

ORDINANCE NO. 23-27

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXV, ZONING AND LAND DEVELOPMENT OF THE REVISED ORDINANCES OF THE CITY OF OCEAN CITY (34th Street Corridor Design Standards)

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 25-205.10.7 Architectural Guidelines and Standards of the **34th Street Gateway Zone** of Chapter XXV “Zoning and Land Development” of the Revised General Ordinances of the City of Ocean City, New Jersey is hereby amended as follows:

Since the architectural design, scale and mass of the buildings and other structures, including among other elements the exterior building materials, roof lines and building elevations, are important in determining the visual character of an area, the guidelines listed below are recommended so as to harmonize and be compatible with the neighborhood, to protect property values and to preserve and improve the appearance and the beauty of the community. Among the architectural elements that are sought are:

a. General Guidelines.

1. Infill building design should be consistent with the design of significant buildings that already exist in the adjacent vicinity.
2. The scale of new infill buildings should be sensitive to pedestrians. Large buildings should contain design elements for entrance ways, plazas, facades, and general street level design that creates a street frontage that is attractive and pleasant for pedestrians.
3. The incorporation of desirable design features in the surrounding area, for example, continuing a particular design feature or statement, is encouraged.
4. When the development consists of or includes a building addition, the addition should be designed to reflect the existing building in terms of scale, fenestration and color
A change in scale, for example, may require a transitional design element between the addition and the existing building.
5. Pitched roof buildings are encouraged.
6. Residential development shall follow subsection 25-205.1.6 Central Business Building Design Guidelines.

b. *Design Standards*. The following requirements shall apply to all new development, additions or alterations, renovations to front building facades, and modifications affecting the commercial floor area which require site plan or variance approval.

1. Minimum interior floor-to-ceiling height in the ground-level commercial unit shall be ten feet (10').
2. Transparent windows not less than forty-five percent (45%) of the first floor commercial unit's front façade are required subject to the following:
 - (a) Buildings located on corner lots shall meet this requirement for both street-facing facades.
 - (b) Windows shall use clear or lightly tinted glass, except for decorative or architectural accents, typical of commercial storefronts and not of the type utilized on residential dwellings. Reflective glass is not an acceptable window material.
 - (c) Windows shall allow pedestrians unobstructed views into the building or into display windows from the outside extending at least ten feet (10') into the interior. Closely-gridded residential style windows are not permitted.
 - (d) The percentage of glass shall be calculated by measuring the height (from the base of the front wall to top of first floor plate) and width of the front wall of the commercial unit, and the area of glass within the main frame(s) of the windows and doors. Frames, grids and mullions shall not be included in this calculation.
3. Buildings on corner lots shall treat both street frontages as front facades in terms of architecture, windows and setbacks.
4. Buildings on corner lots shall have their main entrance on the primary street. This requirement does not preclude additional rear or side entrances facing parking areas.
5. All new structures shall have the main entrance oriented toward the street or public walkway, with direct, barrier-free and convenient pedestrian access.
6. In order to accommodate commercial cooking appliances and other uses requiring a mechanical ventilation system, ductwork meeting the specifications in the current edition of the International Mechanical Code for commercial cooking appliances shall be installed in each commercial unit.
7. Flat roofs are to be enclosed by a parapet to conceal rooftop mechanical equipment.
8. Horizontal clapboard vinyl and aluminum siding on front facades are prohibited.
9. Where the side of a building is visible from an adjoining property or the public right-of-way, the design and materials used on the front facade shall be extended to at least one-third (1/3) of the building's side facade.
(Ord. #10-09, §5)

25-205.10.8 Landscape Standards.

