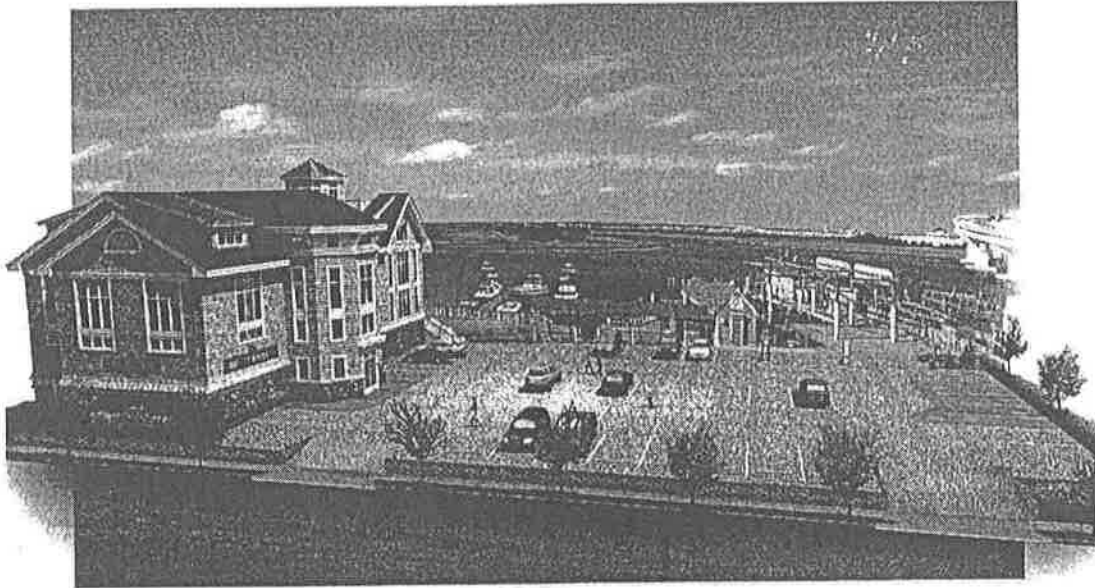


**REDEVELOPMENT PLAN  
PALEN AVENUE AND TENTH STREET  
AREA IN NEED OF REHABILITATION  
OCEAN CITY, CAPE MAY COUNTY**



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**Prepared October 18, 2013**

As recommended by the Planning Board on October 9, 2013;  
Adopted by the Governing Body by Ordinance 13-35 on November 21, 2013.

**Tiffany A. CuvIELLO, PP, LLC**  
*Community Development and Planning*

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**Mayor and City Council**

Jay Gillian, Mayor  
Michael Allegretto  
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Dean Adams  
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Tiffany A. CuvIELLO, AICP, PP#5533

The original of this document was signed and  
sealed in accordance with NJAC 13:41-1.3.b

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## Introduction

From approximately 1979 through 2000 the marina on Palen Avenue and Tenth Street was family owned and operated providing access to the Bay in Ocean City. Since 2000 the Marina has changed ownership and fallen into a state of disrepair with structures that are in substandard condition and which have been abandoned. A failing bulkhead which has allowed for the continued flooding and erosion on the property adds to the deteriorating condition of the property. On March 14, 2013 the Ocean City Governing Body adopted a resolution finding that the subject property is in Need of Rehabilitation under the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et. Seq.) This Redevelopment Plan is intended to provide the City with the necessary tools to begin the rehabilitation and revitalization of a once functioning and successful Marina.

The property is located along Palen Avenue and Tenth Street with waterfront access along the Bay, in Ocean City, Cape May County. The property includes Block 911, Lots 1, 1.01, 1.02, 2, 2.01, 3, 3.01, 4 & 4.01 as shown on the local tax maps. The total lot area is 0.43 acres per City tax records. The property includes portions of the Great Egg Harbor Bay waters. The existing zoning on the property is Marine Village Harbor (MVH). The purpose of this district is to recognize the limited amount of land available with access to the navigable Intracoastal Waterway for marine activities. It is intended to protect and enhance the use of this unique and scarce property for marine commercial activities. Permitted uses include marine support facilities such as docks, boat storage and fuel pumps, marine craft sales and service facilities, marine specialty shops, restaurants, and other similar uses.

