

10. All new structures shall have the primary entrance oriented toward the street or public walkway, with direct, barrier-free and convenient pedestrian access.
11. Buildings on corner lots shall have their main entrances on the primary street. This requirement does not preclude additional rear or side entrances.
12. The landscaping, lighting, signage and accessory features such as street furniture and hardware, trash storage, and mechanical equipment shall be compatible with the infill design.
13. All sidewalk areas and curbs (public and private) on Asbury Avenue between 6th Street and 11th Street, and from Asbury Avenue to the alley on corners between 6th Street and 11th Street, inclusive, shall be French Gray, with no pavers, and installed in compliance with Standard Specifications, as amended.

§ 25-205.1A.9 Signs.

[Ord. #02-19; Ord. #03-22, § 1; Ord. #04-13, § 3]

In accordance with § 25-1700.29, Signs, of this Ordinance.

§ 25-205.1A.10 Special Restaurant Provision.

[Ord. #08-01, § 1]

Restaurants shall not be prohibited or limited at any time or by any means including, but not limited to conditions contained within a master deed, deed restriction, certificate of occupancy, mercantile license, certificate of zoning compliance or other instrument. This requirement shall be memorialized in the decision and resolution approving the site plan and shall be promptly recorded thereafter.

§ 25-205.2 DB, Drive-in Business Zone.

§ 25-205.2.1 Purpose.

[Ord. #02-19; Ord. #03-22, § 1]

The Drive-in Business Zone established in § 25-201.2 of this Ordinance is intended to reserve certain areas in Ocean City for the location of commercial uses which by their nature require a large traffic volume to sustain their trade. These land uses characteristically generate a large volume of automobile traffic of their own and need to be located adjacent to traffic arteries.

§ 25-205.2.2 Permitted Use.

[Ord. # 02-19; Ord. # 03-22, § 1; Ord. # 12-20, § 1]

- a. Retail sales.
- b. Retail services.
- c. Professional offices.
- d. Business services.
- e. Health care facilities, health care services.
- f. Health clubs, indoor recreation center.
- g. Banks, savings and loan associations, and other fiduciary institutions.
- h. Public transportation facilities.
- i. Restaurants, including fast-food and drive-in restaurants.
- j. Animal hospitals in conjunction with veterinarians.
- k. Shopping centers.
- l. Arts studio and arts center.
- m. Aquarium.
- n. Pedestrian mall.
- o. Contractor's office, showroom, garage, warehouse and shop, except on lots adjoining 9th Street.
- p. Laundry, except on lots adjoining 9th Street.
- q. Taxi stands, except on lots adjoining 9th Street.
- r. Warehousing and storage, except on lots adjoining 9th Street.
- s. Essential services.

- t. Lumberyards, except on lots adjoining 9th Street.
- u. Automobile sales, except on lots adjoining 9th Street.
- v. Car washes, except on lots adjoining 9th Street.

§ 25-205.2.3 Conditional Uses.

[Ord. # 02-19; Ord. # 03-22, § 1; Ord. # 12-20, § 1; Ord. #13-19, § 2; Ord. No. 2016-03 § 1; Ord. #2016-15 § 1; Ord. #18-09 § 1]

- a. Schools, educational uses and libraries subject to Subsection 25-208.2.1 of this Ordinance.
- b. Churches, places of worship and clergy residences subject to Subsection 25-208.2.2 of this Ordinance.
- c. Private and quasi-public recreational, philanthropic and eleemosynary uses subject to Subsection 25-208.2.3 of this Ordinance.
- d. Public utilities and structures subject to Subsection 25-208.2.4 of this Ordinance.
- e. Except on 9th Street, residential dwelling units in a mixed-use building subject to Subsection 25-208.2.5 a, b, d and f of this Ordinance.
- f. Filling stations subject to Subsection 25-208.2.7 of this Ordinance.
- g. Detached single-family dwelling units subject to Subsection 25-208-2.5e and f of this Ordinance.

§ 25-205.2.4 Permitted Accessory Uses.

[Ord. #02-19; Ord. #03-22, § 1]

- a. Manufacturing clearly incidental to the conduct of a retail business in which no more than four (4) persons are employed, provided that said manufacturing use shall not produce beyond its property boundaries any excessive noise, fumes, noxious odors or other nuisances;
- b. Fences;
- c. Signs; and
- d. Parking lots.

