



**CITY OF OCEAN CITY**  
**ORDINANCE NO. 25-14**  
**Master Plan Consistency Report**

**Introduction.**

Ordinance 25-14 “An Ordinance Amending and Supplementing Chapter 17 (Streets, Sidewalks and Sanitation) & Chapter 25 (Zoning and Land Development) of the Revised General Ordinances of the City of Ocean City as they pertain to curb openings and parking was introduced and adopted on first reading by City Council on November 20, 2025 and will be advertised according to law and scheduled for second reading and public hearing on December 18, 2025.

The “Municipal Land Use Law” provides the Planning Board with thirty-five (35) days from the referral date to prepare, review, adopt and transmit their consistency report regarding Ordinance 23-12 to City Council. NJSA 40:55D-26 describes the Planning Board’s responsibility regarding the master plan consistency review as follows:

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

According to the “Municipal Land Use Law,” *development regulation means a zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal regulation of the use and development of land, or amendment thereto adopted and filed pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.).*

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

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

**Ordinance Summary.**

Section 1 of Ordinance 25-14, amends §17.2.4 Curbs and Gutters to prohibit curb openings for new development where vehicular access can be provided via an alley.

Section 2 amends §25-300.1.a.1(f) by conditioning the allowance for parking in the front yard to include situations where vehicular access from the alley is obstructed by the principal structure.

Section 3 amends §25-300.12.4.d to permits parking in the front and side yard where the rear yard is inaccessible by a motor vehicle due to location of the principal structure.

Section 4 amends §25-300.12.6 to stipulate that vehicular access to parking spaces, loading and unloading areas is required via an adjoining alley, provided the lot is accessible from the alley. This section also provides an exception for existing dwellings where access via the alley is precluded by the principal building.

Section 5 amends §25-1700.11.10 to include an exception to utilize an alley for vehicular access where access is obstructed by the principal buildings.

**Analysis, Recommendation and Conclusion.**

As noted above the Planning Board's responsibility in terms of the master plan consistency review is to evaluate the ordinance with regard to the land use plan and housing plan and (1) identify any provisions in the proposed ordinance which are inconsistent with the Master Plan, and (2) make recommendations concerning those inconsistencies and any other matters as the Board deems appropriate.

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

Ordinance 25-14 has relevance to the following Master Plan Goals:

- *To encourage municipal actions which will guide the long-range appropriate use and development of lands within the City of Ocean City in a manner which will promote the public health, safety, and general welfare of present and future residents.*
- *To encourage coordination of the numerous regulations and activities which influence land development with a goal of producing efficient uses of land with appropriate development types and scale.*

Having considered Ordinance 25-14, the City Master Plan, and the pertinent statutory requirements contained in the Municipal Land Use Law, it is my professional opinion that Ordinance 25-14 is substantially consistent with the Ocean City Master Plan.

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Recommendation #1 - §17.2.4 as proposed allows for the Zoning Board of Adjustment to formally approve exceptions to this section. The Planning Board may also exercise this authority in conjunction with review and approval of applications for development.

Recommendation #2 – §25-300.1.a.1(f) as proposed conditions the allowance for parking in the front yard to include situations where vehicular access from the alley is obstructed by the principal structure. Accessory buildings and structures may also preclude vehicular access from the alley.

Recommendation #3 – §25-300.12.4.d as proposed permits parking in the front and side yard where the rear yard is inaccessible by a motor vehicle due to location of the principal structure. Accessory buildings and structures may also preclude vehicular access from the alley. If parking is to be permitted in the side yard, the minimum 18-foot parking space should be stipulated.

Recommendation #4 – §25-300.12.6 as proposed stipulates that vehicular access to parking spaces, loading and unloading areas is required via an adjoining alley, provided the lot is accessible from the alley. This section also provides an exception for existing dwellings where access via the alley is precluded by the principal building. Since §25-300.12.6 is not exclusive for residential properties; the exception should address any existing structure that obstructs access.

Recommendation #5 - §25-1700.11.10 as proposed includes an exception requiring use of the alley for vehicular access where access is obstructed by the principal buildings. Accessory buildings and structures may also preclude vehicular access from the alley.

Respectively submitted,



Randall E. Scheule, PP/AICP

New Jersey Professional Planner License No. LI003666

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