The Municipal Land Use Law calls for regular reviews and updates of the master plan and land use regulations, as set forth in the following section of the statute:

40:55D-89. Periodic examination

The governing body shall, at least every 10 years, provide for a general reexamination of its master plan and development regulations by the planning board, which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board. A notice that the report and resolution have been prepared shall be sent to the municipal clerk of each adjoining municipality, who may, on behalf of the governing body of the municipality, request a copy of the report and resolution. A reexamination shall be completed at least once every 10 years from the previous reexamination.

The Toms River Planning Board adopted a Periodic Reexamination Report on August 3, 2016. The Reexamination Report addresses two significant planning and regulatory issues that had emerged since the last comprehensive Master Plan update in 2006: 1) the evolving and uncertain status of determining the fair share obligation of municipalities for providing affordable housing under the New Jersey Supreme Court cases of Mount Laurel I and II; and 2) the recovery from Superstorm Sandy after the devastation caused on October 29, 2012 and the related Plan Endorsement process intended to identify and reinstate centers after the expiration of the CAFRA Center previously referenced in the Master Plan.
Since the adoption of the Reexamination Report of August 3, 2016, significant events have occurred with regard to planning and zoning in both of these areas. As such this update to the Periodic Reexamination Report is necessary and, due to court ordered deadlines, is presented as Part 1 – Housing Element and Fair Share Plan and Part 2 – Master Plan Update.

Reexamination Report – August 3, 2016

The 2016 Reexamination Report made the following determinations:

The reexamination report shall state:

a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.

The following language is found in the Reexamination Report adopted by the Township Planning Board on July 5, 2006, several months prior to the adoption of the Master Plan update on October 25, 2006:

“Since the last comprehensive revision of the Master Plan in 2000, COAH has adopted its new rules, the NJ Office of Smart Growth has become a more integral part of the local planning process through its relationship to the State Development and Redevelopment Plan and interdepartmental coordination, and the CAFRA Coastal Center designation has a sunset provision related to the designation of Centers through the Office of Smart Growth.

“In addition, traffic problems on Route 9 have intensified, with little relief anticipated from the NJ Department of Transportation. The Township has continued to encourage the development of comprehensive plans for the downtown area of Toms River in order to identify those measures necessary to enhance it as a regional center.

“Efforts are continuing to provide a comprehensive solution to the redevelopment of several areas of the Township, including the easterly end of Route 37 between Fischer Boulevard and the bridge, and the Ciba-Geigy tract. Clean up of the Ciba tract continues to be a major issue in the Township, with the redevelopment effort geared to addressing clean up as well as a comprehensive planning approach to the development of the almost two square mile tract.

“Water supply and water quality issues have become a more apparent problem in recent years and the Township is looking toward a more comprehensive solution to both aspects of potable water supply.”

b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
1. The regulation and administration of affordable housing through the Council on Affordable Housing has changed significantly since 2006. COAH made several efforts to promulgate rules that would appropriately allocate affordable housing requirements for the entire state, its sub-regions and each region’s municipalities. The objective was to identify municipal and regional housing needs in a manner that was consistent with the NJ Supreme Court’s Mount Laurel 2 decision in 1983. After several failed attempts to adopt rules that were compliant with the decision, the Supreme Court determined that jurisdiction on affordable housing matters would return to the courts, which is where it stands at this time. Toms River is actively involved in securing Court approval of its Housing Element and Fair Share Plan.

2. At the time of the last Master Plan update, efforts were underway to achieve Plan Endorsement through the Office of Smart Growth and the State Planning Commission. Plan Endorsement is a process by which a determination is made that the municipal master plan is consistent with the intent and purpose of the State Development and Redevelopment Plan. Subsequent to those efforts, the Office of Smart Growth was dissolved and replaced by the Office of Planning Advocacy. The Township is now resuming its efforts to secure Plan Endorsement in order to reinstate the higher impervious coverage that was associated with the 1999 CAFRA Coastal Center that expired on March 16, 2016.

3. Traffic problems on Route 9 continue to be an issue, as they have been for many years through both Toms River and Lakewood. New development in the Route 9 corridor in both municipalities has added to congestion on the highway and placed pressure on alternate routes in attempts to avoid Route 9. NJDOT is looking into short term solutions in an attempt to find cost-effective improvements that will alleviate some problems typically associated with left-turn movements and high traffic volume intersections. Long term solutions, such as widening the roadway from two to four lanes, are not being addressed at this time.

4. Traffic problems continue at certain key intersections in the Township. Route 37 and Main Street has been identified by NJDOT as a location in need of improvements, although the improvements proposed are related more to cost-effective traffic safety measures rather than improvements that would accommodate more traffic and improve traffic flows. Work is anticipated to begin at this location in 2017, although earlier starting dates announced by NJDOT did not materialize. Another critical intersection is Hooper Avenue and Route 37, for which there are no current proposals under consideration for traffic improvements. Some efforts are underway for the intersection of Route 9 and Route 571 that should improve traffic flows, including the widening of the Parkway overpasses on both Routes, construction of a by-pass between Route 571 and Route 166, and certain other egress options from the Parkway southbound onto Route 571.
5. The strengthening of Downtown Toms River continues to be a matter of strong interest. Since the last update of the Master Plan, a large portion of Downtown has been declared to be an Area in Need of Redevelopment. For the most part that determination applies to the area lying south of Water Street, but it also includes properties north of Water Street in the vicinity of Main Street and Irons Street. Discussions have been held on adopting a redevelopment plan for the area, which would set the parameters for future development. Among the problems that need to be addressed in the redevelopment plan are the impact of Sandy-related flooding in the area, the mandated coal tar cleanup that impacts development potential in the westerly portion of the redevelopment area, and the ability of the road network to accommodate increases in traffic.

6. Redevelopment of other locations in the Township is an ongoing area of study that will be largely dependent on development potential and market interest. One successful redevelopment plan has taken place at the northwesterly corner of Route 37 and Route 9 where an older shopping center is undergoing an update, removing older buildings, adding new stores anchored by a large supermarket, and making major improvements in stormwater management, which was virtually non-existent in the initial development of the center.