The following standards shall apply to all lots adjoining 34th Street between the easterly side of Bay Avenue and extending to the westerly side of Central Avenue, and extending along all cross streets for mixed use and nonresidential lots where new development or a change in use is proposed:

1. Landscaping Adjacent to Public Rights-of-Way. On the site of a building or structure or open lot having a vehicular use area, where such area will not be entirely screened visually by an intervening building or structure from any abutting right-of-way, excluding dedicated alleys, there shall be provided landscaping between such vehicular use area and such right-of-way as follows:

(a) Landscaped buffer.

(1) A strip of land averaging at least five feet (5') in depth with a three-foot minimum depth at any point, located between the abutting right-of-way and the vehicular use area, which is exposed to an abutting right-of-way shall be landscaped, such landscaping to include one (1) tree for every thirty-five linear feet (35') or fraction thereof, spaced not less than thirty feet (30') nor more than forty feet (40') apart. Such trees shall be located between the abutting right-of-way and vehicular use area and shall be planted in a planting area of at least twenty-five (25) square feet with a minimum dimension of at least five feet (5').

(2) In addition, a hedge, wall or other durable landscape barrier, maintained at least two feet in height, shall be placed along the entire length of this linear frontage. If such durable barrier is of nonliving material, for every ten feet (10') thereof, one shrub or vine shall be planted abutting such barrier, unless they are of sufficient height at the time of planting to be readily visible over the top of such barrier.

(3) The remainder of the required landscaped areas shall be landscaped with grass, vegetative ground cover or other landscape treatment.

(b) Other property. All property, other than the required landscaped buffer between the street and vehicular use area, shall be landscaped with grass or other vegetative ground cover.

(c) Necessary accessways. Necessary accessways from the public rights-of-way through all such landscaping shall be permitted to service the vehicular use area, and such accessways may be subtracted from the linear dimension used to determine the number of trees required.

d. *Ground Covers.*

1. Ground covers in the interest of water conservation are encouraged to be used in lieu of grass, in whole or in part. They shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within eighteen (18) months after planting.

2. Fifty percent (50%) of the groundcovers planted shall be of a drought-tolerant variety.

e. *Lawn Grass.* Grass areas shall be planted and grown as permanent lawns using varieties that are suitable for Ocean City. Grass may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales or other areas subject to erosion, and provided that in areas where other than solid sod or grass seed is used, nurse grass seed shall be sown for immediate effect and protection until coverage is achieved.

(Ord. #10-09, §5)

25-205.10.9 Special Restaurant/Commercial Provision.

The use of property for a restaurant or any other commercial use that meets the requirements of the Zoning Ordinance shall not be prohibited or limited at any time or by any means including, but not limited to conditions contained within a master deed or deed restriction. Restaurants are subject to the requirements of Certificate of Occupancy, Mercantile License, Certificate of Zoning Compliance or other instrument. The allowance for the use of property for a restaurant, as provided in this section, shall be memorialized in the decision and resolution approving the site plan and shall be promptly recorded thereafter. (Ord. #10-09, §5)

25-205.10.10 Signs.

Sign types permitted in the 34th Street Gateway Zone include window, wall, awning, and monument signs. The regulations contained in subsection 25-1700.29.1 – 25-1700.29.7 of this Ordinance shall apply to window, wall and awning signs. The following requirements shall apply to monument signs within the 34th Street Gateway Zone.

a. *Monument Signs.* This subsection shall permit a business to apply for a permit to install a permanent monument sign upon their place of business. A monument sign may be installed by a licensed sign contractor or general contractor if the following requirements are met.

1. If a business operates within a shopping center or office building then the monument sign shall be constructed to allow advertisement for each individual business or profession within the shopping center or office building.

2. The following requirements supersede Section 25-1700.29, Sign Regulations, and shall be satisfied prior to the installation/construction of the monument sign:

(a) Location: A monument sign may be installed within the landscaped area and within the private property of a business or shopping center. It is preferable that the monument signs are located near the ingress/egress points of a business, office or shopping center however a monument sign may not be installed within the sight triangle of an intersection or the ingress/egress locations. A monument sign shall be approved during the site plan approval process.

