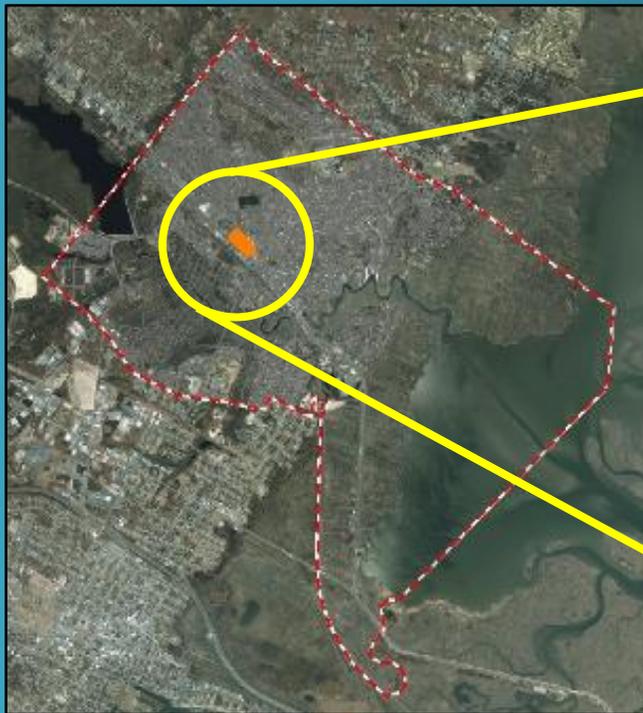


REDEVELOPMENT PLAN

BLOCK 203 REDEVELOPMENT AREA

City of Absecon, Atlantic County, New Jersey



Prepared by:



Submitted: August 16, 2017

Revised via Planning Board Recommendations

Prepared for:

Absecon
Planning
Board





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BLOCK 203 REDEVELOPMENT AREA
City of Absecon, Atlantic County, New Jersey

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The original of this document has been signed
and sealed pursuant to N.J.S.A. 45:14A-12.

Respectfully Submitted:
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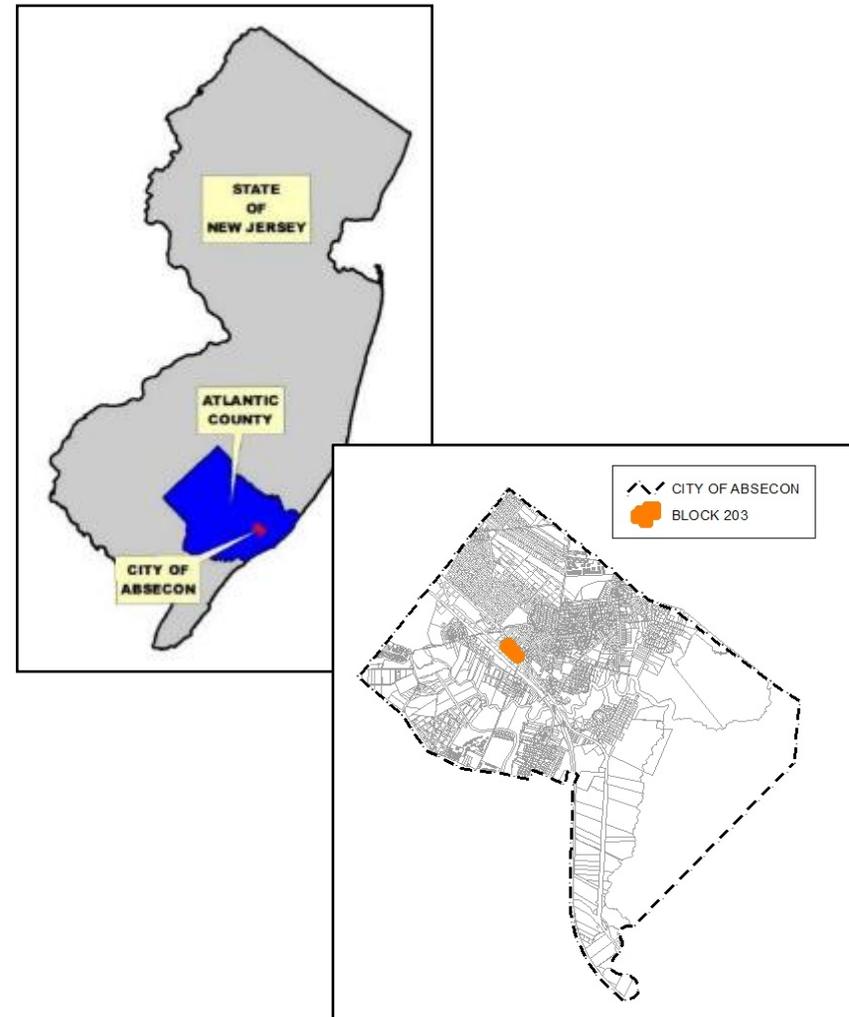


1.0 INTRODUCTION

1.1 Background

1.1.1 There exists in the City of Absecon, Atlantic County, New Jersey ("City"), a 2-lot, (approximately) 8.1-acre area of land generally bound by the White Horse Pike (U.S. Route 30) to the south, New Road (U.S. Route 9) to the east, New Jersey Avenue (CR 601) to the north and Michigan Avenue to the west; designated as Block 203, Lots 1.01 and 1.02 on the official tax maps of the City of Absecon¹.

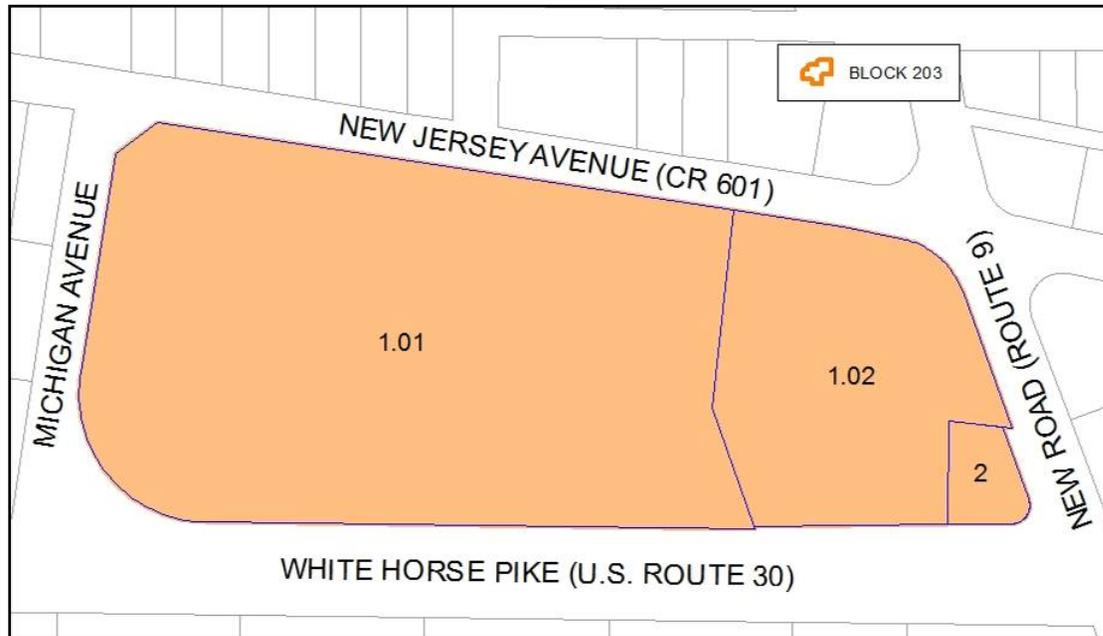
Lots 1.01 and 1.02 have exhibited for some time, and continue to exhibit, conditions of unproductive and unutilized vacant land, substandard and obsolescent public service facilities and other physical components and supports of community life, and a lack of proper development, which result from forces which are amenable to correction and amelioration by the concerted effort of responsible public bodies, and without this public effort are not likely to be corrected or ameliorated by private effort alone.



¹ A third lot on Block 203 (Lot 2) is owned by the New Jersey Department of Transportation. As a State-Owned property, Lot 2 is not subject to the City's Redevelopment powers.



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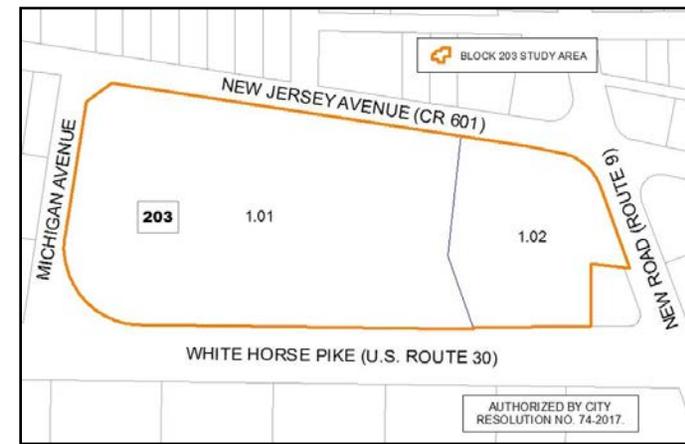
In 1992, the New Jersey Legislature empowered municipalities to address conditions as described by adopting the *Local Redevelopment & Housing Law*², the purpose of which is to provide municipalities with the tools and powers necessary to arrest and reverse conditions as exist in Block 203, and to promote the advancement of community interests through programs of redevelopment and incentives for the expansion and improvement of commercial, industrial, residential and civic facilities.

Utilizing a comprehensive set of planning tools and techniques available *only* under the *Redevelopment Law*, municipalities may modify land use and zoning controls, acquire property deemed necessary to effectuate redevelopment, clear said lands, install infrastructure and/or other site improvements, provide favorable tax and other financial incentives for redevelopment, and solicit for and negotiate / enter into partnerships with public and private entities in order to accomplish defined municipal goals and objectives.

1.2 Redevelopment Process

1.2.1 The first step in the Redevelopment process is for a municipal Governing Body to direct the municipal Planning Board to undertake what the *Redevelopment Law* terms a "Preliminary Investigation" to determine if a targeted area ("Study Area") meets the statutory criteria under which it may be declared to be In Need of Redevelopment pursuant to sections 5 and 6 of the *Redevelopment Law*.

A. On March 2, 2017, the Absecon City Council adopted City Resolution No. 74-2017³; thereby designating the Block 203, Lots 1.01 and 1.02 as the Study Area to be investigated...



² N.J.S.A. 40A:12A-1 et seq. ("*Redevelopment Law*")

³ On file with the City Clerk.



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...and authorizing and directing the Absecon Planning Board to:

...conduct an investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether the Study Area satisfies the criteria set forth in N.J.S.A. 40A:12A-5 to be designated as an area in need of redevelopment under the Redevelopment Law.

...prepare a map showing the boundaries of the Study Area and the location of the parcels contained therein, and [append] thereto... a statement setting forth the basis of the investigation.

*...conduct a public hearing in accordance with N.J.S.A. 40A:12A-6, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall **not** authorize the City or City Council to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a possible Non-Condemnation Redevelopment Area. [emphasis added]*

At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

...make a recommendation to the City Council as to whether the City Council should designate all or some of the Study Area as an area in need of redevelopment.

- B. On March 22, 2017, the Absecon Planning Board adopted Resolution No. 2-2017⁴, thereby assigning Remington, Vernick & Walberg Engineers (“RVW”), Licensed Professional Planners in the State of New Jersey and the City’s municipal Engineer and Planner, to undertake such investigations and to submit its findings and recommendations to the Board in the form of a Report of Findings, which was to include all requisite supportive documentation and be fully consistent with the directive of the City Council.

⁴ On file with the Planning Board Secretary and/or the City Clerk.



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- D. In satisfaction of N.J.S.A. 40A:12A-6b (1), Planning Board Resolution No. 2-2017 directed that such Resolution and the map attached thereto be immediately posted with the City Clerk as the statutorily-mandated Statement setting forth the Basis for the Preliminary Investigation.
- E. Consistent with N.J.S.A. 40A:12A-6, Planning Board Resolution No. 2-2017 acknowledged that the directive of City Council, and therefore the actions of the Planning Board, were in support of a "Non-Condemnation Redevelopment Area" designation, which designation authorizes the City to use all those powers provided by the Legislature for use in a Redevelopment Area, **except** the use of eminent domain.
- F. RVW conducted its investigation and submitted its findings and recommendations in the form of a document entitled *Report of Findings, Non-Condemnation Preliminary (Redevelopment) Investigation: Block 203 Study Area. City of Absecon, Atlantic County, New Jersey* (labeled Submitted: March 31, 2017) ("Report of Findings").

- G. Pursuant to N.J.S.A. 40A:12A-6b (2) and (3), the Planning Board scheduled a public hearing on this matter for April 26, 2017 and published and mailed notice of the hearing to the owners of each parcel within the Study Area, stating:

PLEASE TAKE NOTICE that the Planning Board of the City of Absecon will hold a public hearing on Wednesday, April 26 at 7:00 p.m. at the Municipal Complex, 500 Mill Road, Absecon, New Jersey 08201 to investigate and determine whether the area hereinafter described meets the criteria for an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5 and should be designated as such an area.

Said area, consisting of the properties designated as Block 203, Lots 1.01 and 1.02 on the City's tax map. The properties collectively encompass approximately 8.6 acres. The properties are located proximately south of New Jersey Avenue, north of White Horse Pike and east of New Road in the City of Absecon.

PLEASE TAKE FURTHER NOTICE that you are privileged to be present at said public hearing to present any and all objections or support you may have and any other general comments relative to the Planning Board's investigation as to whether such area should be designated an area in need of redevelopment. The resolution of the City Council authorizing and directing the Planning Board to undertake this



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investigation and a map depicting the boundaries of the proposed redevelopment area are on file with the City Clerk and the Planning Board at the Municipal Complex, 500 Mill Road, Absecon, New Jersey, 08201 and all are available for inspection during normal business hours.