## Goals and Objectives

The primary purpose of this Redevelopment Plan (the "Plan") is to encourage the revitalization and redevelopment of a dilapidated Marina on Palen Avenue and Tenth Street. In order to fulfill this purpose the following goals and objectives are created for the Redevelopment Area:

- Protect and enhance the use of land along the Intercoastal Waterway for the purpose of conducting marine commercial activities.
- Provide for the renewal and revitalization of a pre-existing Marina enhancing the opportunities for commercial Marina development along the Bay.
- Encourage opportunities for new marine commercial development.
- Create new job opportunities.

## Plan Proposals

In order to effectuate the goals and objectives it is necessary to slightly adjust the bulk and design requirements of the existing Marine Village Harbor (MVH) zoning district. The permitted uses shall remain consistent with those permitted in the current zoning ordinance. By not changing the permitted land uses the redevelopment plan recognizes that the existing zoning is appropriate for the site, and that it needs incentives to encourage the improvement of the commercial marina. The primary objective of this Plan is to encourage the revitalization of the former Dan's Dockside Marina as a marine commercial use. The site is proposed to include a new state of the art mixed-use building for residential and retail uses with associated on-site parking, boat slips and fueling areas.

The property is larger than otherwise required in the MVH district consisting of approximately 24,000 square feet plus riparian areas where the ordinance permits 7,000 square foot lots. The development of this property is intended to maximize the location and provide for greater open space areas than would otherwise be permitted under the current zoning regulations. The location of the building is important in maintaining the views that have existed for the surrounding neighborhood. The building is intentionally located in the same general location as the existing structures, which will be demolished. The design would allow for the building to be located close to Tenth Street and maintain the open space and views on the northern side of the property. Because the site design maintains open spaces to the north, reduced setbacks are necessary for the building.

The building design and height are an important part of the site redevelopment. The building height is a function of the proposed uses and the desire to maintain the expanse of open space on the property. In addition, the building height is necessary to allow for the restaurant and retail uses. The design on each level has unique purposes. The first floor will include a restaurant, which requires various types of mechanical equipment. The increased ceiling heights are necessary to accommodate the equipment. The second floor will include a retail use and office space. The intended retail use is Marine oriented and includes the sale of fishing rods and boating equipment that require greater ceiling heights. The plans also provide for parking and loading areas under the building, because the site is prone to flooding the ground floor elevation must begin at 5+/- feet to ensure vehicles are protected from flood waters. The clearance under the building is necessary to accommodate the vehicles and loading areas. Due to the building structure, utilities and equipment the ground floor will only have a clearance of 8 feet in areas. This design will allow for the maximization of on-site parking.

Over the past year there have been changes that impact how structures are built due to FEMA's Flood Hazard mapping. FEMA released "Preliminary Flood Hazard Data" this summer. The Preliminary data depicts this property located in an AE11 zone, which represents a minimum base flood elevation of 11. Ocean City requires a 2-foot increase

over the base flood elevation making the starting elevation 13. Due to the ground floor parking and loading area the building's first floor will begin at elevation 16 to allow for the necessary ground floor heights for vehicle clearance, structural components and flood protection. The ground floor is proposed at a height of 10 feet beginning at elevation 5+/. The building height from the first floor to the roof peak is 39 feet 6 inches. A "Widow's Walk" will extend an additional 10 feet.

The building design and site redevelopment are intended to be a focal point for the City. The location along the Bay provides visibility from the Route 52 Causeway, a primary entry into the City. The building design includes materials and elements that make it an attractive focal point, including a "Widow's Walk", dormers, and high windows which add to the overall design and attractiveness of the building. The site design is considerate of the surrounding neighborhood and protects the views out to the Bay.

### *Marine Village Harbor Redevelopment District (MVHR)*

#### **Intent and Purpose**

- A. The Zoning Map shall be amended to include a new Marine Village Harbor Redevelopment (MVHR) zoning district on the Redevelopment Properties (Block 911, Lots 1, 1.01, 1.02, 2, 2.01, 3, 3.01, 4 & 4.01). The MVHR zone shall supersede the local zoning ordinance as provided for in the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-7c.)
- B. The MVHR district will effectuate the goals and objectives of the Redevelopment Plan. The MVHR district creates the design and bulk standards for the Redevelopment Area.
- C. The site development will be substantially consistent with a Major Site Plan prepared by Engineering Design Associates dated July 24, 2013 with a revision date of September 12, 2013 and consisting of 8 sheets. This plan is included with the Redevelopment Plan as Exhibit 1. These plans will provide guidance on how the Redevelopment Plan standards are intended to apply to the site development.
- D. The building design will be substantially consistent with the "10<sup>th</sup> Street Wharf" Floor Plans and Elevations as prepared by Daniel Paul Wheaton dated September 12, 2013 and consisting of 4 sheets. This plan is included with the Redevelopment Plan as Exhibit 2. These plans will provide guidance on how the Redevelopment Plan standards are intended to apply to the site development.