7. Two other redevelopment areas have been designated, both of which involve complex planning and development problems. The largest of these is the Ciba-Geigy site, which is about 1,200 acres in size and is a Superfund site. A fairly large portion of the site has no evidence of contamination (about 700 acres), another 400 acres has been cleaned up to a nonresidential standard of development, and the remaining land contains a large enclosed cell of toxic materials along with other structures related to soil cleanup, ongoing groundwater cleanup, and related activities. This constrained portion of the site has been determined to have no potential for development in the foreseeable future. A second redevelopment area was declared in 2003 along both sides of Route 37 between Fischer Boulevard and the bridge to the barrier island. While the development pattern in this area could be improved, it is not certain whether the area continues to qualify as a redevelopment area, perhaps lending itself to rezoning. At present, bridge improvements are being made, but a potentially significant constraint for this area is the current lack of public water.

8. Most of the water supply issues that were mentioned in the 2006 Reexamination Report have been resolved, although certain portions of the southeasterly section of the mainland portion of Toms River continue to rely on private wells.

9. Open space preservation was identified as an area of particular interest in the last Reexamination Report, and the Township has made use of cluster development and open space acquisitions as a means of diminishing potential long-term impacts of development on Barnegat
Bay, and improving the quality of life of existing and future residents of the Township. An updated Natural Resources Inventory is underway, which will assist in identifying the long-range balance between environmental protection and new development.

c. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.

1. Superstorm Sandy has brought about not only significant damage to private property and public infrastructure, but as private redevelopment takes place, accommodations are being made for sea level rise and related flooding along with supplementary dune protection through the efforts of the Army Corps of Engineers. As new development and redevelopment continues, attention needs to be given to streets that experience frequent flooding, not simply flooding related to major storm events, as they can compromise access not only for the general public but for emergency services as well.

2. Affordable housing continues to be a major focus of attention. It is now under the jurisdiction of the New Jersey courts. The Township’s Housing Element is under review by the court to determine if it is sufficiently responsive to the Township’s fair share of the regional housing need to grant a judgment finding that it has addressed its housing need for the period 1987-2026.

3. Traffic circulation continues to be an issue, particularly with respect to reluctance by the NJ Department of Transportation to assist in providing comprehensive solutions to some of the worst traffic trouble spots, including Route 9 and many of the intersections along Route 37.

4. The Township’s Environmental Commission has been taking an active role in promoting environmental protection, and the Township has taken steps to increase the amount of open space in environmentally sensitive areas. Open space preservation continues as a top priority in the ongoing process of updating the Master Plan, not only for the protection of environmentally sensitive areas but for park and active recreation areas as well.

5. Statewide, the local planning process is seeing a higher level of coordination with County and State planning policies. The Township is continuing to attempt to attract economic development in an effort to offset rising property taxes, but it is approaching this in a comprehensive manner by also recognizing the need for affordable housing as well as consistency with the State Development and Redevelopment Plan. Increasing the ratable base in the Township will have the desired effect of increasing local employment. That will result in fewer workers having to leave the County for employment, reducing
the strain on the north-south highway system made up mainly of the Garden State Parkway and Route 9.

6. Economic development in Ocean County appears to be compromised by a lack of effective truck routes to serve the Ocean and Monmouth County area from the New York Metropolitan Area. The Garden State Parkway has truck restrictions north of Exit 105. As a part of coordinating regional and statewide planning policies, the New Jersey Turnpike Authority should be encouraged to allow truck traffic on the Parkway to and from the interchange with the New Jersey Turnpike. There do not appear to be any serious physical impediments related to truck traffic on the Parkway until you get north of the Turnpike.

d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

1. A Master Plan update is in preparation and is anticipated to be completed by the end of this year. The update process will include a review of the objectives and policies set forth in the last Master Plan, as amended. The Master Plan will include clear statements of objectives and policies.

2. The development regulations have been under regular review since the last comprehensive Master Plan update in 2006. Numerous amendments have been made to the development standards, many of which related to rebuilding efforts after Superstorm Sandy. In the last comprehensive Reexamination Report adopted in 2006, and bound into the Master Plan, it was noted that there would be a need for a two stage revision to the ordinance. The first stage would consist of the updated map and district regulations and the second stage would be the comprehensive re-write of the entire ordinance. The first stage was implemented in the latter part of 2006 following the adoption of the Master Plan. The comprehensive rewrite was initiated in 2007 and over the next five years it was under regular staff review. As it evolved into a document that the staff felt was suitable for consideration by Township Council, it was set aside in order to focus on the rebuilding efforts related to Superstorm Sandy. The comprehensive rewrite of the development regulations ordinance will be coordinated with the findings and conclusions of the Master Plan reexamination.

e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c. 79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

Four redevelopment areas have been identified by the Planning Board and have been determined to be Areas in Need of Redevelopment by action of Township Council. One of the four redevelopment areas has
resulted in the adoption of a Redevelopment Plan, which is a document adopted by Township Council as an ordinance following recommendations from the Planning Board regarding consistency with the adopted Master Plan. That area lies at the northwest corner of the intersection of Route 37 and Route 166.

Planning efforts are continuing to identify reasonable land use controls for the other three redevelopment areas, which include the Ciba-Geigy tract, the Water Street Redevelopment Area in Downtown Toms River, and the Route 37 Redevelopment Area lying between Fischer Boulevard and the Route 37 Bridge to the barrier island.

To the extent additional redevelopment areas should be considered, they will be identified as part of the Land Use Plan Element of the Master Plan, including the broad parameters of land use standards that would serve as the basis for development controls.

Reexamination Report Update – Part 2: LAND USE ELEMENT

This Periodic Reexamination Report Update is prepared in accordance with the provisions of the Municipal Land Use Law as found at N.J.S.A. 40:55D-89. This report is intended as the first part of a general reexamination update of the 2016 comprehensive Periodic Reexamination Report related to the 2006 Master Plan and the update of various Elements based on two major events that have occurred since the last Master Plan in 2006. Part 1 of the Periodic Reexamination Update was adopted on February 15, 2017 and dealt with the outcome of years of litigation and court decisions related to affordable housing, specifically the “Third Round” obligation. It was written in response to a rezoning required pursuant to the Settlement Agreement between the Township, the Fair Share Housing Center (FSHC) and Dover Shopping Center Associates, LLC (“Dover”). It was adopted by the Planning Board in association with the Township of the Toms River Housing Element and Fair Share Plan (HEFSP), as amended in accordance with the aforementioned Settlement Agreement, which Settlement Agreement was the subject of an Order On Fairness And Preliminary Compliance Hearing entered by Judge Mark A. Troncone, JSC, on December 31, 2016.