*PLEASE TAKE FURTHER NOTICE, after the review by the Planning Board at the hearing described herein, a finding by the City Council that the above-described area, or a portion thereof, constitutes an area in need of redevelopment shall operate as a finding of public purpose and shall **not** authorize the municipality to exercise the power of eminent domain to acquire any property in the delineated area.*

- H. Pursuant to N.J.S.A. 40A:12A-6, notice of such Planning Board hearing was published in the Atlantic City Press, the City's newspaper of record, on April 7, 2017 and April 14, 2017.
- I. The Planning Board, on April 26, 2017, held its (duly-noticed) public hearing on this matter, at which time it heard a presentation of the Report of Findings by RVW's Planner and solicited for and heard comments from members of the public in attendance who elected to speak.

At the end of the public hearing, the Planning Board, after careful consideration of the Report of Findings, the testimony of RVW's Planner and comments from the members of the public in attendance who elected to speak, and after due and careful deliberation, adopted Planning Board Resolution No. 3-2017⁵; thereby finding and determining, in pertinent part, that the Block 203 Study Area exhibits conditions which conform with, variously, Criterion 'a', 'c', 'd', 'e' and 'h' of the *Redevelopment Law*.

Such Resolution further included the Planning Board's recommendation that the Absecon City Council designate the Block 203 Study Area as a Non-Condemnation Area In Need of Redevelopment.

- J. City Council thereafter received Planning Board Resolution No. 3-2017 and recommendations of the Planning Board, along with the Report of Findings and, after careful consideration of the analyses, findings and recommendations of the Planning Board, and after due and careful deliberation, adopted, on May 4, 2017,

⁵ On file with the Planning Board Secretary



Resolution No. 101-2017⁶; thereby declaring the Block 203 Study Area to be a Non-Condemnation Area In Need of Redevelopment and designating it the "Block 203 Redevelopment Area" ("Redevelopment Area").

Resolution No. 101-2017 further directed RVW to prepare a Redevelopment Plan for the Redevelopment Area.

1.2.2 Resolution No. 101-2017 was thereafter transmitted to the Commissioner of the New Jersey Department of Community Affairs.

As detailed in the Report of Findings, the Redevelopment Area is located in a (town) "Center" and a PA~1 (Metropolitan) Planning Area ~ **areas in which (re)development is to be encouraged pursuant to State law or regulation.**

Accordingly, pursuant to N.J.S.A. 40A:12A-6b(5), the determination that the Block 203 Study Area is a Non-Condemnation Area In Need of Redevelopment took effect upon such transmission.

1.3 Authorization & Purpose

1.3.1 Having declared the Block 203 Study Area to be In Need of Redevelopment under the *Redevelopment Law*, and acknowledging that the conditions which caused the City to make such a declaration are amenable to correction and amelioration by the concerted effort of responsible public bodies ~ and are not likely to be corrected or ameliorated solely by private effort ~ the purpose of this Redevelopment Plan is to provide a mechanism for the orderly (re)planning and (re)development of the Redevelopment Area, consistent with the Municipal Goals & Objectives established herein.

1.3.2 This Redevelopment Plan satisfies all statutory requirements under the *Local Redevelopment & Housing Law* and, upon adoption by City Council, shall constitute the legal prerequisite for the Redevelopment Actions outlined herein.

1.3.3 The *Redevelopment Law* permits a municipality to pursue Redevelopment activities **ONLY** within a designated Redevelopment Area. Accordingly, with the exception of

⁶ On file with the City Clerk.



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Right-of-Way or infrastructure improvements, the City is not in a position to undertake any Redevelopment action outside of the Redevelopment Area without first conducting the public process described in §1.2 herein.



2.0 DEFINITIONS

For the purposes of this Redevelopment Plan, and in addition to any terms defined within the body of this document, the following terms shall have the meaning as set forth in this section.

Terms not defined herein shall have the meaning set forth in Chapter 224 (Land Use & Development) of the City Code of the City of Absecon. Terms presented as singular or plural, masculine or feminine, shall be construed within the context in which they occur.

- 2.1 "Absecon" shall mean the City of Absecon, a body corporate and politic, and unless otherwise indicated, includes its elected officials, officers and staff.⁷
- 2.2 "Ancillary Use", "Ancillary Building" or "Ancillary Structure" shall mean an Accessory Use, Building or Structure as defined in the Absecon Development Ordinance, except that such Use, Building or Structure need not be on the same lot as the Principal Use or Building it supports.

A building containing living space shall never be considered an Ancillary Use, Building or Structure.

- 2.3 "Auction Market" shall mean a market in which buyers enter competitive bids, and sellers enter competitive offers at the same time. The price at which a stock is traded represents the highest price that a buyer is willing to pay and the lowest price that a seller is willing to sell.
- 2.4 "Block 203 Redevelopment Area" shall mean that section of the City of Absecon bound (generally) by the White Horse Pike (U.S. Route 30) to the south, New Road (U.S. Route 9) to the east, New Jersey Avenue (CR 601) to the north and Michigan Avenue to the west, as more particularly described in §3.0 herein; such area having been designated as a Non-Condensation Area In Need of Redevelopment pursuant to N.J.S.A. 40A:12A-1 et seq. via City Resolution No. 101-2017.

⁷ Within the context of the various sections of this Redevelopment Plan, the terms "Absecon" and "City" shall mean the Absecon City Council, acting in its capacity as Redevelopment Entity for the Block 203 Redevelopment Area.



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- 2.5 “Blank Wall” shall mean an undifferentiated exterior building wall with few or no openings, generally constructed of a single material and uniform texture, and constructed on a single plane.
- 2.6 “Building Coverage” shall mean the area of a lot upon which the Principal Structure and any Ancillary Structure requiring a foundation is situated.
- 2.7 “Building Envelope” shall mean the area of a Lot within which a building may be sited. The building need not fill the Building Envelope, and, unless otherwise indicated, may be placed anywhere within the Building Envelope.
- 2.8 “Building Height” shall mean the vertical distance measured from average grade at the corners of each building, to the highest point of the roof for flat roofs, the mean height level of the distance measured between the eaves and the ridge for gable, gambrel and hipped (sloped) roofs and to the declivity for mansard roofs.
- 2.9 “Building Scale” shall mean the relationship between the mass of a Building and its surroundings, including the width of street, open space and mass of surrounding buildings.
- 2.10 “Cash for Gold Store” shall mean an establishment whose business includes buying and selling precious stones, gold, silver, platinum or other precious metals, jewelry, coins, or similar goods and licensed by the State of New Jersey Office of Weights and Measures.
- 2.11 “CAFRA” shall mean the body of regulations promulgated by the New Jersey Department of Environmental Protection under the *Coastal Area Facilities Review Act*.⁸
- 2.12 “City” shall have the same meaning as Absecon.⁹
- 2.13 “City Clerk” shall mean the municipal Clerk for Absecon City, who is the statutorily-mandated custodian for the City’s records.
- 2.14 “City Council” shall mean the Governing Body of the City of Absecon.⁹

⁸ N.J.S.A. 13:19-1 et seq.

⁹ Within the context of the various sections of this Redevelopment Plan, the terms “Absecon” and “City” shall mean the Absecon City Council, acting in its capacity as Redevelopment Entity for the Block 203 Redevelopment Area.



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2.15 “Clinic” shall mean a facility for examining and treating Persons with medical problems on an outpatient basis, including ambulatory care, urgent care or similar medical services that generally require a stay of less than twenty-four hours.

A clinic shall not be considered a treatment facility for narcotic / psychiatric / alcohol rehabilitation.

2.16 “Coastal Zone Management Rules (“CZM”) shall mean the rules promulgated by NJDEP¹⁰ which govern development in New Jersey’s Coastal Zone pursuant to CAFRA.

2.17 “Context” shall mean the character of the buildings, streetscape and neighborhood which surround a given building or site.

2.18 “Craft Breweries and Distilleries” shall mean an establishment that brews ales, beers, meads and/or similar beverages on the premises, which conducts the retail sale of beer (malt beverages with alcohol content as defined by federal law). Such establishments may also include restaurants as an accessory use.

2.19 “Development Ordinance” shall mean Chapter 224 of the Absecon City Code, otherwise known as the Land Use and Development Ordinance of the City of Absecon, as may be amended from time-to-time.

2.20 “Elevation” shall mean an exterior facade of a structure, or its head-on view, or representation thereof drawn with no vanishing point.

2.21 “Envelope” shall have the same meaning as “Building Envelope”.

2.22 “Gable” shall mean the part of the end wall of a building between the eaves and a pitched or gambrel roof.

2.23 “Impervious Coverage” shall mean that area of a Lot upon which all structures and materials that are highly resistant to water infiltration, inclusive of permitted setback encroachments, are located.

2.24 “Independent Component of a Project”: see “Redevelopment Project”.

¹⁰ N.J.A.C. 7:7E.



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- 2.25 “Linkage” shall mean a means of access ~ typically, but not exclusively, a pathway, arcade, bridge, Lane or other similar element ~ linking areas or Lots which are either distinct or separated by a Right-of-Way, drainageway or other man made or natural feature.
- 2.26 “*Local Redevelopment & Housing Law*” shall mean the New Jersey *Local Redevelopment & Housing Law*.¹¹
- 2.27 “Masonry” shall mean a wall or building material, such as brick or stone, which is laid up in small units.
- 2.28 “Massing” shall mean the three-dimensional bulk of a structure (i.e., its height, width and depth).
- 2.29 “*Municipal Land Use Law*” shall mean the New Jersey *Municipal Land Use Law*.¹²
- 2.30 “New Jersey Avenue” shall mean Atlantic County Route (CR) 601.
- 2.31 “New Road” shall mean U.S. Route 9.
- 2.32 “NJDCA” shall mean the New Jersey Department of Community Affairs.¹³
- 2.33 “NJDEP” shall mean the New Jersey Department of Environmental Protection.¹³
- 2.34 “NJDOT” shall mean the New Jersey Department of Transportation.¹³
- 2.35 “Office of Planning Advocacy” (“OPA”) shall mean the successor to the New Jersey Office of Smart Growth and the Office of State Planning; operating out of the office of the Secretary of State under the Lieutenant Governor. As part of its Business Action Center, the OPA is charged with helping to spur economic growth in New Jersey.
- 2.36 “Open Space” shall mean a general plot or portion of land, designed and intended for the use and enjoyment of the users of the Redevelopment Area and, if designated, the general public, but shall not include Setback areas designated under §7.2.3 herein.

¹¹ N.J.S.A. 40A:12A-1 et seq.

¹² N.J.S.A. 40:55D-1 et seq.

¹³ Including all divisions and agencies thereof.



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- 2.37 “Pawn Shop” shall mean an establishment whose business includes selling, buying or receiving any tangible personal property, or equipment previously owned, such as antiques, precious stones, gold, silver, platinum or other precious metals, jewelry, coins, any tools, television sets, radios, record or stereo sets, electronic devices, musical instruments, sporting goods, automotive equipment, collectibles, and other electronically recorded material, firearms, cameras and camera equipment, video equipment, bric-a-brac, luxury clothing, furs, purses, watches, desktops, laptops, tablets, computers, portable GPS units, cell phones, gaming systems and video game consoles, or similar goods, and is licensed by State of New Jersey, Department of Banking and Insurance, Licensing Services Bureau ~ Banking to loan money on the collateral of Secondhand Goods.
- 2.38 “P.I.L.O.T.” shall mean a program of Payment-In-Lieu-of-Taxes as permitted under applicable law.
- 2.39 “Planning Board” shall mean the Planning Board of the City of Absecon, established pursuant to section 23 of the *Municipal Land Use Law* and operating pursuant to the various regulations of the Development Ordinance and other relevant statutes, including the *Local Redevelopment & Housing Law*.
- 2.40 “Preliminary Investigation” shall mean the process by which the [then] Block 203 Study Area was designated In Need of Redevelopment under the *Local Redevelopment & Housing Law* as detailed in §1.2 herein, and shall include, by extension, the Report of Findings referenced in therein.
- 2.41 “Project” shall have the same meaning as “Redevelopment Project”.
- 2.42 “Project Concept(s)” shall mean the preliminary depiction of a proposed Redevelopment Project, or individual Phase or Subphase thereof, and shall include, at a minimum, a conceptual site plan, color renderings of all building elevations, floor plans, relevant budgetary information and associated narrative description of Project Elements sufficient to provide the City with an understanding of the proposed Project, or Phase or Subphase thereof.
- 2.43 “Project Elements” shall mean any component of a Redevelopment Project.



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- 2.44 "Project Plan(s)" shall mean a detailed depiction of the Redeveloper's proposed Project, or individual Phase or Subphase thereof, and shall include all submission requirements for making application to the Planning Board pursuant to the City's existing Subdivision and Site Plan application procedures and this Redevelopment Plan.
- 2.45 "Public Sidewalk" or "Sidewalk" shall mean a paved path provided for pedestrian use and usually, but not exclusively, located at the side of a road within a Right-of-Way, and which is open to the Public as defined herein.
- 2.46 "Publication" shall mean the date printed on the cover of this Redevelopment Plan, which shall signify the date this Redevelopment Plan was finalized for printing.
- 2.47 "Redeveloper" shall mean a corporation, partnership or other entity or entities designated by the City as Redeveloper pursuant to N.J.S.A. 40A:12A-1 et seq., and having entered into a Redevelopment Agreement for the purposes of advancing this Redevelopment Plan.

Nothing herein shall prohibit the City from acting as Redeveloper if and when appropriate or convenient.

- 2.48 "Redevelopment Agreement" shall mean a contract made by and between a designated Redeveloper and the City¹⁴, which shall detail the specific rights, responsibilities and obligations of each party related to the development of a Redevelopment Project under this Redevelopment Plan.

Subject to the provisions of a Redevelopment Agreement, nothing in this Redevelopment Plan shall be construed to prohibit a Redevelopment Project from being developed as multiple buildings constructed in phases over time, and nothing herein shall limit an entity from being designated Redeveloper for more than one (or all) Lots within the Redevelopment Area.

- 2.49 "Redevelopment Area" shall have the same meaning as the "Block 203 Redevelopment Area".
- 2.50 "Redevelopment Entity" shall mean the City of Absecon, acting as the implementing agent for this Redevelopment

¹⁴ Within the context of the various sections of this Redevelopment Plan, the terms "Absecon" and "City" shall mean the Absecon City Council, acting in its capacity as Redevelopment Entity for the Block 203 Redevelopment Area.



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Plan in accordance with and under the provisions of N.J.S.A. 40A:12A-1 et seq.