(1) A monument sign may not be installed within 30 feet of another monument sign.

(2) A monument sign may not be placed closer to a public right-of-way, pedestrian walkway, or parking area than one-and-one-half (1.5) times the height of the sign height.

(3) If a business or profession is located within a shopping center or office building where there is more than one operation located within that building then one (1) monument sign shall be permitted for that shopping center or office building for each frontage.

(b) Height - The maximum height of any freestanding sign above the average grade elevation of the nearest public way or within a 20-foot radius of the sign shall not exceed the following:

(1) Eight feet (8') where the sign face does not exceed forty (40) square feet;

(2) Ten feet (10') where the sign face does not exceed sixty (60) square feet; or

(c) The bottom edge of the sign shall not exceed four feet (4') in height from the lowest grade elevation at the base of the sign.

(d) The maximum width of any freestanding sign shall not exceed the following:

(1) Fifteen feet (15') where the sign face does not exceed forty (40) square feet;

(2) Twenty feet (20') where the sign face does not exceed sixty (60') square feet; or

(e) The maximum depth of any freestanding sign shall not exceed twenty-five percent (25%) of the width.

(f) The area of a sign structure for any freestanding sign is limited to the same number of square feet as the sign face that it supports.

(g) Material: A monument sign shall be constructed of natural materials (stone, brick, masonry, and architecturally suitable metals (brass, copper, treated metals). Any monument sign shall have a minimum one foot (1') of brick or rock at the base of the sign. The base must be a minimum of one inch (1") below the lowest portion of grade around the monument sign to screen all supporting structures. The base shall not be included in calculating the square footage but will be included in calculating the maximum height of the monument sign. All lettering for a monument sign shall be constructed of a metal alloy (*i.e. brass, stainless steel, bronze*) and single letters (*may be applied onto a pan channel or similar device to mount the lettering onto the sign*). Monument signs within the 34th Street Gateway Zone shall be uniform in material and shall incorporate "34th Street Gateway" as part of their design.

(h) Lighting: A monument sign shall be externally illuminated from above or below the sign with the lighting directed downward. If the lighting is not attached to the monument sign then it shall be masked from the right-of-way by appropriate light shields and/or evergreen landscaping. A monument sign may be installed without lighting. Lighting for monument signs shall be contained within the landscaped area of the monument sign. Sign lighting shall not create light pollution beyond the sign area.

(i) Landscaping: All monument signs shall incorporate a minimum of four (4) square feet of landscaping for every one (1) square foot of sign space on one (1) side. Landscaping must include a mixture of twenty-five percent (25%) perennial and twenty-five percent (25%) annual vegetation with the remaining fifty percent (50%) of the vegetation an evergreen type. Landscaping shall not include grass, however twenty percent (20%) of the required landscaping area may include natural non-living elements (ex: boulders, water features, etc.). The required landscape area shall incorporate mulch or river rock with a minimum of twenty-five percent (25%) of the ground level containing a live groundcover. At least fifty percent (50%) of the plant materials shall be of a drought-tolerant variety.

(j) Maintenance: All monument signs and landscape areas associated with the monument sign shall be maintained by the property owner, business owner(s), or relevant business/building association. The permit application for the monument sign shall identify the party responsible for perpetual maintenance of the sign and landscaping.

(Ord. #10-09, §5)

Section 2 - Repealed

Section 3

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

Section 4

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 5

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

Jay A. Gillian, Mayor

Peter V. Madden, Council President

The above Ordinance was passed by the Council of Ocean City, New Jersey, at a meeting of said Council held on the 21st day of December 2023, and was taken up for a second reading and final passage at a meeting of said Council held on the 25th day of January 2024, in Council Chambers, City Hall, Ocean City, New Jersey, at 10 o'clock in the morning.

Melissa Rasner, City Clerk

Ordinance Summary

Eliminates design standards specific to 34th Street Gateway zone.

Dfm 12.19.23