Part 2 of the Periodic Reexamination Update deals with the various changes to the Land Use Plan Element resulting from Superstorm Sandy and other socioeconomic impacts on the Township since the adoption of the 2006 Master Plan.

UPDATED GOALS AND OBJECTIVES – SUSTAINABILITY & RESILIENCY

The Goals and Objectives of the 2006 remain relevant in 2016, however, it is recommended that they be updated and supplemented to read as follows:
Land Use

1. To guide future residential and non-residential growth in a coordinated and managed approach as set forth in this Master Plan and to provide for logical transitional uses between residential and non-residential areas of the Township.

2. Develop Historic Downtown Toms River as a regional center for Ocean County, and create additional nodes and centers throughout the Township to encourage walkability and reduce vehicular trips.

3. Continue to use practical and flexible development controls in order to gain open space, conserve the natural landscape and protect the environmentally sensitive areas of the Township.

4. Relate future residential growth to the municipal infrastructure.

5. Encourage controlled and properly designed commercial and industrial development in areas so designated on the Master Plan.

6. Provide for the Township’s fair share of low-and-moderate-income housing as set forth in the amended Housing Element and Fair Share Compliance Plan adopted in February of 2017 as a result of mediation and a determination of compliance by the court in 2016.

7. Promote redevelopment of the Ciba-Geigy property, portions of Downtown Toms River between Huddy Park and the Parkway, and Route 37 between Fischer Boulevard and the bridge. Explore additional revitalization of Downtown Toms River through one or more rehabilitation area designations, including the waterfront east of Huddy Park and the downtown core between the river, Main Street and Hooper Avenue north to Madison Avenue along Hooper and Lien Street along Main Street.

8. Promote the drafting of a new development regulations ordinance to be entirely compatible with this Master Plan.

9. Within developed areas of the Township, the new ordinance should provide zoning districts that reflect existing land use patterns in order to minimize nonconforming lots and to diminish the need for bulk variances.

10. Create zoning ordinance provisions that recognize prevailing block patterns, especially in the R-40A and R-40B zones of the barrier island, as appropriate. Any provisions adopted should anticipate the need for subsequent development of accessory structures or additions.

11. Encourage cluster development in order to preserve large tracts of land.

12. Establish a transfer of development rights, clustering on noncontiguous lots or similar zoning techniques to direct growth to centers and preserve open space in environmentally sensitive areas and in areas vulnerable to flooding and sea-level rise.

13. Achieve regional coastal center designation for Toms River Center.

14. Achieve center designations for other locations in the Township that meet the criteria for centers in the State Development and Redevelopment Plan.
as coordinated through the New Jersey Office of Planning Advocacy through the Plan Endorsement Process.

15. Investigate new areas for redevelopment and revitalization.

16. Maintain the rural character of North Toms River and Pleasant Plains in the face of increasing development pressure generated by the rapid population growth in Lakewood Township.

17. Encourage appropriate development of vacant or underutilized parcels.

18. Continue strategic implementation of the Downtown Master Plan and Proposed Zoning Amendments as Part of this Master Plan (see Appendix). Any modifications to the recommendations set forth in that document are specifically identified herein.

19. Opportunities should be created for the provision of affordable housing for those who are active in the workforce. To the extent feasible, these should be small in scale and designed to provide 100 percent of the units within the affordable range. Such opportunities should be consistent with availability of employment and transit resources, such as through the redevelopment of underutilized sites in the Waterfront Redevelopment Area along Water Street near the Toms River Bus Station, as well as expanded bicycle and pedestrian mobility. Care should be taken to avoid over-development of such opportunities along Route 9 until such time as the substandard capacity of that highway is addressed by the NJDOT.

**Economic Development**

1. Promote jobs and activities for the Township’s large senior population.

2. Develop additional jobs for the Township’s large professional population to encourage people to live and work in Toms River Township.

3. Capitalize on Toms River’s location and designation as the county seat to become a regional center. Encourage mixed-use development within the downtown, along with cultural and entertainment uses in order to attract young professionals that prefer walkable and diverse environments.

4. Enhance the visual design of existing businesses to attract more consumers.

5. Encourage new businesses to establish in the Township.

6. Promote core retail destinations in areas where new residential development can support them, such as in the highway cores (Route 37, Route 9, Route 70, Hooper Avenue, etc), and in Ortley Beach and Coates Pointe.

7. Capitalize on mixed-use redevelopment and revitalization of areas that are becoming obsolescent.

8. Create new employment centers to reduce the number of residents who have to leave the county to find employment, and by so doing to reduce reliance on the congested regional highway system.
9. Use the historic and cultural assets of Downtown Toms River to cultivate cultural and heritage tourism, including the removal of regulatory obstacles to uses such as restaurants, entertainment and cultural venues, lodging and water-related activities, while enhancing and promoting the seaport and revolutionary war history of the downtown.

Community Facilities

1. Support the expansion of the Township’s healthcare services while maintaining and preserving the residential character of the area surrounding the Community Medical Center.
2. Maintain and improve upon the success of police and fire protection.
3. Update the equipment used by emergency personnel.
4. Meet or exceed all State and Federal requirements for the number of emergency personnel.
5. Continue to renew the Township’s infrastructure.
6. Maintain a uniformed police presence throughout the Township.
7. Encourage strategic location of emergency facilities and traffic routes that provide fast and easy maneuverability to all areas of the Township.
8. Ensure the expansion of community facilities to account for current and future growth, especially in light of the development pressure generated on North Dover by the population growth in Lakewood.
9. Provide adequate school facilities in accordance with the pace of development, working with the Toms River Regional School District to deal with shifts in enrollment trends between different areas of the Township.
10. Continue to provide high quality civic, library, medical and other community facilities to meet the broad ranging needs of the municipality.
11. Improve public transportation service for senior citizens and create bicycle and paratransit links between the Toms River Bus Station and the Downtown.
12. Build upon the lessons learned in responding to the emergency conditions caused by Superstorm Sandy related to preparedness and resiliency from major storm events.

Recycling and Solid Waste

1. Prepare for the complete utilization of Toms River Township’s landfill.
2. Curb illegal dumping.
3. Continue to increase recycling awareness to reach a 75% recycling rate of Toms River Township’s municipal solid waste stream.
4. Consider the utilization of trash incinerators.
5. Continue to improve coordination with the Ocean County recycling program.