- 2.51 “*Redevelopment Law*” shall have the same meaning as *Local Redevelopment & Housing Law*.
- 2.52 “Redevelopment Plan” shall mean this instant document entitled *Redevelopment Plan for the Block 203 Redevelopment Area, City of Absecon, Atlantic County, New Jersey*, prepared by Remington, Vernick & Walberg Engineers (date indicated on cover).

Upon adoption by City Council, this Redevelopment Plan shall satisfy all statutory requirements of the *Local Redevelopment & Housing Law* and shall constitute a Redevelopment Plan under N.J.S.A. 40A:12A-3 and 12A-7.

- 2.53 “Redevelopment Project” shall mean the construction of buildings and/or other improvements in the Redevelopment Area by the designated Redeveloper in accordance with this Redevelopment Plan and an executed Redevelopment Agreement.

Subject to the provisions of a Redevelopment Agreement, nothing in this Redevelopment Plan shall be construed to prohibit or in any way limit a Redevelopment Project from being developed in Phases or Subphases over time. Accordingly, the term “Redevelopment Project” shall be construed to include any Phase(s) or Subphase(s) thereof.

- 2.54 “Regionally-Oriented Retail & Service Activities” shall mean uses designed to provide the needs of the citizens of Absecon and communities surrounding Absecon, and include, without limitation: grocery stores / supermarkets / specialty food stores; pharmacies with or without drive-through facilities¹⁵; convenience stores with or without fuel dispensing facilities; banks and financial institutions, with or without drive-through facilities but excluding Check Cashing businesses;¹⁵ non-“big box” retail stores; personal service uses such as, but not limited to, day-spas, barber, beauty and nail salons and fitness centers; retail dry cleaners (provided that no actual cleaning is done on the premises); and like and similar activities.

¹⁵ The permissibility of drive-through facilities shall be subject to NJDOT, the State Agency with jurisdiction over the White Horse Pike and New Road, and Atlantic County, who has jurisdiction over New Jersey Avenue.



Regionally-Oriented Retail & Service Activities explicitly exclude: uses requiring outdoor “yard” storage¹⁶; motor vehicle sales or service operations; Sexually Oriented Businesses as defined in New Jersey Revised Statutes 2C:33-12.2; auction markets; Pawn Shops as regulated by the New Jersey Department of Banking and Insurance, Licensing Services Bureau ~ Banking; Cash for Gold Stores regulated by the New Jersey Office of Weights and Measures; and Secondhand Goods Shop.

2.55 “Relevant Permitting Agencies” shall mean any combination of Federal, State and/or County agencies having jurisdiction over the Redevelopment Area or Redevelopment Project.

2.56 “Retail”: Merriam-Webster’s on line dictionary ¹⁷ defines “Retail” as:

n. the business of selling things directly to customers for their own use.

v. to sell in small quantities directly to the ultimate consumer.

Further, Webster’s defines “Service” as:

n. useful labor that does not produce a tangible commodity

Accordingly, use of the term “Retail” shall to refer to any number of uses whereby individuals are able to purchase goods and services directly from establishments in a “cash-and-carry” manner. See Regionally-Oriented Retail and Service Activities.

2.57 “Review & Approval” shall mean the review and approval by the Planning Board of an application for Site Plan Approval, Subdivision Approval and/or Redevelopment Plan Conformance as may be required to effectuate a Redevelopment Project.

2.58 “Right-of-Way” or “ROW” shall mean privately- or publicly-owned lands, including all air and subsurface rights, used or intended to be used for the construction of vehicular and/or pedestrian travelways (cartways), public infrastructure and pedestrian amenities, and

¹⁶ Although display of goods outside an otherwise enclosed building is permitted if such display is interpreted by the City (acting in its capacity as Redevelopment Entity for this Redevelopment Plan) or the Zoning Officer (as permitted under §2.65 herein).as a “sidewalk” sale-type of use.

¹⁷ www.merriam-webster.com/dictionary (“Webster’s”)



shall be construed to include all lands and improvements between the property lines of opposing Blocks and/or Lots.

2.59 “Secondhand Goods” shall mean new or used items not owned by the original manufacturer, retailer or wholesaler.

2.60 “Secondhand Goods Shop” shall mean an establishment whose business includes selling, buying or receiving any tangible personal property, or equipment previously owned, such as antiques, precious stones, gold, silver, platinum or other precious metals, jewelry, coins, any tools, television sets, radios, record or stereo sets, electronic devices, musical instruments, sporting goods, automotive equipment, collectibles, and other electronically recorded material, firearms, cameras and camera equipment, video equipment, bric-a-brac, luxury clothing, furs, purses, watches, desktops, laptops, tablets, computers, portable GPS units, cell phones, gaming systems and video game consoles, or similar goods.

2.61 “Setback” shall mean clear, unoccupied and unobstructed space (unless otherwise specified)

measured at right angles between a Lot line or Right-of-Way line (which may or may not coincide with a lot line) and a Building Envelope; and extending from grade to sky, except for the following permitted encroachments (***provided that such encroachments do not inhibit the free flow of pedestrian or vehicular traffic***):

- Awnings*, canopies* & porte-cocheres*;
- ornamental architectural features*;
- flag / banner poles;
- pedestrian walkways, breezeways & atria;
- tables for alfresco dining*;
- bicycle racks*, benches*, trash receptacles* & other street furniture*;
- parking areas & access drives thereto;
- signage & lighting;
- fences & landscaping*; and/or
- like and similar features.

Such permitted encroachments shall apply to at-grade setbacks as well as any building envelope regulations associated with Maximum Building Height.

Setbacks shall be construed as minimum distances. Greater setbacks are permitted, provided that the specific



distances and design relate to the architecture of the subject building elevation, and further provided that the setback area is heavily treated with a combination of elements designated by asterisk (*).

- 2.62 “Sexually Oriented Businesses” shall mean uses as defined in New Jersey Revised Statutes 2C:33-12.2.
- 2.63 “Shared Parking” shall mean the concept of parking which recognizes that uses in proximity to one another may have parking demands which permit such uses to share the same marginal parking spaces provided to accommodate peak parking conditions in a common parking facility.
- 2.64 "Sign" shall mean an object, device, display, building or structure, or portion thereof, which is located outdoors, or which is located indoors but is visible to the general public from outdoors, on which is affixed, painted or otherwise represented, directly or indirectly, words, letters, figures, designs, symbols, fixtures, colors, insignia, illumination or projected images forming a name, identification, description, display or illustration, or combination thereof, which is designed or intended to advertise, announce, declare, demonstrate, display, direct, attract attention to,

identify, illuminate or otherwise visually communicate or promote the interest of an object, person, institution, organization, business, product, service, activity, event or location by any means.

Lighting used to highlight or outline part of a building but not communicate a visual message, as well as works of art which do not communicate a visual message (other than the art itself) shall not be considered Signs. Graffiti shall never be considered a Sign.

- 2.65 “Signable Area” shall mean the area(s) of a building facade where signs may be placed without disrupting facade composition. Signable Area will often include panels at the top of window or transoms, over entry doors and windows, sign boards on fascia and areas between the support portion of a buildings 1st story and the sills of 2nd story windows.
- 2.66 “Sign, Fascia” shall mean a building's vertical surface which is suitable for sign attachment.
- 2.67 “Sign, Icon” shall mean a sign that illustrates, by its shape and graphics, the nature of the use conducted within.



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- 2.68 “State Plan” shall mean the New Jersey *State Development & Redevelopment Plan*, authorized via the State Planning Act of 1985 and last adopted in March, 2001.
- 2.69 “Street Furniture” shall mean the functional elements of the streetscape, including, but not limited to, benches, trash receptacles, planters, kiosks, sign posts, streetlights and bollards.
- 2.70 “Streetscape” shall mean the built and planted element of a street which define its character.
- 2.71 “Texture” shall mean the exterior finish of a surface, ranging from smooth to coarse.
- 2.72 “White Horse Pike” shall mean U.S. Route 30.
- 2.73 “Zoning Officer” or “Zoning Administrative Officer” shall mean the municipal official assigned to administratively approve land use applications not rising to the level of Review & Approval under this Redevelopment Plan and which would otherwise not require approval by the Planning Board or Zoning Board of Adjustment under the Development Ordinance.



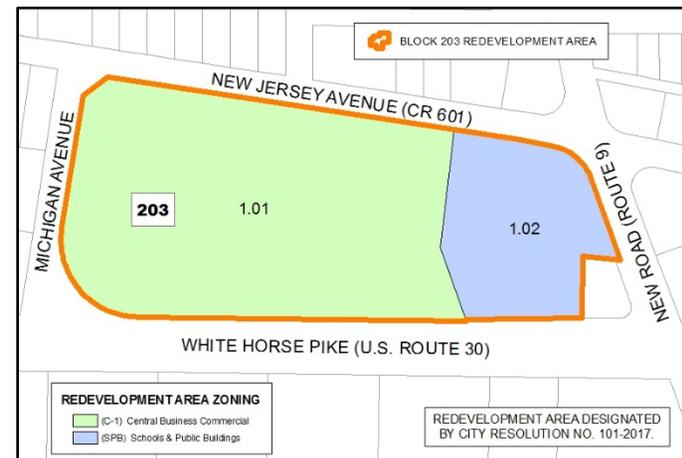
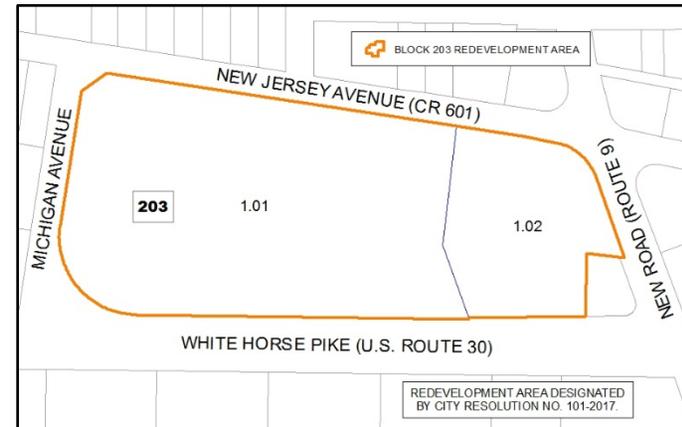
3.0 BLOCK 203 REDEVELOPMENT AREA

3.1 Redevelopment Area Delineation

As designated by City Council via Resolution No. 101-2017¹⁸, the Redevelopment Area consists of the approximately 6.17-acre Block 203, Lot 1.01 and the approximately 1.94-acre Block 203, 1.02, for a total of 8.1 acres.¹⁹

3.2 Redevelopment Area Zoning

At Publication, Block 203, Lot 1.01 was zoned (C-1) Central Business District and Block 203, Lot 1.02 was zoned (SPB) Schools & Public Buildings. Use and building regulations for each such zone are included as Exhibit 1 herein.



¹⁸ On file with the City Clerk.

¹⁹ Area calculations were developed from the attribute data appended to the City's electronic Tax Maps. Information is therefore deemed accurate to the level of the scale. A Property Survey of the Study Area and the individual parcels therein, performed by a licensed Land Surveyor, is required for precise measurements. Where discrepancies between the Tax Map and the Assessor's data exist, the Tax Map governs.



3.3 Smart Growth & Regulatory Environment

3.3.1 Smart Growth

Smart Growth is a term given to planning theories and practices designed to combat the suburban sprawl experienced in New Jersey (and other states) in the post-World War II era.

Prior to the War, the nation's population generally lived in compact neighborhoods where people could walk from their homes to work, to shop or to go to school, or could take advantage of public transportation for these needs. The post-War emergence of the American middle-class, the privately-owned automobile and the interstate highway system provided the ability for people to retreat from cities to suburbia, with its larger lot sizes and cul-de-sac communities.

Over the decades, once-new suburbs became old and tired. Simultaneously, the reliance on the automobile caused increased traffic congestion, as public transportation was replaced by need to drive from

'secluded' communities to office parks, strip malls and regional shopping centers.

As families perceived their quality of life diminishing, they began to flee these older, congested suburbs for the less-dense, ever-greener hinterland. Suburbs became urban²⁰, exurbs became suburban, and the open space that heretofore separated communities vanished. **THE RESULT WAS "SPRAWL".**

To combat sprawl while recognizing the need to accommodate an ever-expanding population, planners have developed a series of principles known as Smart Growth. It is hoped that the application of these principles will redirect (re)development to Cities and other areas of existing infrastructure, and preserve green space while providing the new development required to service an expanding population.

The following Smart Growth principles are generally accepted by planners and lawmakers as guidelines for effective land use and design, and have been

²⁰ Meanwhile, the traditional urban environment continued to deteriorate and decline, resulting in population flight, economic disinvestment and general physical decay.



incorporated, explicitly or implicitly, into the body of State and local regulations adopted to combat sprawl. While no means an exhaustive list, these principles underscore the fundamentals of Smart Growth planning applicable to this Redevelopment Plan.

Plan and build Master Planned Communities utilizing compact, clustered design, walkable neighborhoods and distinctive, attractive areas offering a Sense of Place.

Encourage infill (re)development by directing future growth to existing communities and areas with existing infrastructure, thereby strengthen existing neighborhoods.

Provide transportation choices, including readily-accessible public transportation.

Lower barriers and provide opportunities for Smart Development by use of targeted Smart Growth regulations.

Utilize high quality design and planning techniques to produce predictable, fair and cost-effective development decisions.

3.3.2 New Urbanism

Closely related to Smart Growth is the concept of New Urbanism, which is a return to the principals that historically made neighborhoods successful as

communities ~ when neighbors knew each other and the street corner and front porch were venues for friendly interaction.

While all of these elements may not be appropriate for every application, they should be viewed as guides for good urban design.

The neighborhood has a discernible center of mixed or multi-use buildings.

Most of the dwellings are within a 5-minute (2,000') walk of the center.

A variety of dwelling types are available.

Shops and offices can be found at the edge of neighborhoods, of sufficient variety to meet the weekly needs of households.

An elementary school is close enough for most children to walk to school.

Small playgrounds are convenient to every dwelling.

Streets form a connected network and are relatively narrow to promote traffic calming.

Buildings are placed close to the street.

Parking lots and garages rarely front the street.



Certain prominent streets at the termination of street vistas or in the neighborhood center are reserved for civic buildings.