- E. The site development plan is designed to respect the existing building setbacks by locating the new building in the same general location of the existing structures, as more fully described under the "Plan Proposals" above.
- F. The site development will maintain the existing sheds and buildings on the dock as part of the marina operations.
- G. The site development plan will include extensive repairs to the bulkhead, docks and fuel systems.
- H. The Redeveloper is responsible for the removal, repair and/or replacement and monitoring of the underground storage tanks to bring them into compliance with NJDEP requirements.

### Standards

- A. The development will include a minimum of 44 on-site parking spaces. The proposed development would require a total of 23 parking spaces under Section 25-205.8.13 of the ordinance. The proposed parking would exceed the ordinance requirements.
- B. A minimum of 18 boat slips will be provided. The total number of boat slips may be increased dependent upon receipt of outside agency approvals.
- C. A street vacation will be requested for 17.25 feet along the property boundary in Tenth Street to allow for the building improvements, parking and bulkhead repairs. The street vacation will also allow for the removal of the underground fuel storage tanks on the Tenth Street side of the property. An easement will be granted back to the City for any utilities in the right-of-way. In the alternative to a street vacation an easement will be sought for the improvements within the Tenth Street right-of-way.
- D. The plans will conform to the building design requirements under Section 25-205.8.11 of the ordinance.
- E. The development will include a walkway along the waterway extending from Tenth Street under the deck and along the bulkhead to the northern property line.
- F. The following bulk standards shall apply:
  - 1. Principal Permitted Uses:
    - a. As provided for in the zoning ordinance under Section 25-205.8.2.

- b. Mixed-use development is permitted.
2. Permitted Accessory Uses:
    - a. Residential shall be permitted on the third floor with a maximum floor area of 3,500 square feet.
    - b. Any other use as provided for in the zoning ordinance under Section 25-205.8.4.
  3. Minimum Tract Size: 24,000 square feet
  4. Minimum Lot Width: 80 feet along Palen Avenue
  5. Minimum Lot Depth: 70 feet measured from Palen Avenue to the Intercoastal waterway. (The plans provide for a 100-foot lot depth provided NJDEP permits the bulkhead design. Otherwise the lot depth in areas may reduce to 70 feet.)
  6. Minimum Setbacks:
    - a. Front Yard – Palen Avenue: 0-feet
    - b. Front Yard – Tenth Street: 0-feet (Prior to Street Vacation)
    - c. Rear Yard (Intercoastal Waterway): 0-feet from the deck to the bulkhead; 5-feet from the principal structure to the bulkhead. (If the new bulkhead is not approved portions of the building and deck will extend over the water as they currently exist)
    - d. Side Yard (Tract): 10 feet
  7. Maximum Building Coverage for the entire tract: 45%
  8. Impervious Coverage shall be permitted at a maximum of 90% for the entire tract, provided that the parking surfaces consist of crushed shells.
  9. Building Height:
    - a. The building includes three habitable stories, a “Widow’s Walk” and a ground floor with parking.
    - b. The ground floor will begin at elevation 5+/-.
    - c. The ground floor will extend to a height of 10-feet.
    - d. The Finished First Floor will begin at elevation 16.
    - e. The Building Height from the finished first floor to the roof peak will not exceed 39-feet 6-inches.
    - f. An additional height of 10-feet is permitted for architectural enhancements including a “Widow’s Walk”.
  10. Sign Standards:
    - a. A total of four signs are permitted.
    - b. Three wall signs are permitted at an area equal to 5% of the façade.



- c. A roof-mounted sign is permitted on the north elevation with a maximum sign area of 90 square feet. The roof-mounted sign shall not extend above the peak of the main roof.
11. Landscaping:
- a. Landscaping shall be provided along the building frontage on Palen Avenue between the retaining wall and building wall. The landscaping will consist of shrubs and ornamental grasses to enhance the building.
  - b. Landscaping shall be provided in areas along Palen Avenue and along the northern property line that are not utilized for parking or other site improvements.
  - c. Landscape buffers are not required.
12. Parking Standards:
- a. Parking may be provided on the ground floor of the building.
  - b. Parking may be located within the front and side yards. No setback is required.
  - c. The parking lot surface may consist of crushed shells to allow for reduced impervious coverage.
  - d. A maintenance plan will be provided for the crushed shell parking area to maintain permeability.