6. Encourage activities of the Township’s Green Team to educate and motivate recycling within the Township.

Utility Services

1. Link the entire Township to public sanitary sewer service.

2. Upgrade the Township’s water supply system.

3. Test private wells for water quality and, where feasible, utilize water supply system to diminish reliance on private wells.

4. Develop a list of mitigation projects for groundwater recharge, stormwater quantity control and stormwater quality control in accordance with the Municipal Stormwater Management Plan. Encourage Best Practices for nonstructural stormwater management, such as the integration of bioswales, raingardens, green roofs, etc., especially on smaller sites where structural stormwater management may inhibit economic investment.

5. Require developers to contribute to or complete a mitigating alternative that clearly offsets the effect on groundwater recharge, stormwater quantity control and/or stormwater quality control that was created by the granting of a variance or exemption.

6. Require developers to provide funding or partial funding for environmental enhancement projects that have been identified on the Toms River Township mitigation project list or towards the development of a regional stormwater management plan.

7. Revitalize the Township’s Water Advisory Task Force.

8. Develop better coordination with the New Jersey Department of Environmental Protection and United Water Toms River to alleviate water demand and supply deficit issues in a manner that links the character, location, magnitude and timing of development and redevelopment to available water supply.

9. Adopt model water conservation ordinance (amend Article VIII of Chapter 589 – “Water Use Restrictions”) part of the Plan Implementation Agenda (PIA) adopted by the State Planning Commission as part of Plan Endorsement.

Energy Conservation

1. Educate the public about alternative energy choices.

2. Encourage solar energy utilization where appropriate. The incorporation of net-metered facilities as an accessory use for commercial, educational, multifamily and institutional uses is specifically encouraged in appropriate locations that have minimal visual impacts on adjacent residential neighborhoods. The use of prime agricultural land and environmentally
sensitive land for solar “farms” that generate energy into the grid are specifically discouraged. The use of brownfield sites such as landfills or capped areas for such solar farm uses is encouraged with appropriate design parameters.

3. Implement energy efficient land use and design standards.

**Environmental/Conservation and Recreation**

1. Preserve the Township of Toms River’s vast natural resources by restoring, maintaining, protecting and enhancing vital wetlands, waterways and forested areas.

2. Incorporate the Natural Resource Inventory, dated June 2016 and approved by the Township Environmental Commission on February 7, 2017, as a support document to a new Conservation Recreation and Open Space Element.

3. Conserve the Township’s remaining farm lots and maintain the rural character of the existing agricultural properties.

4. Provide sufficient active and passive recreational facilities for the existing and future populations, and update the implementation strategy in the Recreation and Open Space Facilities Plan.

5. Preserve additional vacant parcels to protect them from future development.

6. Link parkland, open space and community facilities.

7. Identify environmental constraints throughout the Township and continue to prohibit development in environmentally sensitive regions.

8. Encourage acquisition of land for public open space and recreation.

9. Identify and utilize preservation tools and funding sources for future conservation.

10. Utilize either a Transfer of Development Rights (TDR) program or non-contiguous cluster program, with incentives designed to preserve open space, including environmentally sensitive areas.

11. Encourage the development of smaller scale pocket parks in existing and proposed neighborhoods.

12. Develop a full inventory and conditions survey of all existing parks and recreational facilities while calculating the projected needs of future open space and recreation.

13. Develop a comprehensive environmental education program.

14. Form a cooperative/joint venture with surrounding municipalities for the purchase, maintenance, use and preservation of beach maintenance equipment and replenishment of beachfront in order to cut costs and promote harmony by uniform cleaning and preservation of the beachfront and bay front beaches.
15. Incorporate sustainability and resiliency recommendations of the “Sustainability and Resiliency Master Plan Update” report, dated October of 2016, into the appropriate Elements of this Master Plan.

Historic Preservation
1. Utilize the Township’s historic assets to promote Smart Growth that incorporates conservation, sound land use and economic development throughout the entire municipality.
2. Celebrate the historic character of Downtown Toms River and spread its design elements to other areas of Toms River. Utilize the historic seaport theme of Downtown Toms River to cultivate cultural and heritage tourism.
3. Protect and maintain existing historic places and their features.
4. Enhance the role of the Historic Preservation Commission through the provision of ordinance standards for historic sites and districts.
5. Designate Historic Districts, where warranted, throughout Toms River Township.
7. Seek funding for the protection, maintenance and enhancement of historic resources.
8. Encourage municipal actions that will result in the long-range preservation of historical assets throughout the Township of Toms River.
9. Link the Township’s historic places with its environmental and recreational resources.

Circulation
1. Discourage jughandles as a design solution for congested intersections.
2. Improve access to business properties from adjoining roadways.
3. Install more collector or pass-through roads to move traffic to main roads through development areas.
4. Address problem intersections.
5. Support rail transportation.
6. Minimize the use of cul-de-sacs.
7. Coordinate with the New Jersey Department of Transportation and neighboring municipalities to identify strategic improvements and long-term solutions that coordinate traffic flow with land use, particularly along heavily traveled roads such as Route 9, Route 70 and Route 37.
8. Work with Manchester Township to implement the recommendations of the Route 37 Corridor Study developed by Together North Jersey (TNJ), including the potential for light-rail or Bus Rapid Transit (BRT) along the former freight rail line that runs parallel to Route 37.
9. Work with Ocean County to study the Route 9 corridor, with particular attention to the creation of east-west links of County roads, such as Hickory Street (being connected through a PUD under construction), North Maple Avenue (to link Route 9 and Route 70 at Massachusetts Avenue), Clayton Road to Whitty Road, Stevens to Church Road, etc. To the extent that such connections can be made as part of PUD development along
Route 9, such ROW dedications should be included in the developers agreements.

Figure 1: Extensions of County roads, such as Hickory Street pictured above, through new development sites along Route 9 will improve east-west connections across Route 9.

10. Work with South Toms River Borough and Ocean County to extend the Barnegat Branch Trail from its current terminus at Admiral Boulevard and Route 166 along the former rail ROW in South Toms River to the Herflicker Street bridge, and then to the Toms River Bus Station.

11. Work with Ocean County to provide safe bicycle routes through the Downtown, consistent with the recommendations of the 2011 Bicycle-Pedestrian Plan developed as a Subregional Plan by the County with funding from NJTPA, as deemed appropriate by the Township Engineer and County Engineer.