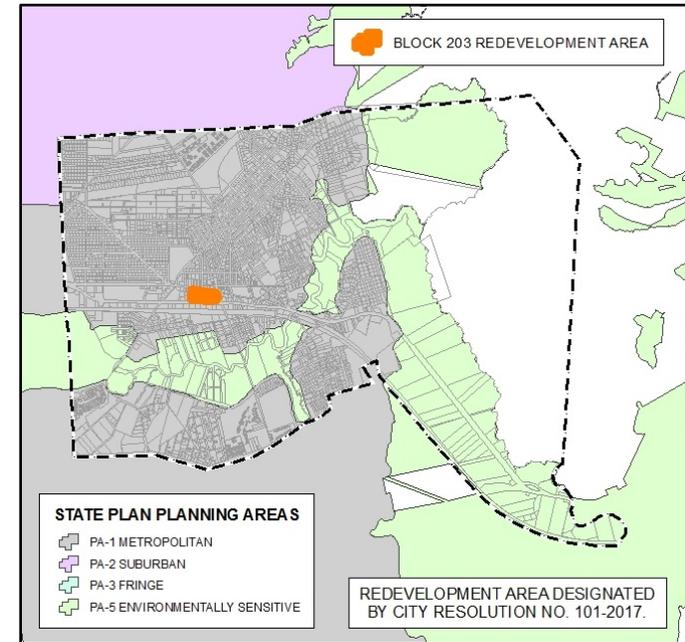
3.3.3 State Development & Redevelopment Plan

In New Jersey, Smart Growth principles are embodied in the State Development & Redevelopment Plan (“State Plan”).

Promulgated by the State Planning Commission²¹ as the equivalent of a statewide master plan to guide development and investment, this document is an outline of the State’s policies related to Smart Growth and general planning principles.

Prepared as an interdepartmental effort between various State offices charged with managing growth in New Jersey²², the State Plan is the controlling policy guide regarding growth-related issues on a statewide level.

The State Plan identifies Absecon as a (town) “Center”, and classifies the section of the City which includes the Redevelopment Area as a PA~1 (Metropolitan) Planning Area.



- A. **Centers**²³ are compact forms of development that ~ compared to sprawl development ~ consume less land, deplete fewer natural resources and are more efficient in the delivery of public services.

The concept of **Centers** is the key organizing principle for development and redevelopment. However, the amount and type of growth that should

²¹ In conjunction with the (now entitled) Office of Planning Advocacy (§2.39 herein).

²³ State Plan (pp. 10 – 11)

²² Principally, but not exclusively, NJDCA and NJDEP



occur in any particular **Center** and its Environs depends upon its capacity characteristics and the unique opportunities and constraints presented.

Centers and their Environs should be planned and maintained so that they develop a unique character ~ what Planners term a “Sense of Place.”

B. **Metropolitan Planning Areas**²⁴ include a variety of communities that range from large urban centers to 19th century towns shaped by commuter rail and post-war suburbs. Communities in these Planning Areas often have strong ties to, or are influenced by, major metropolitan centers, but may also be found among the older shore towns of Monmouth County, Atlantic County, along the Delaware River in Salem County, and in the Bridgeton and Vineland ~ Millville areas in Cumberland County. Most of these communities are fully developed, or almost fully developed, with little vacant land available for new development. Much of the change in land uses, therefore, will take the form of redevelopment.

These communities have mature settlement patterns resulting in a diminished supply of vacant land; infrastructure systems that generally are beyond or approaching their reasonable life expectancy; the need to rehabilitate housing to meet ever changing market standards; the recognition that redevelopment is, or will be in the not-too-distant future, the predominant form of growth; and a growing realization of the need to regionalize an increasing number of services and systems in light of growing fiscal constraints.

Metropolitan Planning Areas include many communities that could be categorized as cities, towns or villages in the classical sense. Over time, however, **Metropolitan Planning Areas** have evolved into close-knit, compact settlement patterns where communities stand shoulder to shoulder.

The most distinctive Center forms in **Metropolitan Planning Areas** are Urban and Regional Centers and Towns. Urban Centers are the larger cities that historically, and to some degree still, provide a focus

²⁴ State Plan (pp.153 - 160)



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for the region's economy, transportation system and governmental functions.

The State Planning Commission designated Atlantic City as an Urban Center in 1992.

Many communities in this Planning Area contain a mixed-use core that provides regional commercial, institutional, cultural and transportation opportunities. **Metropolitan Planning Areas** also contain numerous distinctive neighborhoods, Main Streets and downtowns that supply a range of housing opportunities and everyday commercial needs.

Metropolitan Planning Areas contain large tracts of open space, often in the form of county and state parks and preserves, significant natural areas and extensive waterfronts. However, these Planning Areas do not generally have Environs in the form of open land separating communities and protecting natural and agricultural resources. In most instances, the large tracts of contiguous farmland, forest and environmentally sensitive lands in Fringe, Rural and

Environmentally Sensitive Planning Areas function as the Environs of the Metropolitan Planning Area.

The State Plan's goals for **Metropolitan Planning Areas** is to:

- Provide for much of the state's future redevelopment;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl; and
- Protect the character of existing stable communities.

Statewide, these goals will be met by strategies to upgrade or replace aging infrastructure; retain and expand employment opportunities; upgrade and expand housing to attract a balanced residential population; restore or stabilize a threatened environmental base through brownfields redevelopment and metropolitan park and greenway enhancement; and manage traffic effectively and create greater opportunities for public transportation



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connections within the **Metropolitan Planning Area** and between the **Metropolitan Planning Area**, suburban employment centers and the Philadelphia and New York areas.

Metropolitan Planning Areas are envisioned as cooperative, sustainable regions comprised of a cohesive system of vibrant Urban Centers that serve as employment, governmental, cultural and transportation anchors; distinctive Regional Centers, and redesigned Nodes that provide a mixture of well-defined functions and services; classic Main Street towns for local and regional commerce; and safe, quality residential neighborhoods throughout. The entire system is linked by transportation services (which include such new additions as light rail lines, public shuttle services and bicycle / pedestrian paths) and greenways that provide easy access to employment, recreation, schools, cultural activities, commerce, and social and governmental services.

Development and redevelopment activities will need to be consistent with the traditional urban fabric, be at intensities sufficient to support transit, employ a

range of uses broad enough to encourage activity beyond the traditional workday, make efficient use of infrastructure, and have a physical design features that enhance public safety, encourages pedestrian activity and reduces dependency on the automobile.

The relatively unbroken pattern of development in **Metropolitan Planning Areas** makes Center Boundaries as a tool for delineating growth areas or protecting resources or neighborhoods less useful than creating comprehensive and strategic local, corridor or regional plans. Municipalities should work with each other and their counties to delineate specific areas for redevelopment, retrofitting, rehabilitation or revitalization where growth is expected or desired.

The State Plan establishes a number of Policy Objectives. Pertinent to the Redevelopment Area.

LAND USE

Promote redevelopment and development in Cores and Neighborhoods of Centers and in Nodes that have been identified through cooperative regional planning efforts. Promote diversification of land uses, including housing where appropriate, in single-use developments and enhance their linkages to



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the rest of the community. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.

ECONOMIC DEVELOPMENT

Promote economic development by encouraging strategic land assembly, site preparation and infill development, public / private partnerships and infrastructure improvements that support an identified role for the community within the regional marketplace. Encourage job training and other incentives to retain and attract businesses. Encourage private sector investment through supportive government regulations, policies, and programs, including tax policies and expedited review of proposals that support appropriate redevelopment.

TRANSPORTATION

Maintain and enhance a transportation system that capitalizes on high-density settlement patterns by encouraging the use of public transit systems, walking, and alternative modes of transportation to reduce automobile dependency, link Centers and Nodes, and create opportunities for transit oriented redevelopment. Facilitate efficient goods movement through strategic investments and intermodal linkages.

REDEVELOPMENT

Encourage redevelopment at intensities sufficient to support transit, a broad range of

uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile.

PUBLIC FACILITIES & SERVICES

Complete, repair or replace existing infrastructure systems to eliminate deficiencies and provide capacity for sustainable development and redevelopment in the region. Encourage the concentration of public facilities and services in Centers and Cores.

INTERGOVERNMENTAL COORDINATION

Regionalize as many public services as feasible and economical to enhance the cost-effective delivery of those services. Establish multi-jurisdictional policy and planning entities to guide the efforts of State, county and municipal governments to ensure compatible and coordinated redevelopment.

C. Implications for this Redevelopment Plan

The Smart Growth Planning Principles adopted by the State Plan are largely design- and process-based guidelines which become operationalized in the form of land use regulations and building controls, which are appropriately instituted under a Redevelopment Plan.

It is not possible to know, at this stage of the process, the precise design details for any eventual project



within the Redevelopment Area. Accordingly, this Redevelopment Plan addresses ~ to the maximum extent practicable ~ applicable Smart Growth Policy Objectives embodied in the State Plan.

3.4 Environmental Considerations

3.4.1 The Report of Findings undertaken for the Block 203 Study Area found no environmentally-sensitive soils, wetlands, buffers or habitat, and no active or known soils or water contamination within the [then] Study Area.

3.4.2 NJDEP / CAFRA

The Redevelopment Area is situated in the State's environmentally-sensitive Coastal Zone. Development in the Coastal Zone is governed by NJDEP through its Coastal Zone Management Rules and by regulations pursuant to the Coastal Area Facilities Review Act.

Again, it is not possible to know, at this stage of the process, the precise design details for any eventual Project within the Redevelopment Area. Any such Project must, nonetheless, conform with applicable CZM and CAFRA rules and regulations.

3.5 Implications for this Redevelopment Plan

City Policymakers recognize the financial and planning realities that the conditions and constraints detailed herein may have on the Project(s) contemplated by this Redevelopment Plan, and are in a position to make available such assistance as may be at the City's disposal should a particular Project so merit.

Any such assistance shall be addressed within the context of the Redevelopment Agreement to be negotiated between the City and the Redeveloper.

3.6 Governmental Approvals

Based on the information available to the City at Publication, Governmental Approvals known or believed to be applicable to this Redevelopment Plan include, but may not be limited to:

- A. Absecon City Council for determination of Redevelopment Plan conformance prior to Planning Board action as detailed in subsection B below;



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- B. Absecon Planning Board for Subdivision and Site Plan approvals. Determination of Completeness shall be made in accordance with standard operating procedure;
- C. Absecon Construction Department and Fire Official for Construction and related Permits;
- D. Atlantic / Cape Soil Conservation District for Soil Erosion and Sediment Control Plan certification;
- E. Atlantic County Planning Board for Subdivision approval (if applicable) and Site Plan approval or exemption;
- F. Atlantic County Utilities Authority for sanitary sewer permitting;
- G. New Jersey American Water Company for potable water permitting;
- H. NJDOT for Highway Access Permitting, traffic signalization, roadway geometry and other issues related to the White Horse Pike and New Road, as applicable;
- I. Atlantic County for Highway Access Permitting, traffic signalization, roadway geometry and other issues related to New Jersey Avenue, as applicable; and
- J. NJDEP for CAFRA and other environmental permitting, sewer and water extension permitting, and such other permitting as may be required.



4.0 MUNICIPAL GOALS & OBJECTIVES

4.1 General Statements

- 4.1.1 This document constitutes a Redevelopment Plan under the provisions of the New Jersey *Local Redevelopment & Housing Law*.

The purpose of this Plan is to provide the mechanism, via one or more a public / private partnership(s), for the creation of one or more single-use or multiple-use, Project(s) in the Block 203 Redevelopment Area.

Upon adoption of this Redevelopment Plan, the City will be statutorily empowered to negotiate and enter into Redevelopment Agreement(s) with selected Redeveloper(s) for the purposes of advancing the Goals & Objectives articulated herein.

- 4.1.2 The Goals & Objectives articulated herein constitute the guiding principles for the activities anticipated under this Redevelopment Plan. Such activities may be undertaken by the City or by one or more designated Redevelopers.

City Policymakers recognize that it may be necessary to subordinate a particular Goal or Objective, or certain aspects of a particular Goal or Objective, in order to achieve other, more imperative, Goals or Objectives. Within this context, the quantitative or qualitative value of any of the stated Goals or Objectives, as well as their relative importance to the City and thus this Redevelopment Plan, shall be determined exclusively by the Absecon City Council, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

Readers should attach no importance to the order in which these Goals and Objectives are presented.

- 4.1.3 This Redevelopment Plan does not attempt to anticipate every possible Project Concept or land use solution. The provisions of this Plan have been crafted to provide qualified Redeveloper(s) the flexibility necessary to develop Project(s) which advance(s) these Goals & Objectives.
- 4.1.4 City Policymakers recognize the financial and planning realities related to the redevelopment of Block 203, and



are in a position to make available such assistance as may be at the disposal of the City ~ via the powers of the *Redevelopment Law* and/or other pro-development agencies and programs ~ should a particular Project so merit.

Such assistance may include, but need not be limited to, endorsing and/or ~ with the designated Redeveloper ~ making joint application for state and federal grant funds; endorsing and/or ~ with the designated Redeveloper ~ making joint application for state / federal environmental / other permits required to advance a Project, negotiating favorable property tax mechanisms;²⁵ and amending the provisions of this Redevelopment Plan should such actions, in the sole opinion of the City, be reasonably necessary to produce a superior product.

Any such assistance shall be addressed within the context of the Redevelopment Agreement to be negotiated between the City and the Redeveloper.

Other than as permitted via such a negotiated Redevelopment Agreement, lands and improvements within the Redevelopment Area shall be permanently and irrevocably restricted against being constructed, occupied or used in a manner that renders them exempt from payment of municipal property taxes.

- 4.1.5 City Policymakers further recognize that certain environmental issues may exist within, on, under or adjacent to the Redevelopment Area. Such issues may include, but need not be limited to, underground storage tanks and/or subsurface or building contamination.

Other than the identification of issues as detailed herein, the City makes no warrants regarding these or other conditions.

