

CITY OF OCEAN CITY
COASTAL CONSISTENCY STATEMENT
August 2009

Introduction

The City of Ocean City is pursuing Plan Endorsement from the State Planning Commission. A Coastal Consistency Statement is required to ensure municipal planning documents and regulations are consistent with the State policies and regulations. Specifically,

"the Coastal Consistency Statement shall address natural resource protection and coastal management in Ocean City through demonstration of consistency of local plans and ordinances with the goals of the Coastal Zone Management Program found in the coastal Zone Management rules at NJAC 7:7E et. seq. Municipal plans shall also be consistent with existing DEP rules, permits or plans including Municipal Stormwater Regulations and Federal River Management Plans."

Further, statewide policy 16, Coastal Resources, sets forth

"Acknowledge the statutory treatment of the coastal area under federal and state legislation, coordinate efforts to establish a comprehensive coastal management program with local planning efforts, undertake a regional capacity analysis, protect vital ecological areas and promote recreational opportunities."

Wetlands Act of 1970. "No regulated activity can take place on these lands without a permit and permit requests are granted, denied or limited based on consideration of public health and welfare, marine fisheries, shellfisheries, wildlife and the protection of property from flood, hurricane and other natural disasters."

Waterfront Development Law. Within the area of 500 feet inland from the tidal water body, the DEP must review the construction, reconstruction, alteration, expansion or enlargement of structures, excavation and filling.

Coastal Zone Management Regulations. Incorporates all development laws. The CZM Rules: a) consider the characteristics of a special location within the coastal one, such as wetlands; b) are used to analyze appropriate uses within the coastal zone, such as housing or marinas; and c) focus on controlling the effects of development within the coastal zone, such as maintaining public access to the waterfront. Therefore, depending upon the proposed use, project design, location, and surrounding region, different rules in each of the three steps are applicable in the coastal decision making process.

The City of Ocean City ensures that plans are consistent with the purposes of the Coastal Area Facility Review Act, (CAFRA), the Department of Environmental Protection (DEP), and Coastal Zone Management rules N.J.A.C. 7:7E et seq.

An example of a recent policy changed specifically for consistency with CAFRA rules was the change of the rear yard setbacks on oceanfront properties. Previously, the City's setback requirements were inconsistent with CAFRA. Ordinance 08-12 effective July 31, 2008, changed the setback requirements to match CAFRA rules.

As part of the Plan Endorsement Process, a boundary for the Regional Center is proposed. The boundary surrounds the areas of the City that have already been developed, and that contain utility and road infrastructure. All environmentally sensitive areas, including the beach and dune zone and the newly established conservation zone, are excluded from the center, thereby ensuring development will not take place in those areas, as CAFRA review includes consideration of the map.

Consistency Statement

(from New Jersey State Development and Redevelopment Plan)

Policy #1 Land Use – Guide development and redevelopment into more compact forms.

The City promotes mixed use buildings in most of the commercial districts to promote an environment where people can live, work, shop and dine in a walkable community.

A Redevelopment area has been adopted by the City to increase the viability of the area. All development and redevelopment takes place in areas with existing infrastructure. Those areas that are preserved can not be developed based on municipal zoning and State environmental regulations.

Policy #2 - Coastal Resource Conservation

The Conservation Element, Environmental Resources and Recreation Inventory, adopted June 10, 2009 by the Ocean City Planning Board identifies the City's natural resources and sets forth objectives, principles and goals to preserve those valued resources. In addition, 34 specific recommendations that ensure conservation and protection of resources are included in the report.

An example of a recommendation that was implemented was the adoption of a conservation zoning district for the back bay and wetlands areas.

It is an ongoing and long-term goal of the City to protect vital ecological areas and coastal high hazard areas to prevent significant adverse long-term impacts to the natural and scenic functions of these sensitive areas. Specifically, the City continues to

secure funding for beach replenishment projects and takes significant action to create and maintain a dune system.

Policy #3 – Recreation

The City promotes local and regional recreational opportunities, encourages tourism and creates meaningful public access along the oceanfront and bay front.

In 2008, an ordinance was passed preserving the remaining non-residential area of the bay front policy. The Marine Village Harbor zone primarily permits commercial uses with an emphasis on water based recreation. Very limited residential use as an accessory is permitted.

In addition, City policies promote recreation on the beach; an example is the designation of surfing beaches.

Policy #4 – Historic Preservation

The City has identified and designated historic areas unique to the coast for inclusion in the state and national registers of historic places. For example, the historic Flanders Hotel was recently nominated, and is a classic example of a beachfront hotel. In addition, the Ocean City Transportation Center, which historically was the access point for the majority of visitors to the island, is a designated site as well. The Historic District is full of homes with typical seashore design of large, wrap around porches and cedar siding.

Policy #5 – Public Facilities and Services

Ocean City is well-equipped to handle the increase in seasonal population from 15,000 to approximately 150,000. The City provides increased public safety, facilities such as a community center, parks and playgrounds, lifeguard stations and restrooms, and activities such as summer camps that accommodate many of the seasonal visitors. The City has a comprehensive hazard mitigation program in the event of natural disaster.

Policy #6 - Habitat Protection

The Conservation Element, Environmental Resources and Recreation Inventory addresses wildlife in the area threatened and endangered species and their habitats are considered during the development and review process.

The recently adopted revisions to the Beach Management ordinance take further action to protect wildlife. For example, beach access by vehicles has been restricted.

Conclusion

The City of Ocean City has a multitude of development objectives and regulations that are consistent with the policies of the State Plan and State Coastal Zone Management Rules. Some examples of documents where these consistencies can be found include:

- Master Plan;
- Zoning Ordinance;
- Hazard Mitigation Plan;
- Flood Damage Protection Ordinance;
- Tidal Flood Plain Ordinance
- Coastal Beach Zone Ordinance
- Stormwater Ordinance