



CITY OF OCEAN CITY
ORDINANCE NO. 26-01
Master Plan Consistency Report

Introduction.

Ordinance 26-01 “An Ordinance Amending and Supplementing XXV, Zoning and Land Development of the Revised Ordinances of the City of Ocean City” (2026 Residential Mechanical) was introduced and adopted on first reading by City Council on February 5, 2026 and will be advertised according to law and scheduled for second reading and public hearing on February 19, 2026. Ordinance 26-01 was referred to the Planning Board Secretary by the City Clerk on February 6, 2026.

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.).*

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.

NJSA 40:55D-62(a) 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.

“Substantially consistent” does not mean “perfectly identical.” It means the ordinance must generally advance the goals, policies, and land-use pattern established in the Master Plan.

Ordinance Summary.

The revisions to the definition of *Zoning Flood Elevation* embodied in Ordinance 26-01 are in response to the Resilient Environments and Landscapes (REAL) rules which were adopted by the State on January 20, 2026. These regulations, part of the NJ PACT (Protecting Against Climate Threats) initiative, represent a major overhaul of land-use standards to address sea-level rise and extreme weather.

Key Provisions of the REAL Rules:

- Climate Adjusted Flood Elevation (CAFE): Requires new buildings and "substantial improvements" (renovations exceeding 50% of a home's value) in tidal flood zones to be elevated 4 feet above FEMA's current 100-year flood level.
- Inundation Risk Zone (IRZ): Creates a new regulatory zone for land projected to be under water by the year 2100 due to sea-level rise.
- Expanded Flood Maps: Uses future climate projections rather than historical data to define flood-prone areas, expanding the footprint of regulated lands.
- Stricter Stormwater Management: Implements tougher standards for runoff control to mitigate flooding and improve water quality during intense rainfall.
- Nature-Based Solutions: Incentivizes projects like living shorelines and marsh restoration over traditional "hard" infrastructure like seawalls.

Ordinance 26-01 is attached.

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 26-01 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 secure safety from fire, flood, panic and other natural and man-made disasters.*

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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 26-01, the City Master Plan, and the pertinent statutory requirements described in the Municipal Land Use Law, it is my professional opinion that Ordinance 26-01 is substantially consistent with the Ocean City Master Plan.

Respectively submitted,



Randall E. Scheule, PP/AICP

New Jersey Professional Planner License No. LI003666

February 8, 2026

ORDINANCE NO. 26-01

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XXV, ZONING AND LAND DEVELOPMENT OF
THE REVISED ORDINANCES OF THE CITY OF OCEAN CITY**

2026 RESIDENTIAL MECHANICAL

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

Section 1

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

ZONING FLOOD ELEVATION (ZFE)

1. Zoning Flood Elevation within FEMA “A” Zones shall mean the minimum N.J. D.E.P. Regulatory Flood Hazard Elevation required by the Flood Hazard Area Control Act, *N.J.A.C. 7:13-1.1 et seq.*, as amended from time to time, plus freeboard as required by the NJ Uniform Construction Code, *N.J.A.C. 5:23-1 et seq.*, as amended from time to time.
2. Zoning Flood Elevation for front-loaded-garage dwellings located on non-alley lots less than forty-five (45’) feet wide where the lowest habitable floor is above the garage, shall be nine (9’) feet above finished grade, unless ZFE as defined above results in a higher elevation, in which case the higher elevation applies.
3. ZFE for development within a FEMA "X" Zone shall be determined by the ZFE for highest adjacent FEMA “A” Zone.

Section 2

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

Section 3

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

Section 4

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

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Jay A. Gillian, Mayor

Terry Crowley, Jr., Council President

The above Ordinance was passed by the Council of Ocean City, New Jersey, at a meeting of said Council held on the 5th day of February, 2026, and was taken up for second reading and final passage at a meeting of said Council held on the 19th day of February, 2026, in Council Chambers, Ocean City, New Jersey, at six o'clock in the evening.

Melissa G. Rasner, City Clerk