Responsibility (financial or otherwise), for the remediation of any conditions found within, on or under any Redevelopment Area property, or for compliance with any State or Federal requirements related thereto, shall be addressed between the Redeveloper and the

²⁵ i.e., Payment-In-Lieu-of-Tax (P.I.L.O.T.) Agreements, Economic Redevelopment & Growth Grant (ERGG) funding and Redevelopment Area Bonds under applicable programs.



current property owner(s) in accordance with applicable laws and regulations. To the extent pertinent, such issues shall be recognized and addressed within the context of the Redevelopment Agreement to be negotiated between the City and the Redeveloper.

4.2 Municipal Land Use Law

This Redevelopment Plan has been crafted to advance the purposes of the New Jersey *Municipal Land Use Law* (N.J.S.A. 40:55D-2) by:

- A. Constituting municipal action to guide the appropriate use and redevelopment of lands in a manner which will promote the public health, safety, morals and general welfare;
- B. Providing for one or more Redevelopment Project(s) in a manner which will secure safety from fire, flood, panic and other natural and man-made disasters;
- C. Ensuring that the Redevelopment Project(s) anticipated herein will provide adequate light, air and open space;
- D. Ensuring that redevelopment in Absecon does not conflict with the development and general welfare of neighboring municipalities, the county and the State;
- E. Addressing population densities and concentrations in a manner that will contribute to the well-being of persons, neighborhoods, communities and regions while preserving the environment;
- F. Encouraging the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- G. Providing an appropriate location for commercial uses according to their respective environmental requirements in order to meet the needs of the citizens of Absecon and Atlantic County;
- H. Utilizing existing transportation routes in order to promote the free flow of traffic while eliminating congestion and blight;
- I. Promoting a desirable visual environment through creative development techniques and good civic design and arrangement;



- J. Preventing [sub]urban sprawl and degradation of the environment through improper use of land;
- K. Encouraging planned development which will incorporate the best features of design and relate the type, design and layout of development to the Redevelopment Area;
- L. Encouraging coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- M. Promoting the utilization of renewable energy resources; and
- N. Promoting the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

4.3 Master Plan

This Redevelopment Plan has been crafted to advance the provisions and recommendations of the City's 2016 Master Plan Reexamination Report (adopted by the Planning Board on February 22, 2017²⁶) by:

- A. Encouraging commercial growth [and] commercial ratables (Master Plan §V. D.).
- B. Continuing to promote the redevelopment of the White Horse Pike corridor as a primary retail center in northeastern Atlantic County (Master Plan §V. D. 1.).
- C. Stabilizing New Jersey Avenue with a Redevelopment Plan that includes enhancing the visual character of the district. (Master Plan §V. D. 3.).
- D. Establishing a public participation process linking various professional, business, and financial expertise for the express purpose of formulating a Redevelopment strategy for the White Horse Pike corridor (Master Plan §V. D. 7.).

²⁶ On file with the Planning Board Secretary and/or the City Clerk.



- E. Revive the downtown with anchors to attract people to New Jersey Avenue (Master Plan §V. D. 9.).
- F. Rezoning non-commercially-zoned lands fronting on New Jersey Avenue to commercial zoning (Master Plan §V. D. 11.).
- G. Requiring an examination of the parking demand and supply for the Redevelopment Area to insure capacity is sufficient to address demand (Master Plan §V. D. 12.).
- H. Providing for a framework to improve the facilities for the Absecon Volunteer Fire Department and thereby addressing the intent ~ if not the specific language ~ of Master Plan §V. G. 3.
- I. Instituting zoning controls and bulk requirements for the Schools / Public Buildings (SPB) Zoned lands within the Redevelopment Area (Master Plan §V. G. 5., §V. G. 1. A & V. H. 5).
- J. Encourage developers to invest in new development that will put people back on New Jersey Avenue (Master Plan §VI. D.).

- K. Upgrading and improving the appearance of the streetscape on New Jersey Avenue (Master Plan §VI. D.).

4.4 Redevelopment Plan Goals & Objectives

- 4.4.1 Reverse or remove the conditions documented during the Preliminary Investigation (§1.2 herein) which led the City to designate Block 203, Lots 1.01 and 1.02 as being In Need of Redevelopment under the *Redevelopment Law*.
- 4.4.2 Stabilize the Redevelopment Area by eliminating negative and/or blighting influences. Prevent the spread of such influences by the application of comprehensive and enforceable Redevelopment Plan controls.
- 4.4.3 Remove and replace substandard and/or un/underproductive buildings or improvements where renovation / rehabilitation is not practicable or desirable, including where such buildings or improvements do not lend themselves to reuse in a manner consistent with this Redevelopment Plan.
- 4.4.4 Reorganize and replan the Redevelopment Area via a combination of land consolidation, subdivision and other



mechanisms, including, where necessary and practicable, relocation of existing land uses to suitable locations either within the Redevelopment Area or elsewhere in the City, in order to create one or more redevelopment parcels of appropriate size and shape to facilitate one or more market-driven Project(s) designed to advance and achieve the Municipal Goals & Objectives detailed herein.

- 4.4.5 Maximize tax revenue, generate new tax ratables or otherwise provide for substantial return to the public sector²⁷ by (re)developing and returning to active and productive (re)use, un/underdeveloped, un/underutilized and/or un/underproductive privately and municipally-owned lands which, for reasons identified in the Preliminary Investigation (§1.2 herein), are not likely to be developed solely through the instrumentality of private capital, and which therefore, singularly or in combination, represent a lost opportunity for valuable contribution to the welfare of the community.

Within this context, and other than as permitted via a negotiated Redevelopment Agreement, lands and

improvements within the Redevelopment Area shall be permanently and irrevocably restricted against being constructed, occupied or used in a manner that renders them exempt from payment of municipal property taxes.

- 4.4.6 Stimulate private development and maximize the development potential of the Redevelopment Area by permitting flexibility in land use, project design and building regulations while protecting, to the maximum extent practicable, surrounding land uses.
- 4.4.7 Provide for an appropriate mix of commercial, office and ~ where necessary in order to fully achieve these Goals & Objectives ~ other uses to stimulate, strengthen and enhance the City's economic base resulting from significant Project(s) in the Redevelopment Area designed to:
1. Generate new tax ratables or other municipal revenues;
 2. Attract new businesses and retain and expand existing businesses in the City; and

²⁷ via P.I.L.O.T. or other appropriate mechanisms.



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3. Increase employment and business opportunities ~ including opportunities for City residents ~ resulting from (re)development and operation of one or more significant Redevelopment Project(s) which will create jobs targeting the full spectrum of skill-levels; thereby supporting the widest possible employment base for City and non-City residents during construction and (as applicable) operation of the Project(s) envisioned.
- 4.4.8 Create as seamless a linkage as possible among and between the Redevelopment Project(s) within the Redevelopment Area and between the Redevelopment Area and neighboring land uses; thereby using the Redevelopment Project(s) as a unifying anchor for this section of the City. Within this context:
- A. Work with NJDOT, Atlantic County and other Relevant Governmental Agencies, as appropriate, to facilitate traffic movement at the intersections of the White Horse Pike, New Road and New Jersey Avenue.
 - B. Ensure appropriate external access to/from the Redevelopment Area, as well as internal circulation within the Redevelopment Area, for passenger vehicles, delivery vehicles, pedestrians and other users.
- 4.4.9 Provide for adequate surface parking to support the Redevelopment Project(s) anticipated.
- 4.4.10 Utilize the Redevelopment process as a means to provide for improved facilities for the City's Volunteer Fire Department, either within or outside of the Redevelopment Area.
- 4.4.11 Promote the efficient and effective provision of necessary infrastructure and related services for the Redevelopment Area while addressing economic, regulatory and permitting issues which may impede infrastructure improvements.
- 4.4.12 Institute provisions to promote a planned, multi-use development in a mutually supportive environment consistent with applicable Smart Growth / New Urbanism²⁸ principles.

²⁸ §3.3.1 & §3.3.2 herein.



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- 4.4.13 Minimize, to the maximum extent practicable and appropriate, fiscal and operational impacts to City residents which may result from a substantial Project in the Redevelopment Area, including, but not limited to, provision of municipal services arising from a Redevelopment Project.
- 4.4.14 Utilize zoning and other financial and non-financial incentives and programs where appropriate, to achieve these Goals & Objectives.
- 4.4.15 Coordinate form and function to ensure that Redevelopment Area uses are compatible with the built environment.
- 4.4.16 To the extent reasonably practicable, work with the designated Redeveloper to minimize disruption of the residential and business communities adjacent to the Redevelopment Area during and after construction.



5.0 ANTICIPATED REDEVELOPMENT ACTIONS

5.1 Statutory Authority

- 5.1.1 Upon adoption of a Redevelopment Plan, and pursuant to N.J.S.A. 40A:12A-8 (f) & (g), designated Redevelopment Entities are empowered to solicit for and negotiate and enter into Redevelopment Agreements with one or more designated Redevelopers for the purposes of advancing the Goals & Objectives detailed in such Redevelopment Plan. Accordingly, the actions detailed in this section are not subject to compliance with the *New Jersey Local Public Contract Law*²⁹ or *Local Lands & Buildings Law*.³⁰
- 5.1.2 This Redevelopment Plan designates the Absecon City Council as Redevelopment Entity for this Redevelopment Plan.
- 5.1.3 This Redevelopment Plan shall supersede the land use and development provisions of the Development Ordinance. Any Ordinance adopting this Redevelopment Plan shall specify that this Plan is an explicit amendment

to the City's Zoning District Map. Upon adoption, the Zoning Map shall be immediately modified to reflect the Redevelopment Area and this Redevelopment Plan.

- 5.1.4 Upon adoption of this Redevelopment Plan, the City will be statutorily empowered to undertake such actions for the purposes of advancing the Goals & Objectives detailed herein.

5.2 Redevelopment Plan

- 5.2.1 The Redevelopment Actions anticipated under this Redevelopment Plan consist of the following actions designed to advance and achieve the Municipal Goals & Objectives detailed (§4.0) herein:
- A. Reorganizing and replanning the lands within the Redevelopment Area via a combination of land consolidation, subdivision and other mechanisms in order to create one or more redevelopment parcels

²⁹ N.J.S.A. 40A:11-1 et. seq.

³⁰ N.J.S.A. 40A:12-1 et. seq.



of appropriate size and shape to facilitate one or more market-driven Project(s).

- B. Establishing land use, building and other controls governing the form and function of the Redevelopment Project(s) anticipated by this Redevelopment Plan;
- C. Identifying infrastructure improvements to be required to support the Redevelopment Project(s) anticipated by this Redevelopment Plan (§8.0 and §9.0 herein);
- D. Conveying City-owned lands to a designated Redeveloper (§5.3.4 herein);
- E. Providing for the relocation of the Absecon Fire Station, either to a location within the Redevelopment Area or outside of the Redevelopment Area in order to facilitate the Redevelopment Project envisioned by this Redevelopment Plan.
- F. Providing for the design, permitting and construction the approved Redevelopment Project(s); and

G. Such other Actions as may be necessary and convenient to achieve the Goals & Objectives of this Redevelopment Plan.

5.2.2 The Effective Date of this Redevelopment Plan shall be the date the Ordinance adopting this Plan becomes effective.

5.3 Acquisition & Conveyance

5.3.3 Block 203, Lot 1.01

- A. At Publication, Block 203, Lot 1.01 was owned by “Fox Chase Bank or Its Assignee” of Hatboro Pa. and was under contract for sale to “WP Absecon Limited Liability Company”.
- B. As detailed in §1.2.1 herein, the City’s actions in designating the [then] Block 203 Study Area as being In Need of Redevelopment specified the process to be in furtherance of a Non-Condensation Redevelopment Area. The City is therefore not permitted to utilize the power of eminent domain to acquire Lot 1.01 for Redevelopment purposes.



Accordingly, upon adoption of this Redevelopment Plan, any activity on Lot 1.01 in furtherance of this Plan will require the Owner or other entity with Site Control of Lot 1.01 to be designated Redeveloper and execute a Redevelopment Agreement with the City.

5.3.4 Block 203, Lot 1.02

- A. The City is the owner of Block 203, Lot 1.02. Such Lot therefore need not be “acquired” in order to effectuate this Redevelopment Plan.

- B. Upon adoption of this Redevelopment Plan, the City will be statutorily³¹ permitted to transfer, via sale or by lease, Block 203, Lot 1.02, to a designated Redeveloper in furtherance of an approved Redevelopment Project.

The terms of such conveyance, including compensation to the City and when conveyance shall take place, shall be addressed within the context of the Redevelopment Agreement to be negotiated between the City and the Redeveloper.

³¹ N.J.S.A. 40A:12A-8g.



6.0 STANDARDS & CONTROLS OF GENERAL APPLICABILITY

6.1 Authorities

6.1.1 All activities within the Redevelopment Area shall be governed by the provisions of this Redevelopment Plan, which were crafted to provide a setting within which the Redeveloper and designers are encouraged to generate detailed plans to produce Project(s) of outstanding design and superior quality.

Taken collectively, these provisions are intended to guide the use, massing and aesthetics of various building types in order to provide for multiple, complimentary buildings within the Redevelopment Area. Within this framework, the Redeveloper and designers are encouraged to exercise maximum ingenuity and creativity in order to achieve the Goals & Objectives (§4.0) of this Redevelopment Plan.

6.1.2 The provisions of this Redevelopment Plan are those of the City of Absecon and do not substitute for any law, code, rule or regulation established by any County, State or Federal agency. All development within the

Redevelopment Area shall comply with such laws, codes, rules and regulations as applicable.

6.1.3 Except where otherwise modified by this Redevelopment Plan, all property within the Redevelopment Area shall be governed by the standards and regulations contained in the City's Development Ordinance. By reference, such provisions are included in and adopted by this Redevelopment Plan.

All property outside of the Redevelopment Area, whether used or developed in conjunction with a Redevelopment Project or not, shall remain subject to the provisions of the Development Ordinance.

6.1.4 Should a County, State or Federal code or regulation contain comparable but less restrictive provisions than set forth in this Redevelopment Plan, the standards set forth herein shall govern.