### *General Provisions*

The continued revitalization of this area is important to the City. These incentives will encourage property owners to make improvements by assisting with the initial development costs. In order to facilitate the revitalization of these properties the City may provide for the following:

1. Issue bonds and notes in accordance with the provisions of section 29 of P.L. 1992, c.79 (C.40A:12A-29).
2. Assist with financing of a redevelopment project in accordance with 40A:12A-22 of the Local Redevelopment and Housing Law (LRHL).

Any development that occurs within the Redevelopment Area shall comply with the following as required by NJSA 40A:12A-1 et seq.:

1. The City of Ocean City and any redeveloper shall comply with all statutes of the State of New Jersey governing development and redevelopment including but not limited to N.J.S.A. 40:55D-1 et seq. and 40A:12A-1 et seq.

2. The Planning Board is authorized, but not required, to grant reasonable exceptions for minor deviations from the Redevelopment Plan Standards. For purposes of this Redevelopment Plan, an exception for a minor deviation is akin to an approval which could be granted pursuant to N.J.S.A. 40:55D-70(c) or N.J.S.A. 40:55D-51(a) or (b). An exception equivalent to an approval pursuant to N.J.S.A. 40:55D-70(d) shall require an amendment of the Plan.
3. The redeveloper shall be required to furnish escrows and performance guarantees as required by the City of Ocean City Planning Board. (N.J.S.A. 40:55D-53).

## **Relocation**

In accordance with N.J.S.A. 40A:12A-7a(3) there is no need to provide for the temporary or permanent relocation of residents in the project area. The site is abandoned and has been since 2011.

## **Acquisition**

The project area is privately owned and will be acquired by the Redeveloper through private transactions.

## **Relationship to Other Plans**

An important requirement of a Redevelopment Plan is consistency with the goals and objectives of already adopted plans for the area. The Redevelopment Plan is not proposing any new land uses, and is promoting the existing MVH zoning designation. The recognition that the existing zoning remains appropriate for the area but is not being realized enhances the fact that the redevelopment plan is consistent with local objectives. (NJSA 40A:12A-7a(1)).

The Master Plan for the City of Ocean City was prepared in 1988 with a latest Reexamination completed in October of 2012. In 2012 it was recognized that the MVH zone had experienced very little new development. The MVH zone includes land areas that provide access to the Intercoastal Waterway. The principal purpose of this zone is to encourage the use of this scarce land for commercial water dependant activity (October 2012 Master Plan Report). As required by NJSA 40A:12A-7d, the Redevelopment Plan helps to achieve the Master Plan Goals and Objectives.

The redevelopment area is bounded to the north by the Intercoastal Waterway and the City of Somers Point. The Route 52 causeway is adjacent to the neighborhood and

visible from the waterfront. There is over two miles across the Intercoastal Waterway before any development in the City of Somers Point. The developed areas of Somers Point along the waterway include recreational and commercial water related uses. The redevelopment of this area is not inconsistent with the land uses or the Master Plan of the City of Somers Point. (NJSA 40A:12A-7a(5)(a))

The proposed redevelopment continues to promote commercial waterfront uses as were historically located on this property. The redevelopment is consistent with the State Plan Endorsement and development patterns throughout Cape May County on the Barrier Islands. Therefore, the proposed redevelopment plan is not inconsistent with the Master Plan of Cape May County. (NJSA 40A:12A-7a(5)(b))

Any redevelopment is also consistent with the State Development and Redevelopment Plan. (NJSA 40A:12A-7a(5)(c)) Ocean City received Plan Endorsement under the State Plan in 2009. The area subject to this plan, and the majority of the City exclusive of the beaches and bay islands, are within a Coastal Regional Center.

The Redevelopment Plan has no detrimental effect on the Master Plans of contiguous municipalities, the Master Plan of the County of Cape May or the State Development and Redevelopment Plan.

## **Affordable Housing**

The site is improved with a commercial marina and support facilities. There are no residential housing units in the project area. In accordance with the LRHL N.J.S.A. 40A:12A-7a(6) & (7) there is no requirement to replace affordable housing units.

## **Administration**

### ***General***

The definitions provided in N.J.S.A. 40A:12A-3 are incorporated into this Plan by reference.

Any plans or plats approved by the City of Ocean City or its agencies and subsidiaries prior to the adoption of this redevelopment plan shall not be subject to the requirements of this redevelopment plan.