Sustainability & Resiliency

1. Implement the recommendations for land use changes and land use regulation provided by the 2014 Strategic Planning Recovery Report that are not yet implemented, including the following:
   • Elevate all substantially damaged homes to mitigate impact of flood related hazards in accordance with the Township Hazard Mitigation Plan.
   • Continue to participate in the National Flood Insurance Program to support proactive floodplain management that will protect property from flood-related hazards, clearly inform property owners about the risks of being in and near the Special Flood Hazard Area, and promote flood insurance.
   • Continue to enforce building codes to require building, renovations, and re-building that meets or exceeds the Uniform Construction Code thus
protecting homes from risk related to hazards including flooding, fire, wind, earthquake, and winter storm.

- Continue participation in the Community Rating System program and consider upgrading to the next class level to complete proactive floodplain management and assist residents with flood insurance costs.

- The Township has added Floor Area Ratio as a required zoning standard for zones located on the barrier island to prevent overbuilding. The Township should continue this work by reviewing other zoning provisions to ensure that zoning reflects existing conditions to reduce number of variance requests.

- Add standards specific to reducing and/or intercepting stormwater runoff by incentivizing the use of rain barrels and other viable methods of stormwater capture in the waterfront neighborhoods.

- Differentiate flood-mitigation building design standards such as skirting of pilings, use of decks, parking under elevated homes, etc., by lot sizes on the mainland, bayside, lagoon, and barrier island communities.

2. Create Redevelopment Plans with appropriate land use standards and bulk standards for mixed-use, compact development for the Ciba-Geigy site and the Route 37 Area in Need of Redevelopment (Coates Pointe).

3. Amend the Phase 1 Waterfront Redevelopment Plan in accordance with the findings of the Downtown Circulation Neighborhood Plan so that it can be adopted with its suite of land use, bulk, and design changes for the Downtown area.

4. The development of a Transfer of Development Credits (TDC) program has been a land use goal of the Township for a number of years. The program should be developed, and expanded to include a plan for rezoning upland properties to accommodate possible shifts of residents away from high risk flood zones. The flood zone areas would be the “sending” areas of the TDC program, while the upland areas would be the “receiving” zone. The Township would have to account for value differences, since land in high risk flood areas tend to be higher in value than inland properties. The Township could implement this recommendation with an overlay zone for both the receiving and sending areas.

5. Identify long-term inundation caused by sea level rise as a hazard in municipal plans and consider disclosing hazard risks to potential buyers or developers.

6. Use land use standards as a means for achieving the objectives of the Township’s 2016 Smart Growth Plan for establishing Transit Oriented Development (TOD) and/or a Transit Improvement District in the Downtown Toms River Regional Center by amending the R-50 zone within ½ mile of the train station for higher-density multi-family housing. TOD’s around bus stations are recommended to have a minimum density of 8 units to the acre. At present, the R-50 zone permits only single-family dwellings.
REEXAMINATION REPORT CONSIDERATIONS

Summary of Recommendations:

Barrier Island

The following summary of zoning recommendations for the Barrier Island neighborhoods are contained in a report, entitled “Proposed Land Use and Development Regulations”, prepared by T&M Associates and funded with one of the Post Sandy Phase 2 grants:

- Remove lot depth requirements from the zoning standards for Ortley Beach to allow for variations in the street grid.

- On the north beaches of the Barrier Island, create new zoning districts to address the lot size and dimension characteristics of the individual neighborhoods, with an emphasis on minimum lot width due to the existing street grid. Remove existing grandfathering provisions.

- Rezone a portion of the R-40B zone on the north beach to MF-16 in order to accommodate an existing nonconforming multifamily development.

- Allow more development flexibility along the Route 35 North corridor of Ortley Beach to permit both multifamily and commercial uses by merging them into a single zone distinction (GB/MF), provided that sufficient parking can be accommodated.

- Based on the 2014 Annual Report of the Toms River Zoning Board of Adjustment, there were an inordinate number of variance applications for two-family dwellings in the Ortley Beach neighborhood on lots where single family dwellings were damaged by Sandy. A concentration of two-family dwellings exists on the east side of Route 35 southbound. It is recommended that two family dwellings be restricted to the proposed R-40E district as a conditional use with conditional use standards that incorporate storm resilience measures and appropriate parking for the higher density.

- In the Brighton/Rutherford/Brightwater neighborhood in the North Beaches section of the Barrier Island, create a new district (“Shore Multifamily” -SMF) to address the unique character of three existing modular developments.

- Create several “Barrier Island Residential” districts to address existing lot sizes and dimensions driven by the street grid unique to a particular section.
Pelican Island & Mainland Bayshore

The other waterfront residential areas in Toms River that were impacted by Superstorm Sandy were Pelican Island and the Mainland Bayshore. Most of these neighborhoods were constructed on fill dredged during the construction of lagoons after World War II and many of the homes were originally vacation homes that have increasingly become primary residences in recent decades leading up to Superstorm Sandy in October of 2012. The Pelican Island neighborhood is split between Toms River and Berkeley Townships, with the western third in Toms River and the eastern two-thirds of the island in Berkeley. The Mainland Bayshore neighborhoods are known as Gilford Park, Bay Shore, Shelter Cove, East Dover, Snug Harbor, Green Island and Silverton.

Gilford Park

This neighborhood is located between Route 37 south to the Barnegat Bay. The entire residential portion of Gilford Park is zoned R-50, which requires a minimum lot width of 50 feet and a minimum lot area of 5,000 square feet. However, the Neighborhood Analysis performed by T&M Associates as part of this Land Use Plan Update, concluded that the prevailing lot width in this neighborhood is actually 40 feet. The recommendation in the Proposed Land Use and Development Regulations is to rezone the neighborhood R-40A.

Bay Shore

This neighborhood is bordered by Gilford Park to the west, Route 37 to the north and the Barnegat Bay to the south and east. This neighborhood is also zoned R-50, but the prevailing lot width matches the zoning and no changes are recommended.

Shelter Cove

Shelter Cove is a small lagoon neighborhood on the north side of Goose Creek to the east of Fischer Boulevard and south of Bay Avenue. The neighborhood is almost entirely within the AE Flood Zone. It is currently zoned R-75 with lot widths that are generally 50 to 75 feet, with the 75 foot wide lots generally located west of Nassau Drive and the non-conforming 50 foot wide lots generally found east of Nassau Drive. It is recommended that the eastern portion be rezoned to R-50 to match the prevailing 50 foot lot widths.