6.2 Review Procedures, Interpretations & Responsibilities

6.2.1 Approval Process

- A. The action of designating a Redeveloper shall serve as City Council's approval of the Project Concepts and Description of Project Elements proposed for the Redevelopment Area, and as conditional certification of the Project's consistency with this Redevelopment Plan.
- B. The action of entering into a Redevelopment Agreement with a Redeveloper shall serve as City Council's final approval of the Project Concepts and Description of Project Elements, and as its final certification of the Project's consistency with this Redevelopment Plan.
- C. Consistent with its responsibilities under N.J.S.A. 40A:12A-13, the Planning Board shall review and approve the Project Plans for the Redevelopment Project in accordance with the requirements for review and approval of subdivisions and site plans set forth by the City's Development Ordinance and the *Municipal Land Use Law*.

No Application shall be heard by the Planning Board unless and until City Council, acting as Redevelopment Entity for this Redevelopment Plan, has executed a Redevelopment Agreement with a Redeveloper.

- D. Within the context of §6.2.1 A, B. & C. herein, and subject to the requirements of the Relevant Permitting Agencies, as applicable:
 - 1. City Council, acting in its capacity as Redevelopment Entity for this Redevelopment Plan, shall retain sole authority for the interpretation or clarification of the permissibility of any use proposed for the Redevelopment Area. Such authority shall include whether or not any proposed use conforms with or falls under any of the several categories of Permitted or Prohibited Uses enumerated in this Redevelopment Plan.
 - 2. The Planning Board shall retain authority for the review and approval of all Site Plans and subdivisions proposed for the Redevelopment Area.



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3. The Planning Board shall retain the right, at time of Review & Approval, to require such off-site and/or off-tract improvements as may be lawful, necessary and proportionate to ensure the free flow of traffic, to mitigate possible impacts to the public safety and welfare arising from the Redevelopment Project, and to otherwise ensure the effective implementation of this Redevelopment Plan consistent with the Goals & Objectives specified herein.
4. Unless Planning Board approval is required by this Redevelopment Plan or by applicable sections of the City's Development Ordinance, administrative land use approvals shall be governed by the procedures established in the Development Ordinance.

6.2.2 Variances, Departures, Deviations & Design Waivers

The provisions of this Redevelopment Plan flow from the City's power to (re)plan designated Redevelopment

Areas under the *Local Redevelopment & Housing Law*³² and not from the City's power to zone under the *Municipal Land Use Law*.³³ It is therefore within the context of the *Redevelopment Law* and not the *Municipal Land Use Law* that the City has adopted the Land Use and other provisions of this Redevelopment Plan. Accordingly:

- A. This Redevelopment Plan does not recognize the 'use ('d') variance' process under the *Municipal Land Use Law*³⁴. Uses proposed but not permitted by this Redevelopment Plan shall require formal Plan amendment pursuant to law.
- B. Bulk ('c') variance requests³⁵ shall be addressed under the *Municipal Land Use Law* and related caselaw.

Design Waiver requests shall be addressed under the *Municipal Land Use Law* and related caselaw.

- C. The provisions of this §6.2.2 shall not apply to the Absecon Fire Station located on Block 203, Lot 1.02, which is permitted to remain in its current or an

³² N.J.S.A. 40A:12A-7

³³ N.J.S.A. 40:55D-62

³⁴ N.J.S.A. 40:55d-70d

³⁵ N.J.S.A. 40:55d-70c



improved condition, or may be relocated to another site either within or outside of the Redevelopment Area.

As a public safety facility, the existing uses and facility shall be deemed to be in conformance with this Redevelopment Plan. Any modifications to the Lot geometry, land uses and physical condition of the Fire Station and related improvements on Lot 1.02 shall similarly be deemed in conformance with this Redevelopment Plan ~ *as long as Lot 1.02 and the Fire Station facility remain in public use*. Otherwise, any changes to the Lot, uses and improvements shall conform with this Redevelopment Plan.

Similarly, any Lot geometry, land uses, buildings and related improvements necessary for the construction and operation of a new Fire Station facility within the Redevelopment Area other than on Lot 1.02 shall be deemed to be in conformance with this Redevelopment Plan, regardless of their relationship to the provisions of §7.0 through §10.0 herein.

The ultimate disposition of Lot 1.02 shall be determined within the context of the Redevelopment

Agreement to be negotiated between the City and the Redeveloper.

6.2.3 Permitted & Prohibited Uses

A. Permitted Uses within the Redevelopment Area are designed to provide for a critical mass of diverse yet complementary activities in order to achieve the Goals & Objectives of this Redevelopment Plan.

1. Other than the Absecon Fire Station (§6.2.2C herein), Permitted Uses shall be limited to the Permitted Principal and Ancillary Uses enumerated for the Redevelopment Area under §7.2 herein.
2. Multiple Permitted Uses are allowed as Principal or Ancillary Uses and/or Principal and/or Ancillary Buildings within a Redevelopment Project ~ either on the same Lot or on separate Lots within the Redevelopment Area, provided that each such Use is a Permitted Use under §7.2 herein.

Multiple Permitted Uses within a single building are allowed, provided that each such Use is a



Permitted Use under §7.2 herein, and further provided that each such Use is located within an independently-controlled and separately-identifiable space having independent access from the exterior of the building or via a common building lobby; it being the City's intention to prohibit multiple uses within a single, undifferentiated space within a Building.

- B. Prohibited Uses ensure that activities within the Redevelopment Area are appropriate for the widest possible patron-base, and are instituted by this Redevelopment Plan to maximize the market attractiveness of the Redevelopment Area to the development community.

Within this context, Tattooing, Body Piercing, and Sexually-Oriented Businesses, including, but not limited to, parlors, salons, arcades, the sale of books and videos, cabarets, motion-picture or live-performance theaters (or booths or kiosks), commercial displays, non-therapeutic massage, modeling and like and similar uses meeting the spirit of this section, are expressly prohibited.

Except where utilized by a governmental entity, and other than as permitted under a negotiated Redevelopment Agreement, no lands and/or improvements within the Redevelopment Area shall be constructed, occupied or used in a manner than renders them exempt from payment of municipal property taxes. Such lands shall be permanently and irrevocably restricted against such construction, occupancy or use.

- C. ***Subject to interpretation or clarification as detailed under §6.2.1 D.1. herein, uses not specifically enumerated in this Redevelopment Plan as Permitted are prohibited.***



7.0 LAND USE PLAN

7.1 Parcelization Plan³⁶

7.1.1 At Publication, the Redevelopment Area consisted of the 6.17-acre Block 203, Lot 1.01 and the approximately 1.94-acre Block 203, 1.02.

7.1.2 §4.4.4. herein states that it is the Goal & Objective of this Redevelopment Plan to reorganize and replan the Redevelopment Area via a combination of land consolidation, subdivision and other mechanisms, in order to create one or more redevelopment parcels of appropriate size and shape to facilitate one or more market-driven Project(s).

Accordingly, this Parcelization Plan permits, but does not require, the Redevelopment Area to be consolidated and resubdivided for development as one or more buildings on a single Tax Lot, as multiple buildings within a single Tax Lot or as multiple buildings on multiple Tax Lots.

7.1.3 Within the context of §7.1.2, this Parcelization Plan permits the Redevelopment Area to be consolidated and resubdivided into multiple Tax Lots for financing purposes while being treated as a single Parcel for planning and approval purposes.

Accordingly, Tax Lot Lines internal to the boundaries of the Redevelopment Area and created for such purposes shall not be considered Lot Lines for the purposes of conformance with the Development Regulations (§7.2) of this Redevelopment Plan.

7.1.4 This Parcelization Plan assumes that the Rights-of-Way bounding the Redevelopment Area will generally remain in their current geometry, but may be modified to improve access to the Redevelopment Area.

While specific improvements will naturally be dependent on the requirements for the Redevelopment Project(s)

³⁶ Acreage calculations are approximate. A Property Survey, performed by a licensed Land Surveyor, is required for precise measurements.



proposed, and are therefore beyond the scope of this Redevelopment Plan, this Plan does recognize the possibility that adjustments to any of the bounding rights-of-way may be required in order to improve traffic flow.

Accordingly, Lot Lines shall be flexibly interpreted, and may be adjusted as part of the negotiated Redevelopment Agreement based on the due diligence of the Redeveloper, and/or the requirements of the Relevant Permitting Agencies, to more accurately coincide with the Right-of-Way geometry desired / required for the Redevelopment Project(s) proposed.

7.2 Development Regulations

The Development Regulations establish specific use and building controls for the physical redevelopment of the Redevelopment Area. Within this framework, the Redeveloper is encouraged to exercise maximum ingenuity and creativity in order to achieve the Goals & Objectives (§4.0) of this Redevelopment Plan.

7.2.1 Permitted Principal Uses

A. Single- or multiple-use buildings hosting any combination of:

1. Regionally-Oriented Retail & Service Activities³⁷ limited to the ground floor, except that multi-story uses may extend above the ground floor where appropriate.
2. Full Service and Quick Service (i.e. Fast Food) Restaurants, limited to the ground and 2nd floors, including those which may serve alcoholic beverages,³⁸ and Specialty Food and Beverage Outlets³⁹ Service may be dine-in or take-out.
3. Craft Breweries & Distilleries
4. General Business, Professional, Administrative, Medical or Consulting service offices and like and similar facilities, limited to the ground and 2nd floors.

³⁷ As defined in §2.49 herein.

³⁸ Alcoholic beverage services shall be limited to Full-Service Restaurants that serve made-to-order meals. Bars which do not serve made-to-order food are prohibited.

³⁹ Coffee houses / coffee bars, ice cream parlors and like and similar facilities.



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5. Clinics.
6. Performing and fine arts space, including galleries, studios, exhibition space, auditoriums [sic] and like and similar uses.
7. Retail liquor stores under license from the New Jersey Division of Alcoholic Beverage Control.
8. Child Care Centers for which, upon completion, a license is required from the New Jersey Department of Human Services (or successor agency) pursuant to N.J.S.A. 40:55D-66.6.
9. Facilities as may be necessary and convenient to the provision of municipal or related services.

7.2.2 Permitted Ancillary Uses

- A. Such Ancillary Uses and Structures as are normally and customarily associated with a Permitted Principal Use.
- B. Alfresco dining attendant to a permitted eating and drinking establishment.

- C. Automated Teller Machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building; it being the intent not to permit free-standing exterior ATM kiosks.
- D. Interior Maintenance and Storage Areas.
- E. Public, Semi-Public and/or Private Utility facilities as may be required to service this section of the City.
- F. Subject to the provisions of the Circulation, Parking & Loading Plan (§8.0) herein, surface parking lots to support uses within the Redevelopment Area or elsewhere in this section of the City.
- G. Construction Staging Areas and Office Trailers attendant to the construction of a Redevelopment Project or any component thereof; including outdoor equipment and materials storage, contractor parking, construction offices, sales or leasing offices, and all other activities normally associated with development.



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Subject to any conditions placed on a Construction Staging Area by the City or any Relevant Permitting Agency, or any terms or conditions addressed within the context of a Redevelopment Agreement:

1. Construction Staging Areas shall be enclosed by a lockable construction fence, which shall be removed upon completion of the Project, or Phase or Subphase thereof, for which the Staging Area is intended.
2. Any and all property belonging to any contractor shall be removed upon the completion of the work by said contractor, regardless of whether the totality of construction is completed.
3. Unless to be used for a subsequent Phase or Subphase of the Redevelopment Project, all Construction Staging Areas shall be returned to their pre-construction condition upon completion of the Project, or Phase or Subphase thereof, for which Construction Staging Area is intended, or shall be otherwise addressed as a finished component of the Project.
4. In no case shall a Construction Staging Area, construction fence or the storage of equipment or materials remain in place for longer than one (1) week after issue of the Certificate of Occupancy for the final Phase or Subphase of the Project for which the Area, fence, equipment or materials are intended.
5. To effectuate the foregoing, Construction Staging Areas shall be included within any performance guarantee posed for this Project pursuant to City Ordinance.
6. Staging for construction of an off-tract improvement (i.e. construction outside the Redevelopment Area) shall be permitted, provided such construction directly relates to the Redevelopment Area, including, but not limited to, traffic, infrastructure or parking-related improvements. Staging for construction of an off-tract improvement not related to the Redevelopment Area shall require approval of City Council, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.



7. Unless Planning Board approval is required by this Redevelopment Plan or by the City's Development Ordinance, Construction Staging activities shall be approved by the Zoning Officer (in consultation with the City Engineer or other officials as may be necessary), who may impose such restrictions and/or conditions as may be deemed reasonable and appropriate for the protection of City infrastructure as well as adjacent properties and land uses ~ both within and outside of the Redevelopment Area.

Such conditions may include, but need not be limited to, buffering and screening as well as provisions concerning hours of operation, vehicular and delivery access, and site lighting.

8. Interpretation of any provision of this section shall be made by the Zoning Officer, which shall be exercised in accordance with the standards set forth herein for the protection of the public and adjacent property and uses.

7.2.3 Building Limit Controls

- A. The following Building Limit Controls are established to facilitate a comprehensively-designed, fully-integrated (Phased) Project under the control of a single master Redeveloper with the intent to create a multi-use / multi-building Project with a variety of commercial land uses and structural forms.
- B. As detailed in §4.4.4, §7.1.2 and elsewhere herein, this Redevelopment Plan permits the Redevelopment Area to be consolidated and *resubdivided* into multiple Tax Lots for financing purposes while being treated as a single Parcel for planning, approval and overall management purposes. Traditional per-lot building controls are therefore not appropriate.

Accordingly, the following Building Limit Controls are based on the totality of the Redevelopment Area as a single Parcel, whether individual Tax Lots are created or not. Within this context, Tax Lot Lines internal to the boundaries of the Redevelopment Area and created for such purposes shall not be considered Lot Lines for the purposes of conformance with the Development Regulations of this Redevelopment Plan.



C. Site and building design shall employ mass, scale, layout, materials and architectural and landscape features in order to establish a unified character for the Redevelopment Area. Within this context, the following site and building controls shall be flexibly interpreted in order to achieve these design goals.

The Redeveloper and its designers are encouraged to utilize the entirety of the Redevelopment Area in order to create an efficient and effective site layout.