§ 25-205.2.5 Bulk Requirements.

Lot area, lot width, lot frontage, front yard, rear yard, side yard, lot depth, building height, stories, building coverage and impervious coverage shall be in accordance with the following schedule:

See the attachment for the DB Drive-in Business Zone - Schedule of District Regulations.

ATTACHMENTS

DB Drive-in Business Zone - Schedule of District Regulations 

§ 25-205.2.6 Front Yard.

[Ord. #02-19; Ord. #03-22, § 1; Ord. #09-28, § 9; Ord. #2016-15 § 2]

- a. A front yard shall be required on every lot in accordance with the Schedule of District Regulations.
- b. Car sales operations shall in no case place any vehicle offered for sale nor any light standard within fifteen feet (15') of the front property line.
- c. For all corner lots on 9th Street, the front lot line shall be the 9th Street right-of-way line.

§ 25-205.2.7 Side Yard.

[Ord. #2016-15 § 3]

- a. A side yard shall be required on every interior lot in accordance with the Schedule of District Regulations.
- b. On corner lots fronting 9th Street the side yard adjoining the public right-of-way shall be a minimum of ten feet (10') in width. Interior side yards on these corner lots shall be in accordance with the Schedule of District Regulations.

§ 25-205.2.8 Off-Street Parking.

[Ord. #03-22, § 1; Ord. #2016-15 § 4]

Off-street parking shall be provided as required by § 25-300.12 of this Ordinance.

§ 25-205.2.9 Signs.

[Ord. #02-19; Ord. #03-22, § 1; Ord. #2016-15 § 4]

ZONING AND LAND DEVELOPMENT

25 Attachment 28

DB Drive-in Business Zone Schedule of District Regulations

[Ord. # 02-19; Ord. # 03-22, §1; Ord. # 09-28; Ord. # 12-20, §1; Ord. #14-25; Ord. #14-39]

Zone District	Minimum Lot Area (square feet) (10)		Minimum Lot Width and Lot Frontage (feet)			Minimum Yard Requirements (feet)			Min. Lot Depth (feet) (4)	Maximum Building Height (1)		Maximum Building Coverage (percent)	Maximum Impervious Coverage (percent)
	Interior	Corner	Interior	Corner	Front	Rear	Side	Flat/Pitched Roof		Total Stories			
DB	8,000	9,000	90	100	20	4	4	32/38	100	3	80	90	

NOTES TO SCHEDULE (Drive-in Business Zone):

- (1) Building height for non-residential buildings and mixed-use buildings (where a non-residential use occupies the lowest floor) shall be measured from Base Flood Elevation plus one (1) foot (BFE+1).
- (2)-(3) (Reserved)
- (4) The minimum required lot depth and lot frontage indicated shall be provided, except that:
 - (a) Existing lots with less than the required depth at the time of adoption of this Ordinance, shall be deemed to be conforming for purposes of lot depth, and except that
 - (b) The minimum required lot depth for lots created subsequent to the effective date of this ordinance fronting on the east side of West Avenue between North Street and 59th Street shall be ninety (90) feet.
- (5)-(9) (Reserved)
- (10) In all zone districts the required Minimum Lot Area shall be as indicated in the Schedule of District Regulations, except that the required Minimum Lot Area for lots created subsequent to the effective date of this ordinance (Ord. No. 14-25 was adopted 9-25-14) fronting on the east side of West Avenue between North Street and 59th Street shall be ninety (90) percent of the Minimum Lot Area indicated on the respective Schedule of District Regulations.

Ocean City, NJ
Wednesday, June 28, 2023

Chapter 25. Zoning and Land Development

Article 200. Zoning District Regulations

§ 25-208.2.5. Residential Dwelling Units.