East Dover

East Dover is one of the largest of the Mainland Bayshore neighborhoods and consists of several sub-neighborhoods between Fischer Boulevard and the Barnegat Bay (Silver Bay, Goose Creek), including Windsor Park and Barnegat Bay Estates. Most of the residential areas are currently zoned either R-75 or R-400C. The Neighborhood Analysis done as part of this Land Use Plan Update showed that some of Windsor Park and the small lagoon clusters along Fischer Boulevard have prevailing lot widths less than 75 feet. The portions of East Dover that have a concentrations of undersized lots are recommended to be rezoned to R-50.
**Snug Harbor**

Almost all of Snug Harbor is zoned R-75 and consists of lagoon lots with prevailing widths of 65 and 75 feet. Of the 454 total parcels in Snug Harbor, 429 are single family residential properties. A small portion of the neighborhood (three commercial lots) is zoned HB and R-400C (adjacent to Catus Island Park). The prevailing lot widths of 65 feet are concentrated in the blocks east of the lagoon on the east side of Monitor Drive, while the rest of Snug Harbor to the west has prevailing lot widths of 75 feet. It is recommended that the area with 65 foot prevailing lot widths be zone R-50 and the remainder remain zoned R-75. This would reduce the number of nonconforming and the only lots that would lend themselves to subdivision with out variances would be those few that are 10,000 square feet or greater.

**Green Island**

Green island is another lagoon neighborhood on the eastern tip of Silverton to the east of Fischer Boulevard. While Green Island is zoned R-75, the prevailing lot width is 50 feet. This led to variances for lot area, lot width and side yard setback during the reconstruction of homes in the aftermath of Sandy. It is recommended that Green Island be rezoned to R-50 to recognize the prevailing lot widths and provide for side yard setback requirements more in keeping with 50 foot wide lots.

**Silverton**

Silverton is the northern most neighborhood with lagoon neighborhoods along Fischer Boulevard. About half (eastern and southern) of the total neighborhood is in a flood hazard area and is zoned R-75. The more inland portions are out of the flood hazard area and are zoned R-90. The Fischer Boulevard corridor is zoned Highway Business (HB). Of 3,214 parcels, 3,023 are residential properties, 43 are public properties and 24 are commercial properties.

Within the eastern half of the neighborhood currently zoned R-75, the lots on lagoons to the south and east (opposite Green Island) have prevailing lot widths of 50 feet, which led to variances of lot width, area, and side yard setback for reconstructed homes after Sandy. It is recommended that these lagoon blocks be rezoned to R-50 to reflect the prevailing lot widths.

**Other Mainland Changes**

The locations are as follows along with recommendations on each proposed zone change, organized from north to south and west to east:

1. **Massachusetts Avenue at Lakewood Border:** This area consists of small lots and paper streets, most of which is under the control of one owner. Existing zoning is one acre RR and request is for R-200. This particular location has been the subject of many written comments from Lakewood residents living in Fairways at
Lake Ridge who would like to have the area preserved as open space. Based on diverse ownership and an obsolete street pattern, this area should be treated as an Area in Need of Redevelopment. With that designation, the Township would be in a position to vacate streets and acquire lots through eminent domain. A redevelopment plan would be prepared setting forth development controls in order to make the land available for development. The development controls would be subject to a public hearing and adoption by ordinance and would function in a similar manner to zoning. The R-200 could be applied to the area lying east of Massachusetts as well across from the cemetery, which now lies in the RR zone. This recommendation was made in the 2006 Master Plan but not implemented by ordinance.

**Recommended that the RR zone remain in place and a redevelopment area be investigated for designation.** Cluster option can be exercised once redevelopment plan is adopted and streets are vacated and ownership is consolidated. Another option is to add this to the adjoining Lake Ridge development in Toms River, which may be difficult due to the existing street layout and the secured access points to the gated community.

2. **NW Corner Route 70 and Massachusetts Avenue:** Property now lies in RHB along the road frontage and R-200 behind. Development of this site has consistently been object to by residents of Lake Ridge. Under the terms of the RHB zone, this site is large enough to accommodate the minimum tract size of 20 acres needed for a PUD, which allows for mixed commercial and residential development. As with many of the land use decisions to be made, this type of zoning could be altered with respect to multifamily development depending on the results of Court review of the Township’s Housing Element and Fair Share Plan.

**Increase depth of RHB in order to allow for feasible commercial development. Increase depth of RHB zone to about 600’ from 200’. Keep R-200 in the rear of the properties to remain a buffer to Lake Ridge.**

**On Route 70 change RHB to HB for smaller parcels.**

3. **Block 135, Lot 4, Route 70 East of Whitesville Road:** This tract is over 15 acres in size and is zoned O-10 Office. While not the subject of a recent rezoning request, it did surface in Housing Element discussions by an interested party since the 2006 Master Plan Update. The existing zoning is O-10. The private road known as Yale Avenue adjoins the parcel and provides access to the Saratoga multifamily development, which lies in the MF-6 multifamily zone. The portion of the site that lies closer to Route 70 is adjoined by the RHB zone. The earlier rezoning request was for multifamily development with an inclusionary component. As with other multifamily rezoning requests, this would depend to some extent on findings with respect to affordable housing.

**Recommend that the front portion of the lot be RHB (or HB) and the rear portion MF 6 and follow existing zone lines.**

4. **Route 9 Light Industrial Zone:** This location is about 37 acres in size. As with Site 1 above, this area consists of paper streets and small lots, most of which are under one ownership. The adjoining zoning to the west, north and east is RHB.
and it adjoins a mobile home park to the south. A reasonable approach to providing development opportunities at this location would be to identify it as an Area in Need of Redevelopment, allowing for comprehensive development of the site through vacating streets and consolidating ownership. This site provides potential access to both Route 9 and Route 70, and with proper improvements of North Maple Avenue is can provide access to Massachusetts Avenue as well, which should be a distinct advantage for commercial development. Specific development controls would be spelled out in an adopted Redevelopment Plan ordinance.

Best course of action is to declare a redevelopment area. Recommend HB zone use and possibly expand HB zone to existing Stop & Shop property.

5. Route 9 adjoining Nobility Crest: This approximately 10 acre site has been filed with the Planning Board as an application for mixed use development. The property owner has also expressed an interest in the past in having the Township acquire it for open space. The application to the Planning Board has progressed, but will require relief from both the minimum tract area and height.