CATEGORY	REGULATION
Minimum Lot Size	No Minimum Established The Redevelopment Area shall be developed as a single Project Site, with existing geometry constituting Lot Area, Width & Depth.
Minimum Lot Width	
Minimum Lot Depth	
Minimum Setbacks ⁴⁰	
New Jersey Avenue	20'
White Horse Pike	15'
New Road	
Michigan Avenue	
Block 2.3, Lot 2	
Buildings	To Internal (public or private) Circulation Aisles: 20' ⁴¹
	To Parking Stalls: 5'

CATEGORY	REGULATION
Lot Lines Internal to the Redevelopment Area	N/A
Accessory Structures ⁴²	Shall Not be 1 st structure adjacent to a Right-of-Way
Maximum Building Height	
Principal Buildings	3 Stories & 36' + architectural features
Accessory Structures ⁴²	10'
Maximum Principal Building Coverage ⁴³	50% Averaged over the entirety of the Redevelopment Area
Maximum Impervious Surface Coverage	80% Averaged over the entirety of the Redevelopment Area
Minimum Distance between Buildings	35' regardless of any intervening Lot Line within the Redevelopment Area
Signage	Addressed in §7.4 herein

7.3 Design Philosophy

7.3.1 In conceptualizing the Redevelopment Project, the Redeveloper and its designers shall recognize the significance of this development opportunity for the City and generate designs which will achieve the Goals & Objectives of this Redevelopment Plan.

⁴⁰ Setbacks shall be landscaped /streetscaped in accordance with §10.0 herein.

⁴¹ Does not include queuing aisle required for drive-up ordering at Quick Serve (Fast Food) Restaurants. Such aisle shall be located as required to permit efficient service.

⁴² Not applicable to Service Station Canopy or Project Signage.

⁴³ Includes Service Station Canopy.



7.3.2 City Policymakers recognize that a variety of factors will influence the final design of each building within the Redevelopment Area, that the character of each building will depend on a variety of economic and non-economic factors, and that design will likely vary from building to building. Accordingly, with the exception of the Building Limit Controls of §7.2.3 herein, this Redevelopment Plan does not mandate specific building design or Site Plan configuration. Rather, this Redevelopment Plan has been established in order to provide for the creation of an attractive and inviting environment in the Redevelopment Area.

7.3.3 This Redevelopment Plan permits Redevelopers the latitude to select and implement a design vocabulary which, in the judgment of the Redeveloper, is necessary to create the Redevelopment Project envisioned.

7.3.4 General Controls

A. Buildings may vary in terms of footprint, architectural elevations, window placement, roof type, height, entrances and finishes.

- B. In considering façade treatment, Redevelopers are encouraged to include a combination of rich detailing, texture, shadow lines and color. The use of dramatic corporate icons and architectural brand theming is encouraged.
- C. The Redeveloper is encouraged to consider environmentally-friendly, LEED⁴⁴ building and site systems and technologies.

7.4 Signage

7.4.1 A Signage Plan in sufficient scale and detail to clearly depict the size, placement, height, style, lettering, color, illumination and method of installation for all Project signage shall be submitted as part of the Review & Approval process. Such Plan shall include ~ to the extent known at the time ~ all text and iconographic elements proposed for all buildings, as well as for the entirety of the site surrounding each building within the Redevelopment Area.

7.4.2 While the Signage Plan shall generally conform with the signage regulations contained in §7.4.14 herein, this

⁴⁴ Leadership in Energy & Environmental Design (www.usgbc.org/?CategoryID=19)



Redevelopment Plan recognizes that such regulations may not be appropriate for every application proposed for the Redevelopment Area. Accordingly, the signage requirements of this Redevelopment Plan are expressly intended to serve as a guide. The Redeveloper shall feel free to propose a signage package that is considered appropriate to the Project as envisioned, and may petition the Planning Board for relief from the standards of such subsection during the Review & Approval process.

When requesting such relief, the Redeveloper shall provide clear justification as to why such standards should be relaxed.

Within this context, Redevelopers are encouraged to consolidate signage where possible.

7.4.3 The Planning Board reserves the right to require modifications to the Redeveloper's Signage Plan if necessary to balance the signage needs of the Project with the aesthetic and other needs of the Redevelopment Area and the City as a whole.

7.4.4 Upon Review & Approval the Redevelopment Project, a sign vocabulary for the Redevelopment Area will be established. At that time, the Redeveloper shall produce a set of signage regulations based on the signage as approved. Such regulations shall be forwarded to the Planning Board for review and recommendation pursuant to N.J.S.A. 40:55D-64, and ultimately to the City Council for incorporation into the Development Ordinance. Once adopted, such vocabulary, which shall survive the termination of this Redevelopment Plan, shall serve as the ordained signage regulations for this section of the City.

7.4.5 To the extent practicable, signage for similar Project elements shall be coordinated and similarly themed to provide a unifying style. This regulation shall not be construed to mean that all signs must be identical or to prohibit unique sign designs where necessary and appropriate, but rather that, absent specific justification⁴⁵ sign design shall be complimentary and consistent.

7.4.6 Sign area shall be measured as the outside edges of the

⁴⁵ e.g., theming requirements for corporately-branded retail, food & beverage and/or other establishments.



frame surrounding the sign text and graphics, and shall include any decorative or architectural elements attendant to such frame, but shall not include any base, supporting or bracing elements incidental to the sign structure. Where no frame exists, sign Area shall be measured by the smallest projected, enclosed, four-sided regular (right angled, straight-edged) geometric shape necessary to encompass all words and graphic images or components of the sign. Sign area shall not be measured based on individual / separate letters, words and graphics.

Gaps in sign panels shall not be included in sign area calculations.

Where a single sign has more than one (1) display face, the area which can be viewed simultaneously from any single location shall be used to determine Sign Area.

Other than “open” or “closed” signs, the area of all signs inside windows shall be included when computing maximum permitted sign area.

7.4.7 Sign Prohibitions

A. Exterior signage shall identify uses, activities or

functions in the Redevelopment Area and the Subject buildings therein. No sign may be placed on or attached to any building or erected independently for any purpose other than to identify a permitted business or use conducted ***in the Redevelopment Area***.

- B. Advertising of any product, use or activity outside of the Redevelopment Area is prohibited.
- C. No vacant signs or sign boxes are permitted. Where vacancies occur, corresponding signage shall be immediately replaced with general Project signage. Similarly, any sign which falls into a state of disrepair shall immediately be repaired or replaced.
- D. No sign of any type shall be located so as to obstruct site triangles, driving vision, traffic signals or traffic directional and identification signs.
- E. No sign shall be erected, used or maintained which in any way simulates official, directional or warning signs erected or maintained by the State, the County or the City, or by any public utility or similar agency concerned with the protection of the public health or safety.



F. Exposed guy wires, chains or other connections for any sign are prohibited.

G. Lawn signs, either individually or placed in series⁴⁶ are prohibited.

H. Roof signs are prohibited. No attached sign shall be higher at any point than the cornice or soffit line of the building to which it is attached.

7.4.8 All signs shall be professionally designed and constructed. Homemade-type (plywood, cardboard or similar) signs, or home-computer generated-type signs are expressly prohibited.

7.4.9 Signage featuring color and the use of dramatic corporate icons is encouraged, as is the use of neon lighting or similar material to create sculptural logo or iconographic images. Such signage shall be oriented toward the White Horse Pike and away from adjacent residential uses.

7.4.10 Sign illumination shall direct / reflect light and glare away

from adjacent premises and Rights-of-Way. No sign with yellow, red, green or blue illumination in a beam, beacon or flashing form resembling an emergency light is permitted.

7.4.11 No restrictions are established for directional (arrows), informational (“turn here”) or other similar signage designed to facilitate traffic movement into or within the Redevelopment Area, whether such signage is ground-mounted or mounted within or on a structure internal to the Redevelopment Area, provided that such signage has a message (sign) face no larger than 5 s.f. The Redeveloper is encouraged to establish a creative directional sign package consistent with the type and scope of Project proposed.

7.4.12 No restrictions are established for menu signs / ordering kiosks attendant to a drive-up aisle / window at a Quick Serve (Fast Food) Restaurant. Such element shall be of such size and location as required to permit efficient service.

7.4.13 Other than two (2) professionally made “Space Available” (or similar) signs placed along the White

⁴⁶ i.e., 2 or more signs placed in a parallel line to carry a single message, part of which is contained on each sign.



Horse Pike and a single such sign placed along each of the Rights-of-way bounding the Redevelopment Area, no real estate sales or leasing signs or equipment⁴⁷ is permitted within the Redevelopment Area.

7.4.14 Wall-mounted signs shall not project more than 15” from the building on which it is attached. Where any such sign projects more than 3” from such building, the lowest portion of the sign shall be at least 10’ above the finished grade elevation immediately below.

7.4.15 Permitted Signs

A. One (1) freestanding Project Identification Sign (supported by 1 or more columns or uprights which are firmly embedded in the ground), located along the White Horse Pike, displaying the name of the Project and the individual uses therein, as well as appropriate branding iconography (i.e., logo).

1. Maximum Sign Height: 20’, measured from the ground to the topmost portion of the sign structure.

2. Maximum Sign Area: 110 s.f. per side.
3. Minimum Sign Setback: 10’ from the all Rights-of-Way and driveways, but in all cases conforming with NJDOT regulations.

B. In addition to the freestanding Project Identification Sign under §7.4.15 A. herein, one (1) ground-mounted Use Identification Sign (securely anchored to the ground with a uniform monument-type construction), located along the White Horse Pike entranceway to the Redevelopment Area, displaying the name of a specific use within the Project, as well as appropriate branding iconography (i.e., logo).

Such sign is only permissible where the specific use occupies an entire building.

1. Maximum Sign Height: 12’, measured from the ground to the topmost portion of the sign structure.
2. Maximum Sign Area: 50 s.f. per side.
3. Minimum Sign Setback: 10’ from the all Rights-of-Way and driveways, but in all cases conforming

⁴⁷ e.g., lawn signs, flier stands, lock boxes or related items



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with NJDOT and County regulations.

C. Recognizing the unique signage requirements of a convenience store with fuel dispensing facilities, this Redevelopment Plan permits, in addition to the Signage permitted under §7.4.15 A. and B. herein, a Combined Project Identification / Information Sign along the White Horse Pike and New Road:

1. Maximum Sign Height: 26', measured from the ground to the topmost portion of the sign structure.
2. Maximum Sign Area: 165 s.f. per side.
3. Minimum Sign Setback: 10' from the all Rights-of-Way and driveways, but in all cases conforming with NJDOT regulations.

D. In addition to the Signage permitted under §7.4.15 A., B. and C. herein, one (1) ground-mounted Project Identification Sign (securely anchored to the ground with a uniform monument-type construction), located at the entranceways to the Redevelopment Area. Such signs shall depict the name of the Project and the various uses therein, as well as appropriate branding iconography (i.e., logo). The specific location of each

such sign shall be at the discretion of the Redeveloper.

1. Maximum Sign Height: 6', measured from the ground to the topmost portion of the sign structure.
2. Maximum Sign Area: 20 s.f. per side.
3. Minimum Sign Setback: 10' from the all Rights-of-Way and driveways, but in all cases conforming with NJDOT and County regulations.

E. Each building elevation within the Redevelopment Area may have one (1) Building Identification Façade Sign depicting the name of the building as well as appropriate branding iconography (i.e., logo).

A second Sign per building elevation is permissible as a descriptor of the products or services rendered in the subject Building if, at the discretion of the Planning Board, such signage is appropriate to the architecture of the Building, and further provided that the total Sign Area of both Signs does not exceed the maximum established hereinbelow as if the signs were calculated as a single sign.

1. Sign Location: Not extending beyond the



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Building Elevation on which the sign is affixed.

2. Maximum Sign Area:

- a. Signs oriented toward the White Horse Pike or New Road: 20% of the total surface area of the building elevation on which such sign is affixed.
- b. Signs oriented to New Jersey Avenue and Michigan Avenue: 5% of the total surface area of the building elevation on which such sign is affixed.
- c. Maximum Sign Height: No higher at any point than the cornice or soffit line of the building to which it is attached.

F. In addition to any Building Identification Façade Sign depicting the name of the building, multiple Permitted Uses located within a building may each have a single facade or door or window sign identifying the name of such use.

1. Sign Location:

- a. Above the principal entrance to the Use;

- b. Applied to the window of the Use; or
- c. Applied to an awning or canopy above the principal entrance to the Subject Use.

2. Maximum Sign Area:

- a. Façade Sign: 24" tall x 75% of the linear footage of the building elevation utilized for the Subject Use.
- b. Door or Window Sign: No greater than 25% of the door or window on which it such sign is placed.
- c. Maximum Sign Height: No higher at any point than the cornice or soffit line of the building to which it is attached.

G. Recognizing the unique signage requirements of a convenience store with fuel dispensing facilities, this Redevelopment Plan permits the canopy over the fuel pumps to have one (1) sign per canopy façade not exceeding the height and length of the façade on which the sign is erected. Fuel dispenser identification markings and fuel dispenser pricing signs shall not be



8.0 CIRCULATION, PARKING & LOADING PLAN

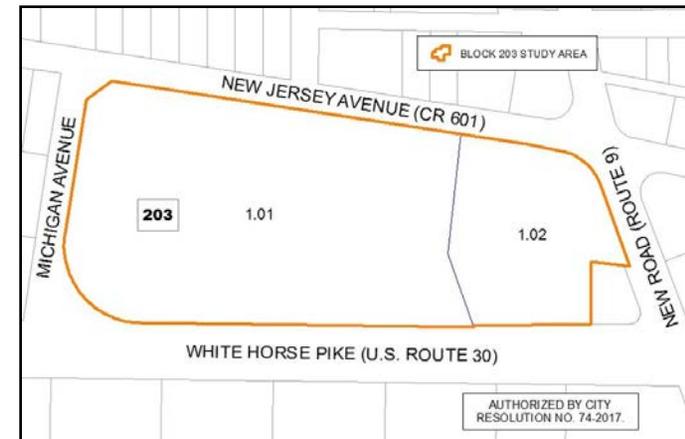
considered “signs” for the purposes of this section.

8.1 Circulation

8.1.1 General

- A. This Circulation Plan generally maintains the White Horse Pike, New Road, New Jersey Avenue and Michigan Avenue Rights-of-Way in their current geometry, although certain improvements may be required to address existing traffic as well as the additional traffic anticipated to be generated by the Redevelopment Project anticipated.