### *Redeveloper Entity*

As permitted under NJSA 40A:12A-4, the Governing Body is hereby designated the entity to implement this redevelopment plan. When necessary for the implementation of this plan, the City of Ocean City shall enter into a contract with a redeveloper for any construction or other work forming a part of this redevelopment plan. (N.J.S.A. 40A:12A-4-(c)) The redeveloper shall agree to retain interest in the project until the completion of construction and development of the specific project. The redeveloper shall agree not to lease, sell or transfer interest or any part thereof without prior written approval of the redevelopment entity.

### *Time Limits*

The redeveloper of a specific project within the development area shall begin the development of land and construction of improvements within a reasonable period of time to be determined in a contract between the City of Ocean City and a duly designated redeveloper. (N.J.S.A. 40A:12A-8(f)).

### *Discrimination Ban*

No covenant, lease conveyance or other instrument shall be executed by the redevelopment entity or the redeveloper whereby land or structures with this redevelopment is restricted upon the basis of race, creed, color, gender, marital status, age, disability, familial status or national origin.

The termination of this plan shall in no way permit the land or structures of the redevelopment area be restricted on the basis of race, creed, color, gender, marital status, age, disability, familial status or national origin.

### *Procedures for Amending the Plan*

This plan may be amended or revised from time to time in accordance with the requirements of law, provided that, when the revision or amendment materially affects an owner with an interest in the Redevelopment Area, the City holds public hearings with notice to owners whose interest therein is materially affected. Procedures for amending the plan shall be as regulated in the "Local Redevelopment and Housing Law." (N.J.S.A. 40A:12A-7).

### *Repeal and Severability Statements*

All ordinances or parts of ordinances inconsistent with this Redevelopment Plan are repealed to the extent of such inconsistency only. If any provision or regulation of this redevelopment plans should be judged invalid by a court of competent jurisdiction; such order or plan shall not affect the remaining portions of this plan which shall remain in full force and effect.

### **Conclusion**

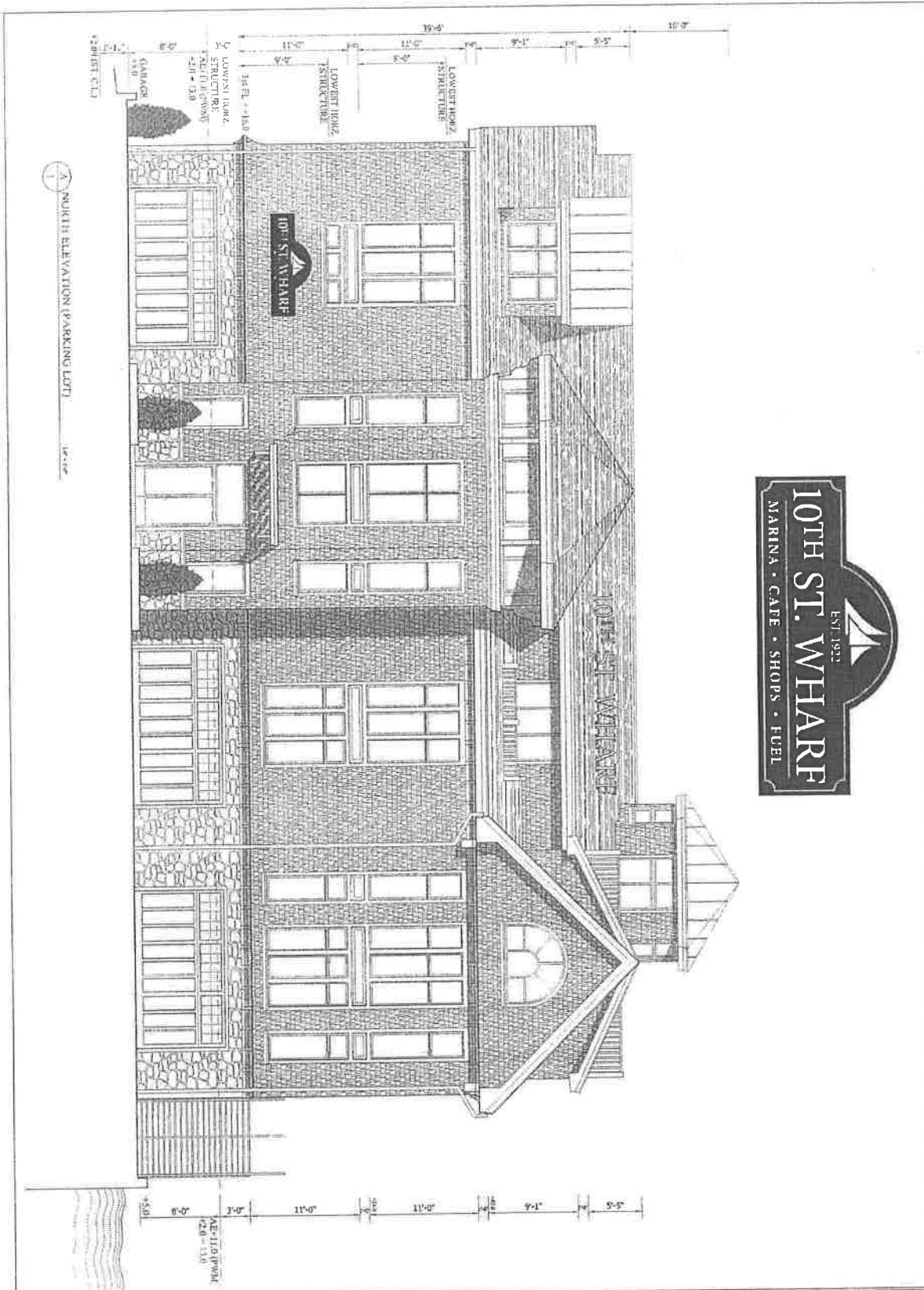
The Redevelopment Plan for the Marina is intended to create the necessary opportunities for the revitalization and restoration of a functioning commercial marina. The site is in need of creative financing and development techniques to encourage the appropriate redevelopment. The loss of commercial marinas to residential development has resulted in limited opportunities to provide waterfront related activities along the Bay in Ocean City. This redevelopment plan will provide an improved opportunity to encourage the revitalization of the marina and therefore an improvement to the community and the City.