Recommend changing PUD to a Conditional Use in RHB and changing smaller parcels fronting Route 9 to HB.

6. Church Road adjoining HB Zone, Block 192.05, Lots 47-48: These two lots adjoin the entrance to a recently approved commercial development on Hooper Avenue that also has access from Church Road. The lots lie in the RR one acre residential zone and are about 4.5 acres in size. The property is over 600 feet deep and 300 feet wide. Consideration is requested for expansion of the HB zone or some other business zone.

Change from RR to HB and extend depth of HB zone.

7. Ciba-Geigy/ BASF: At a land area of 1,200 acres, this is the largest site in single ownership in Toms River. It has a well-documented history of environmental issues, many of which have been addressed. The site has been declared an Area in Need of Redevelopment, but a redevelopment plan has not been adopted by the Township or proposed by the property owner. There is an ongoing property tax appeal.

Show as a redevelopment area and prepare a redevelopment plan.

8. Cardinal Drive, Block 508.03, Lot 4: This lot is zoned R-90 and adjoins an HB Zone. The request is to expand the HB to include this lot in order to provide a more suitable development site for a proposed commercial use, with Lot 4 used primarily to accommodate a proposed extension of Wren Place to Cardinal Drive.

Change from R 90 to HB

9. R-90 to Hospital Zone between Lakehurst Road and Route 37: There are two clusters of houses included in this request that has been filed through the offices of Harvey York, Esq. The operating premise of this request appears to be that the two neighborhoods do not have sufficient critical mass to remain viable as residential neighborhoods long-term. Based on citizen participation at work sessions on the Master Plan and on comments related to development applications in this area, it is anticipated that there will be significant opposition
from the public. This area was the subject of another request in January of 2017 to change a six acre parcel between the Smith Street and Oliver Street neighborhoods, owned by the owner of Community Hospital, from R-90 to HMS.

Leave as R-90 and let the market determine what develops. There has been a trend of available residential lots and homes in the R-90 being purchased by owners of medical uses (see Figure 2 below) and the Zoning Board recently denied a Use Variance application of the Health South Rehabilitation Hospital to expand a parking area and building a 20,000 square foot office building in the R-90 Zone on Oliver Street. It is estimated that around 30 residential homes remain in each of the two R-90 neighborhoods, which is substantial enough to maintain the current zone plan.

Figure 2: The map above shows the 6 acre parcel in green that was proposed to be rezoned from R-90 to HMS and the potential impact that the introduction of medical uses would have on the existing neighborhoods zoned R-90 shown in yellow.

10. **Main Street VO Zone**: The request is from TR BID to permit restaurants in the VO Zone, with the understanding that some accommodation would have to be made for parking. This section of the Township has been identified as an historic corridor by the Historic Preservation Commission, but it has not been memorialized in the Master Plan in accordance with historic preservation procedures identified in the Municipal Land Use Law and other governing statutes.

Parking is always a concern in the downtown area but it is recommended that agreed that items 10, 11 and 12 should be reflected in the Master Plan.
to encourage future development in the downtown consistent with these recommendations, including allowing mid-rise residential and mixed-use buildings at a maximum of 10 stories.

11. Permit mid-rise residential buildings downtown, including in the VO Zone on Hooper: This is more of a general request to increase housing in the downtown area as a means of providing convenient access to employment opportunities and to strengthen the commercial aspect of downtown. The specific request is for six to eight story buildings on sites that are at least one-half acre in size.

12. Adopt a Redevelopment Plan for the Water Street Redevelopment Area: This proposal has been under consideration since before the last comprehensive Master Plan update in 2006. There has been a declaration that the area is an Area in Need of Redevelopment, and there has been a proposed redevelopment plan prepared at the request of TR BID, but to date the plan has not been adopted. There are a number of complicating factors that are part of the planning process, including the ongoing coal tar cleanup, flood elevations, traffic flows, communication towers and others.

13. Hooper Avenue O-15 inclusion of commercial options: Request is to expand commercial options in this zone, which now permits full-service restaurants. Specific mention was made of retail as a permitted use.

**No change recommended.**

14. Hooper Avenue O-10 to RC: This is a request not only for a map change but for a change in the minimum floor area for a business. This parcel immediately adjoins a shopping center and is about 2.6 acres in size.

**Recommended changing from O-10 to RC and also change some adjacent lots to RC. Other lots in the immediate vicinity should be examined to potentially include in RC zone from O-10.**

15. South of Caudina and South of Seacourt Pavilion: This is another area with paper streets and small lots that are mostly owned by one entity. The paper street system includes two zoning districts – O-15 and R-120. In order for this area to effectively develop it would be appropriate to treat it as a redevelopment area so lot consolidation could occur and the obsolete street system changed. As part of the preparation of a redevelopment plan, proper consideration could be given to compatibility with nearby uses, including a fire house and bank, and zoning for both multifamily and single family homes.

**Recommend a redevelopment area.**

16. O-10 on Oak Avenue adjoining Penny Layne condos: This parcel was the subject of a separate request to rezone the property to O-15. While there is no pending request for rezoning to any particular zoning district, it is included because of its recent history before both the Planning Board and Township Council.

Undeveloped and currently located in the O-10 zone. It is recommended that the best way to encourage the appropriate development would be to change zone to RC if it would support the Ocean County Mall. However, an alternative that would permit multi-family would increase the residential
population and help support the nearby retail centers, including the Ocean County Mall.

17. **Route 37 Redevelopment Area east of Fischer Blvd.:** This was declared a Redevelopment Area in 2003 by action of both the Planning Board and governing body. There has been no action taken to adopt a redevelopment plan by ordinance, although a recent graduate student exercise by the Bloustein School produced a series of recommendations for the area.

The Sustainability and Resiliency Master Plan Update recommends that a redevelopment plan with appropriate land use standards and bulk standards for mixed-use, compact development be pursued for this area, known as Coates Pointe.

18. **Route 35 NB in Ortley Beach:** A recommendation under consideration for this corridor is to allow more development flexibility for both multifamily and commercial uses, perhaps utilizing a single zoning district incorporating a more effective way of accommodating both uses. As with many aspects of development on the barrier island, parking availability is an important consideration for any intensification of development.

This recommendation was incorporated into the Neighborhood Analysis and proposed zoning amendments for Ortley Beach summarized for the Barrier Island above.