[Ord. #07-37, § 3; Ord. #07-31, § 3; Ord. #08-01, § 2; Ord. #10-09, § 6; Ord. #14-31; Ord. #2016-15 § 5; Ord. #18-09 § 2; Ord. #18-21; Ord. #19-11; Ord. #19-13]

Residential dwelling units may be permitted as a conditional use within those zones specified, subject to the following:

- a. Residential dwelling units shall not occupy any part of the first (grade-level) floor of any building, except where specifically permitted by this Ordinance.
- b. Eating establishments including but not limited to cafes, coffee shops, luncheonettes, pizzerias, restaurants and snack shops, candy, nut, confectionery stores, and bakeries shall not be prohibited or limited at any time or by any means including, but not limited to conditions contained within a master deed, deed restriction, Certificate of Occupancy, Mercantile License, Certificate of Zoning Compliance or other instrument. This requirement shall be memorialized in the decision and resolution approving the site plan and shall be promptly recorded thereafter.
- c. Single-family residential use in the Drive-in Business (DB) Zone. Detached single-family dwellings are a permitted conditional use in the Drive-in Business Zone provided the following requirements are met:
 1. Minimum lot depth is 115 feet.
 2. Detached single-family dwellings are not permitted on lots fronting 9th Street or West Avenue, nor north of 10th Street.
 3. The District Regulations for Non-Discrete Residential R-1-30 set forth in § 25-204.1 shall apply.
- d. Density. The maximum permitted base density, inclusionary density, inclusionary building height and habitable stories within the Neighborhood Business Zone and 34th Street Gateway Zone shall be as follows:

Neighborhood Business and 34 th Street Gateway Zones			
Lot Area	Maximum Base Density	Maximum Inclusionary Density (Dwelling Units/Acre) ^[1]	Maximum Inclusionary Building Height, Habitable Stories
Up to 3,999 SF	1 dwelling unit	NA	NA
4,000 SF and greater	1 dwelling unit/each 2,000 SF of lot area	30	34 ft 3

^[1] Development utilizing the Inclusionary Density shall comply with § 25-208.2.5f.

- e. Density in the Central Business (CB) Zone, Central Business-1 (CB-1 Zone) and Drive-in Business (DB) Zone. The maximum permitted base density, inclusionary density, inclusionary building height

and habitable stories in the Central Business (CB) Zone, Central Business-1 (CB-1) Zone and Drive-in Business (DB) Zone shall be as follows:

Zone District	Maximum Base Density (Dwelling Units/Acre)	Maximum Inclusionary Density (Dwelling Units/Acre) ^[2]	Maximum Inclusionary Building Height, Habitable Stories
Central Business (CB)	30	40	40 ft 4
Central Business (CB-1)	30 33 (West Avenue)	40	40 ft 4
Drive-in Business (DB)	30	40	40 ft 4

^[2] Development utilizing the Inclusionary Density shall comply with § 25-208.2.5f.

f. Off-street parking spaces shall be provided as required by the Residential Site Improvement Standards (N.J.A.C. 5:21 et seq.).

g. Inclusionary Housing Requirements.

1. Maximum Affordable Housing Set-aside

(a) Sale Units - The maximum affordable housing set-aside applied to sale units is twenty (20) percent of the total number of units in the development.

(b) Rental Units - The maximum affordable housing set-aside applied to rental units is fifteen (15) percent of the total number of units in the development.

2. Construction of Affordable Housing Units

Developers shall construct the affordable units required by this ordinance as follows:

(a) On the subject site;

(b) If the calculation of the total number of affordable units required yields a fractional affordable unit(s) required, the following shall govern:

(1) If the calculation of the total number of affordable units required yields a fraction of less than one-half then a pro-rated payment in lieu or one additional unit shall be provided, at the developer's option. If the calculation of the total number of affordable units required yields a fraction of one-half or greater, the additional unit shall be provided.

(2) The amount of payments in lieu of constructing affordable units on site shall be based on \$182,859 per unit.

(3) Payments in lieu of constructing affordable units shall be deposited into an affordable housing trust fund pursuant to N.J.A.C. 5:97-8.4 and subject to the provisions thereof.

(4) Payments in lieu of constructing affordable housing shall not be permitted where affordable housing is not required. Zoning that does not require an affordable housing set-aside or permit a corresponding payment in lieu may be subject to a development fee ordinance pursuant to N.J.A.C. 5:97-8.3.

(c) Affordable housing units shall be built in accordance with the following schedule:

**Percentage of Market-rate
Units Completed**

25

**Minimum Percentage of Low- and
Moderate-Income Units Completed**

0