## Exhibit 1 – Major Site Plan

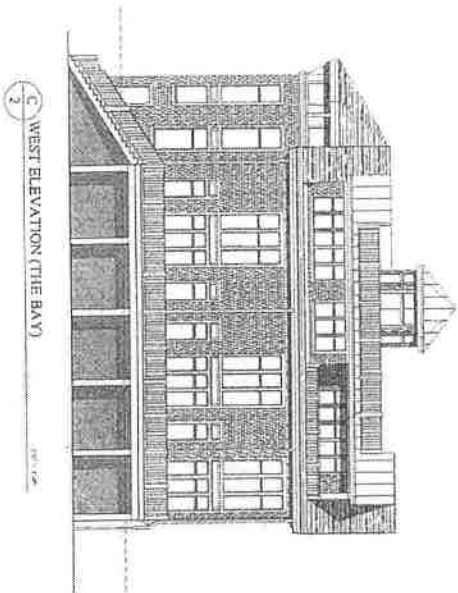


## Exhibit 2 – “10<sup>th</sup> Street Wharf” Building Plans





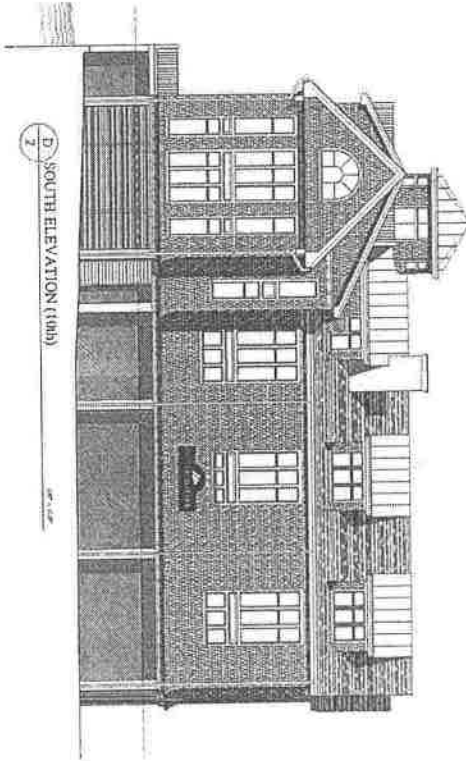
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Sheet No.	A-1						
Project No.	0313						