19. **Ortley Beach Two Family development:** Discuss an earlier recommendation to only permit two family dwellings as a conditional use, and limiting it to areas lying east of Route 35 NB, and on larger lots. Relief from conditional use standards requires a higher form of proof before the Board of Adjustment as well as a minimum of five affirmative votes for approval. The details of appropriate conditions can be identified at the ordinance stage.

This recommendation was incorporated into the Neighborhood Analysis and proposed zoning amendments for Ortley Beach summarized for the Barrier Island above.

20. **Fischer Boulevard & Bay Avenue:** This is a request for a rezoning of lots located in the Highway Business Zone to permit a small multi-family development.

This change is not recommended by the committee. The lots in question are lacking in depth and back up to single family residential uses. The lack of depth will make multi-family development difficult, given the degree of traffic on Fischer Boulevard.

21. **Conform Residential Zoning Districts to the Pattern of Existing Development:** This goal was identified in the 2006 Master Plan. It would be appropriate to make every effort to implement this as part of the update of both the Development Regulations and the Master Plan rather than relying so heavily in the ordinance on grandfather clauses. The areas most in need of attention are the barrier island, and the R-50, R-75 and R-90 zoning districts.

This recommendation was incorporated into the Neighborhood Analysis and proposed zoning amendments for the Mainland Bayshore neighborhoods summarized above.
22. Affordable Housing: Until more progress is made through the Court system on affordable housing allocations and/or settlement for the current allocation period, it is unknown whether the existing zoning pattern will require any changes. Coordination of the Housing Element and the Land Use Element of the Master Plan will be required when this information is known.

The final Court Settlement required two small Affordable Housing (AH) districts to accommodate an inclusionary project on Route 9 and another on Route 37.

23. PUD Standards in Rural Highway Business Zone: There are at least two requests for reconsideration of the PUD standards for mixed use development, one from a property owner on Route 9 and the other on Route 37. The requests are similar in that they want a lower requirement for commercial and a higher allowance for residential, both in terms of land area and density. A similar approach to the development recently denied, challenged in court, and then settled at Route 9 and Whitty Road.

See Item 22 above. These changes were required to resolve the Settlement Agreement with the Fair Share Housing Center as part of the court proceedings on affordable housing. However, the recommendation to consider making PUD conditionally permitted in the RHB has been advanced to a draft ordinance amendment.

24. Brew Pubs and Micro Breweries: While this is more of a zoning issue than a Master Plan issue, it was nevertheless raised as a new type of use that may warrant inclusion in some locations in the Township in addition to the Industrial and Light Industrial zones.

Positive responses but changes more appropriate for the LDO not the Master Plan. However, it is recommended that brew pubs be defined and permitted in districts where restaurants and taverns are also permitted. Micro-breweries are more appropriate for HB and LI zones, but “nano” breweries (very limited brewing capacity and with far smaller space requirements than a conventional micro-brewery) were considered appropriate for smaller buildings in the downtown and elsewhere.

The map on the following page corresponds to items #1 through #20 above.
Other Land Use Recommendations

Route 9 Corridor

With the recent conclusion of the Route 9 Corridor Study by the NJTPA it has become evident that there is little chance of improvements to Route 9 over the foreseeable future. At the same time, there has been a spike in construction activity in the northern section of the corridor between Whitesville Road to the south and the Lakewood border to the north with the construction of several Planned Unit Developments, with several others in various stages of the approval process. The Corridor Study recommended improvements to the County road system to take some of that new traffic and the County launched a study in 2017 of the intersections of its roads with Route 9. However, it is recommended that the current RHB zoning of southern half of the Corridor, south of Cox Cro Road, be reviewed and rezoned, where appropriate, to LI. HB zoning or retention of RHB zoning would be limited to signalized intersections or properties with multiple access points were retail uses would be more appropriate, or where RHB zoning is necessary to prevent existing uses from becoming nonconforming or where applications have been approved or are under review by the Planning Board for uses only permitted in the RHB Zone.

Many of the properties along this stretch of Route 9 are far deeper than they are wide and many are already improved with uses permitted in the LI zone, such as self-storage, contractor’s units (Ocean Business Park) and the like.
**Hooper Avenue**

Hooper Avenue runs north and south through the center of the Township. It is largely developed with commercial uses under 0-10, 0-15 and HB zoning. However, the greatest concentration of commercial development in the Township is found in the RC, Regional Commercial zone in the vicinity of Bay Avenue. This is the home of the Ocean County Mall and a number of other commercial centers whose vitality is directly linked to the draw provided by the regional mall.

In the decade since the 2006 Master Plan, the Hooper Avenue corridor has experienced economic challenges that have led to a decline in property value at the Ocean County Mall property, which had been the anchor of the corridor with a regional draw. Over time the strength of the retail market, competition from other retail locations and the emergence of internet commerce has hurt the mall economically, as well as several of the linear shopping centers along Hooper that had benefited from their proximity to the mall, such as Seacourt Pavilion and the Target-Lowes shopping centers.

Simultaneously, the office market in Ocean County, as in New Jersey as a whole, has suffered through an extended period of excess supply and increasing vacancies, which prompted rezoning requests for both the Office-10 (O-10) at the north end of the Mall at Oak street, as well as the Office-15 (O-15) Zone to the south of Seacourt Pavilion. In the case of the O-10 area the proposal was for rezoning to permit a hotel, while the request for the O-15 was for more retail uses. The O-15 Zone was amended to allow freestanding restaurants to locate in an Office Park, but allowing any other retail uses was rejected out of concern for adversely affecting the Mall.

Given the above, this Land Use Element recommends that the Hooper Avenue corridor from Oak Street south to include the O-15 Zone be evaluated as a whole with the goal of proactively working with key property owners to develop a combination of land uses, including the possibility of higher density residential and/or mixed use buildings in appropriate locations, that would serve to revitalize both the mall property and the O-15 and O-10 Office Park Zones. The area between the O-15 and Seacourt Pavilion is largely vacant land and has been identified as a potential redevelopment area due to the property assemblage challenges presented by numerous subscription lots and paper streets. If the area is designated as a redevelopment area, the associated redevelopment plan may be an opportunity to provide connectivity between the Seacourt Pavilion and adjacent higher density residential development (rezoned from Regional Commercial to Multifamily – 8 du/acre) on one side and the O-15 Zone on the other.
Figure 3: Google Earth graphic marked to illustrate proximity of the office, residential and retail development with the potential redevelopment area in the center.