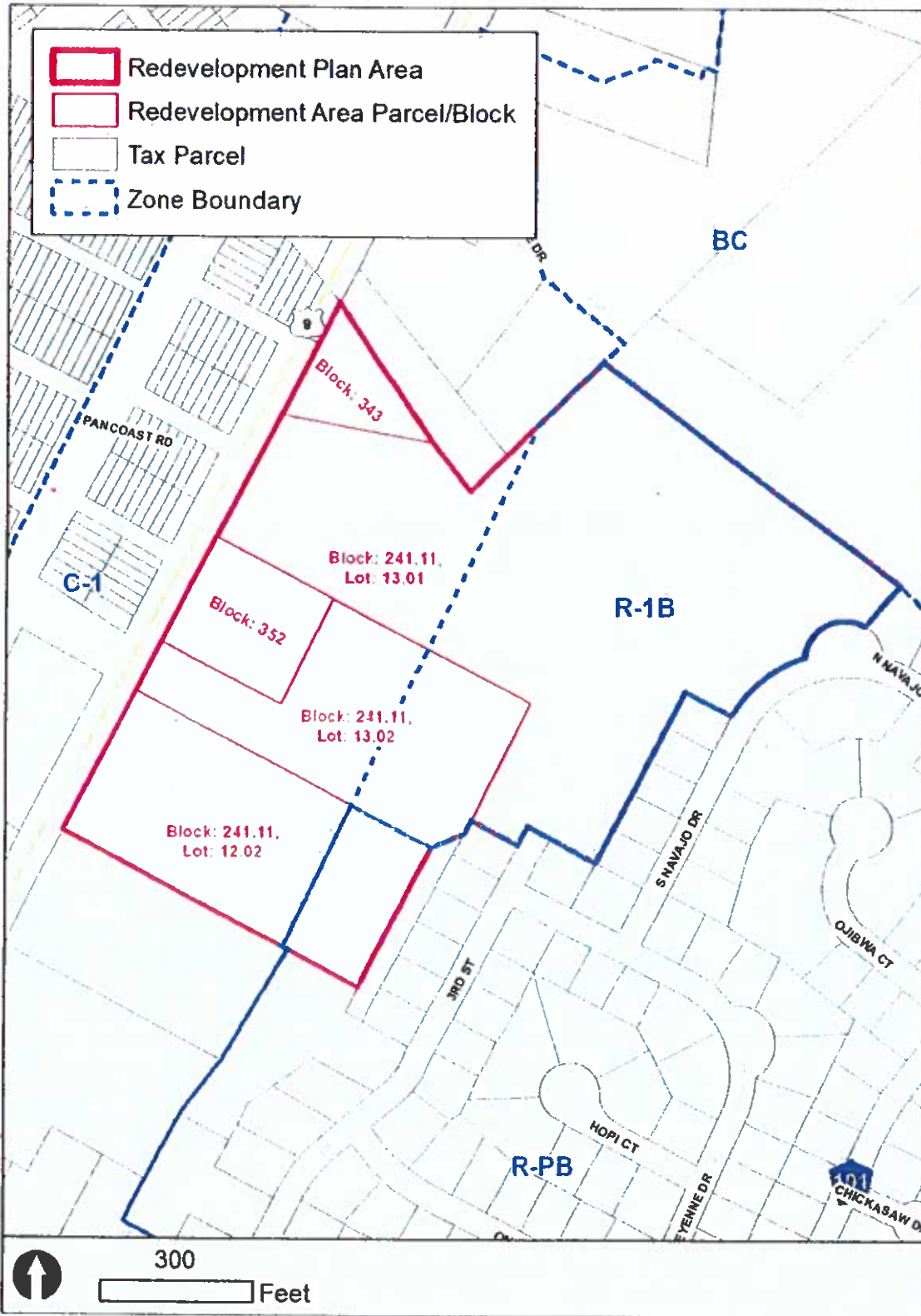


Environmental Constraints Mapping



Appendix D: Existing, Underlying Zoning

Existing, Underlying Zoning



Appendix E: Oceanaire East Redevelopment Overlay Zone



Oceanaire East Redevelopment Overlay Zone