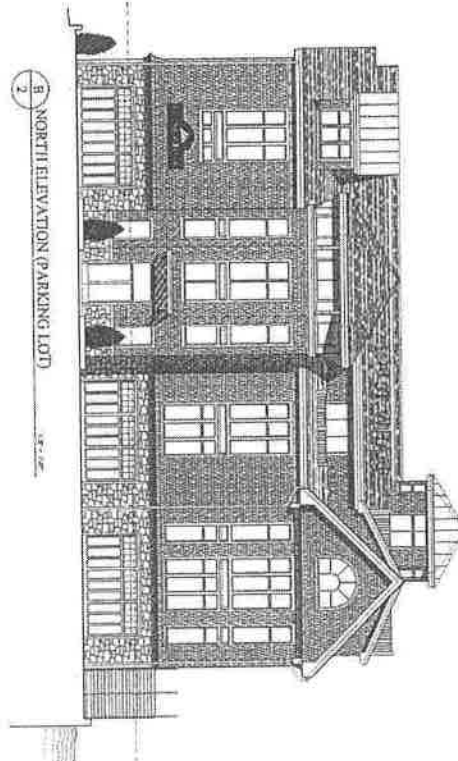
C WEST ELEVATION (THE BAY)



A EAST ELEVATION (PALEN)



D SOUTH ELEVATION (10th)



B NORTH ELEVATION (PARKING LOT)

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REV	13-K-1-9
DRG. NO.	0313
A-2	

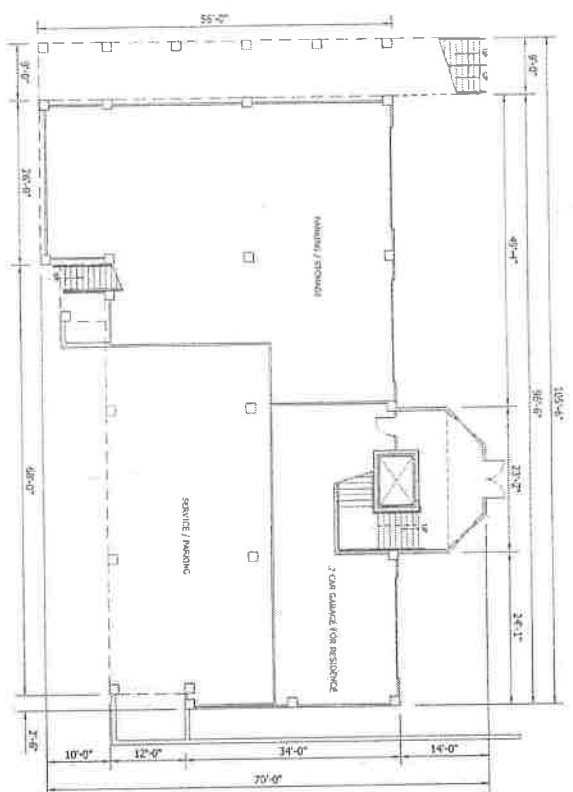
PROJECT

**Daniel Paul Wheaton**  
 Registered Architect  
 100 Park Avenue  
 Newark, NJ 07102  
 973-996-9172

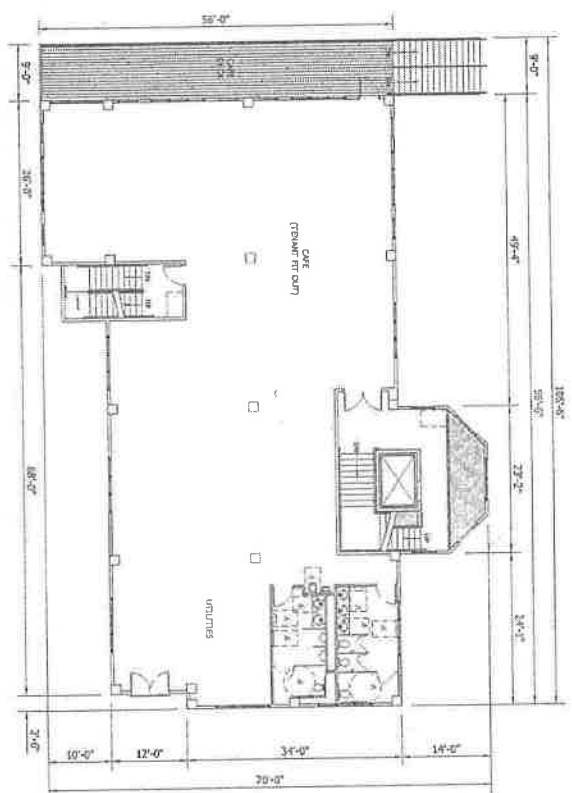
**Proposed Mixed-Use Building**  
 EXTERIOR ELEVATIONS

**10th STREET WHARF**  
 10th STREET & PALEN AVENUE  
 OCEAN CITY  
 NEW JERSEY 08226  
 BLOCK: 911 LOT: 1, 1.01, 1.02, 2, 3, 3.01, 4 & 4.01

GROUND FLOOR PLAN



1st FLOOR PLAN (CAFE & PUBLIC BATHROOMS)



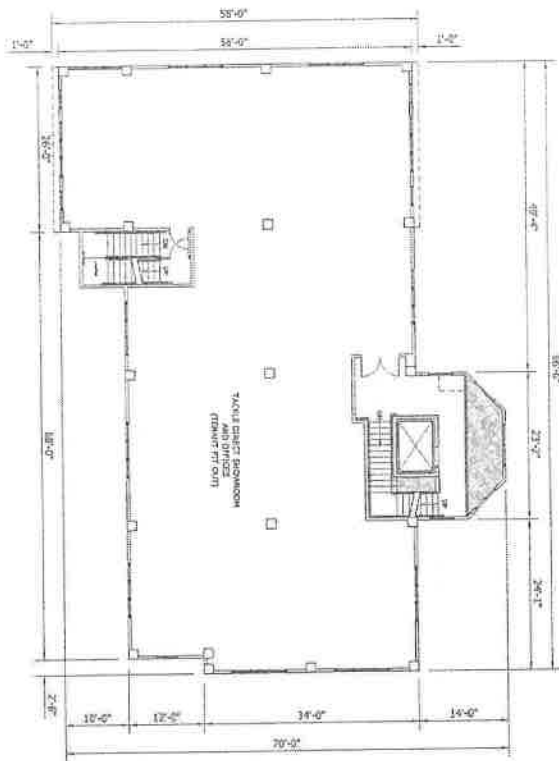
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Draw. No.	0313

**Daniel Paul Wheaton**  
 Registered Architect  
 269 Pal Avenue  
 Mahwah N.J.  
 201.546.9272

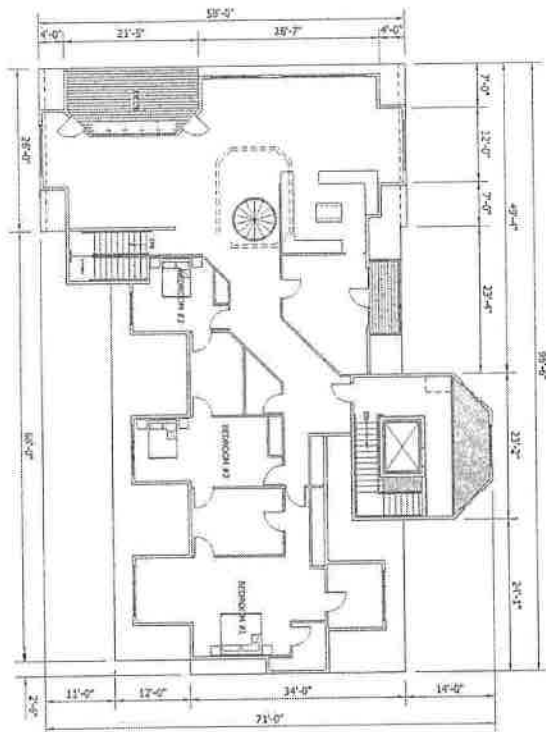
**Proposed Mixed-Use Building**  
 GROUND FLOOR & FIRST FLOOR PLANS

**10th STREET WHARF**  
 10th STREET & PALEN AVENUE  
 OCEAN CITY  
 NEW JERSEY 08226  
 BLOCK: 911 LOT: 1, 1.01, 1.02, 2, 3, 3.01, 4 & 4.01

A 3rd FLOOR PLAN (TACKLE DIRECT)



B 3rd FLOOR PLAN (BEDROOM RESIDENCE)



DATE	09-12-12
DESIGNED BY	D.P.W.
CHKD BY	D.P.W.
DATE	03-13

PROJECT	10th STREET WHARF
NO.	0313

**Daniel Paul Wheaton**  
 Registered Architect  
 187 8th Avenue  
 Newark, NJ 07102  
 973.996.9372

**Proposed Mixed-Use Building**  
 SECOND FLOOR &  
 THIRD FLOOR PLANS

**10th STREET WHARF**  
 10th STREET & PALEN AVENUE  
 OCEAN CITY  
 NEW JERSEY 08226  
 BLOCK: 911 LOT: 1, 101, 102, 2, 3, 301, 4 & 401