NJDOT will require a widening of the White Horse Pike as part of a Redevelopment Project. Additional improvements may include, but need not be limited to, other cartway widening, modifications in pavement striping and traffic signage, dedicated turning lanes and/or other mechanisms to facilitate ingress to and egress from the Redevelopment Area, adjustments to at-grade pedestrian crosswalks and traffic signals and/or other physical and/or mechanical elements to regulate pedestrian and traffic movement.



Off-tract improvements may include adjustments to the jug-handle turn-around at the southeast corner of the intersection of the White Horse Pike and New Road in order to address queuing and stacking concerns identified in the Report of Findings. Such improvements, if any, will be at the discretion of NJDOT.

- B. This Redevelopment Plan recognizes that improvements to the Rights-of-Way in the vicinity of the Redevelopment Area will require collaboration between the City, NJDOT, the County and/or the



Redeveloper.⁴⁸

The City is committed to working with NJDOT, the County and the Redeveloper to address any improvements required. Details related to City participation in this process shall be addressed within the context of the Redevelopment Agreement to be negotiated between the City and the Redeveloper.

- C. In addition to the improvements detailed in subsection B. herein, any repair or reconstruction of a public Right-of-Way necessitated by construction of the Redevelopment Project shall be the responsibility of the Redeveloper.
- D. Given the multi-jurisdictional nature of the bounding Rights-of-Way, it is not possible to determine the location of accessways ~ and therefore curbcuts ~ into the Redevelopment Area at this time. Such issues shall be determined during the permitting process.

Nonetheless, existing curb-cuts not utilized for such purposes shall be eliminated wherever possible.

8.1.2 Sidewalks

- A. A visual inspection of the Redevelopment Area finds that existing sidewalk widths range from non-existent to (approximately⁴⁹) 5'.
- B. In order to accommodate the pedestrian traffic anticipated for the Redevelopment Project as well as the decorative streetscape treatment required by the Landscaping & Streetscaping Provisions (§10.0) of this Redevelopment Plan, this Redevelopment Plan requires new sidewalks and/or expansions of existing sidewalks to a minimum of 8' along New Jersey Avenue and a minimum of 5' along the White Horse Pike, New Road and Michigan Avenue.

Such expansions may require combining Right-of-Way and Redevelopment Area property to create

⁴⁸ The White Horse Pike (U.S. Route 30) and New Road (U.S. Route 9) are Federal Rights-of-Way under the jurisdiction of NJDOT. New Jersey Avenue (CR 601) is a County Road under the jurisdiction of Atlantic County.

Only Michigan Avenue is a municipal Right-of-Way under the jurisdiction of the City.

⁴⁹ A Property Survey of the individual Lots within the Redevelopment Area, performed by a licensed Land Surveyor, is required for precise measurements. Such a Survey is beyond the scope of this Redevelopment Plan.



the required distances from the curbs; therefore necessitating NJDOT and County approval. Initial improvements and ongoing maintenance shall be the responsibility of the Redeveloper.

- C. In order to delineate crosswalks, sidewalks shall be continued across internal street or driveway surfaces by means of contrasting paving materials, including colored asphalt, scored or decorative stamped concrete or concrete pavers. Colors shall complement the architecture of the Project.
- D. All sidewalks shall have accessible curb ramps at corners and elsewhere where appropriate.

8.1.3 Curbing

- a. Curbing is required on all Rights-of-Way. Curb radii shall be as required by the City Engineer, NJDOT and the County, as applicable, and shall not extend more than 6" above the finished pavement.
- b. Material may be granite (or equivalent) block, exposed concrete reveal in a square section or Belgian Block.

8.2 **Parking**

8.2.1 General Requirements

- A. Parking within the Redevelopment Area shall be accomplished via surface parking lot(s). The Redeveloper is permitted to utilize shared parking and other innovative parking solutions as part of their Parking Plans.
- B. Parking spaces shall generally be located as close to the buildings / uses they are intended to serve.
- C. Parking within the Redevelopment Area shall be governed by the schedules contained in Parking Generation, Current Edition published by the Institute of Transportation of Engineers (ITE).⁵⁰

Consistent with the intent of this Redevelopment Plan to utilize applicable Smart Growth / New Urbanism Principals, ITE schedules are expressly intended to serve as a guide. To the extent permitted by the Planning Board and other Relevant Permitting

⁵⁰ Commonly referred to as the "ITE Parking Manual".



Agencies, the Redeveloper shall include provisions for such parking as may reasonably be necessary for a particular Project, and may increase parking supply beyond ITE Standards or may petition the Planning Board (and other Agencies) for relief from such standards at time of Review & Approval.

- D. Off-street parking shall be sufficient to provide parking for the employees of all proposed uses as well as for customers.

The total parking requirement for the Redevelopment Project shall be the sum total of the number of spaces required for each individual use therein. Where the calculation of total parking required results in a fraction of a parking space, such fraction shall be rounded to the higher whole number.

On-street parking spaces in proximity to the Redevelopment Area and off-street parking spaces located outside of the Redevelopment Area shall not be counted toward satisfying any parking requirement within the Redevelopment Area.

8.2.2 Surface Parking Lots

- A. Parking lot design shall balance the functional requirements of vehicular parking with provisions to facilitate pedestrian movement. Transition areas between parking and commercial uses shall be designed with textured paving and landscaping.
- B. Parking lot layout, landscaping, buffering and screening shall be provided to minimize direct views of parked vehicles from streets and sidewalks; avoid spillover light, glare, noise, or exhaust fumes onto adjacent properties; and provide the parking area with a reasonable measure of shade.
- C. To the extent practicable, parking shall be accessed by means of accessways from the White Horse Pike, New Road and/or New Jersey Avenue. Unless substantially widened to accommodate increased traffic, access from Michigan Avenue shall be minimized.
- D. No parked vehicle shall extend into a driveway or parking lot circulation aisle or encroach into a Right-of-Way.
- E. Parking stalls shall be a minimum of 9' wide by 18' long.



F. Parking Lot Landscaping

The interior of all parking lots shall be landscaped to provide shade and visual relief via protected planting islands or peninsulas within the perimeter of the lot.

Parking lots shall be planted with one (1) deciduous shade tree per five (5) parking spaces. A 6' planting diamond (or equivalent planter) is required for each tree, with shrubbery and flowering plants added as accent to provide color and visual interest. Rows of parking spaces should be broken into groups of not more than 25 spaces by planter islands or peninsulas.

Plant material shall be appropriate to Absecon's climatic zone and tolerant of the salt-air and heavily-trafficked environment of the Redevelopment Area. Types, location and frequency of plantings shall be appropriate to the architecture of the Project and the building(s) which the parking lot is intended to serve.

G. Parking lot layout shall include pedestrian crosswalks, distinguished by textured paving or similar material, and shall be integrated into the wider network of pedestrian walkways.

H. As detailed elsewhere herein, this Redevelopment Plan permits the Redevelopment Area to be consolidated and resubdivided into multiple Lots for financing purposes while being treated as a *single property* for planning and approval purposes. Cross-access easements for all Lots so created are required to insure the interconnectivity of the parking field.

Such concept shall be included within the Redevelopment Agreement to be negotiated between the City and the Redeveloper. Specific language creating such easements shall be submitted to the Planning Board Solicitor as part of the Review & Approval process.

8.2.3 Traffic Impact Study & Parking Analysis

As part of the Review & Approval process, the Redeveloper shall submit a Traffic Impact Study and Parking Analysis, conducted in accordance with [then] current ITE standards ~ utilizing the most recent editions of the nationally accepted ITE *Trip Generation Handbook* and the ITE *Parking Manual* ~ which shall include and address, at a minimum:



A. Traffic Impact Study

1. A site inspection and inventory of existing roadway and intersection characteristics, including roadway widths, traffic control devices, sight distances, and any other pertinent physical features of the roadway network surrounding the Redevelopment Area.
2. Collection of peak hour traffic data for the weekday A.M. and P.M. periods at all appropriate intersections.
3. Trip generation projections for the proposed Project, with distribution of Project traffic to the roadway network and proposed Project accesses.
4. Projection of future "build-out year" traffic volumes for the Redevelopment Area, which will include background traffic growth as appropriate, and the distribution of site traffic.

Determination of improvements required to mitigate the Project's traffic impact.

B. Parking Analysis

1. Projections of the peak number of to-be-occupied parking spaces, taking into account a reasonable turnover rate to insure an appropriate parking supply for the uses proposed.
2. Identification of how parking spaces will be assured for patrons and employees of the Uses proposed.
3. To address shared parking, the Parking Analysis shall utilize the procedures presented in the most recent version of the "Shared Parking" report published by the Urban Land Institute ("ULI"), and shall use the most current shared parking methodology published by ULI or ITE.

Projected parking demand may be adjusted based on an analysis of captured parking using procedures presented in the most recent version of the ITE *Trip Generation Handbook*.



8.3 Loading

8.3.2 All loading and deliveries for the Redevelopment Area, including removal of refuse and recycling material, shall be accommodated via loading areas of such size and number of spaces as may be appropriate for the uses such spaces are intended to serve. Within this context, loading areas may be in the form of loading docks constructed as part of a building or portions of parking lots used for loading purposes.

8.3.3 Loading areas shall be oriented in such a fashion as to create the least possible interference with traffic movement, both internal and external to the Redevelopment Area.

8.3.4 Loading areas shall be totally within the Redevelopment Project site such that the vehicle(s) being loaded / off-loaded shall be off of any public Right-of-Way.

8.3.5 Recognizing that it may not be possible to totally conceal loading areas from view, such areas shall be screened and landscaped so as to minimize direct views from adjacent properties or from public Rights-of-Way, and to minimize spill-over glare, noise, exhaust fumes or other nuisance.

Screening and buffering shall be achieved through any combination of walls, fences, and/or landscaping.

8.3.6 Specific delivery, loading and trash and recycling removal programs for each building shall be determined at time of Review & Approval.

8.4 Final Circulation, Parking & Loading Plans

8.4.1 Details comprising the Redeveloper's circulation, parking and loading plans for the Redevelopment Area, shall be more fully developed as the Redeveloper refines its Project Concepts and designs, and shall be approved by the Planning Board at time of Review & Approval. Such details shall address, as appropriate:

- Municipal dedications and vacations;
- Parking;
- Loading;
- Internal circulation of vehicles and pedestrians; and
- Other actions related to improved traffic and pedestrian circulation to, from and through the Redevelopment Area.



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8.4.2 Nothing herein shall prohibit the Redeveloper from pursuing circulation, parking or other improvements as off-tract improvements as necessary and appropriate. Any such improvement will be, by definition, on lands outside of the Redevelopment Area. Design and other requirements will fall under the jurisdiction of the Relevant Permitting Agencies and not this Redevelopment Plan. However, all such improvements shall be consistent with and designed to augment this Circulation, Parking & Loading Plan.



9.0 INFRASTRUCTURE CONTROLS

9.1 Utility Services⁵¹

9.1.1 Utility services to the Redevelopment Area are available from the White Horse Pike, New Road and New Jersey Avenue. A Site Survey, performed by a licensed Land Surveyor, is required for locations of subsurface elements and at-grade or overhead lines.

While it is believed that there is available capacity in each system to accommodate the intensity of development anticipated by this Redevelopment Plan, the City makes no warrants as to the adequacy of any existing utility service vis-à-vis any proposed Project.

9.1.2 The proposed locations for utility lines and easements shall be established at time of Review & Approval.

9.1.3 Distribution lines for all utility systems feeding the Redevelopment Area shall be placed underground.

Existing above ground utilities shall be incorporated into the underground systems at the boundaries of the Redevelopment Area as improvements are undertaken.

The Redeveloper and its engineers are herewith put on notice that the utilities servicing the Redevelopment Area feed from existing lines servicing other sections of the City. This Redevelopment Plan will permit NO INTERRUPTION OF SERVICE to these areas. Redevelopers shall comply with the requirements of each individual utility to insure UNINTERRUPTED SERVICE.

9.1.4 All infrastructure improvements and related easements shall comply with City standards. All such improvements shall be inspected by the City Engineer for compliance with such standards and shall be certified as compliant prior to municipal acceptance of same.

⁵¹ Including electric, gas, sanitary and storm sewer, water, communications (telephone) and cable television systems.



9.2 Final Infrastructure Plans

9.2.1 Details comprising the Redeveloper's Infrastructure plans for the Redevelopment Area, shall be more fully developed as the Redeveloper refines its Project Concepts and designs. and shall be approved by the Planning Board at time of Review & Approval. Such details shall address, as appropriate:

- Proposed locations for utility lines and easements;
- Stormwater management;
- Sanitary sewer and potable water;
- Solid waste and recycling, and
- Other issues related to necessary infrastructure to, from and through the Redevelopment Area.

9.2.2 Nothing herein shall prohibit the Redeveloper from pursuing infrastructure improvements as off-tract improvements as necessary and appropriate. Any such improvement will be, by definition, on lands outside of the Redevelopment Area. Design and other requirements will fall under the jurisdiction of the Relevant Permitting Agencies and not this Redevelopment Plan. However, all such improvements shall be consistent with these Infrastructure Controls.



10.0 LANDSCAPING & STREETSCAPING PROVISIONS

10.1 Landscaping & Streetscaping Plan

A Landscaping & Streetscaping Plan, prepared by a New Jersey Licensed Landscape Architect (augmented by a New Jersey Licensed Professional Engineer, as appropriate), shall be submitted as part of the Review & Approval process. Such Plan shall be in sufficient scale and detail to clearly depict the location, placement, size, scope and quantity of all design elements and materials, and shall address the aesthetic treatment for all publicly-visible portions of the Redevelopment Area (whether public access is permitted or not), including all sidewalks, parking lots and infrastructure elements. Such Plan shall include:

- Common name, botanical name, size at planting and appropriate planting notes for all landscape elements;
- Quantities, locations and appropriate details and notes for other Project elements; and
- Other relevant issues as appropriate.

All lands within the Redevelopment Area shall either retain their natural features ~ to the extent that any exist ~ or be extensively landscaped and/or streetscaped with such natural and manmade materials as may be appropriate to the type and scale of the Project(s) proposed. Such landscaping / streetscaping shall be provided in all areas not covered by buildings, parking lots or other improvements.

Landscape Architects shall consider suitability, maintenance and compatibility with site and Project features when establishing landscape / streetscape design.

10.1.1 Landscaping

- A. Landscape elements may include, but need not be limited to, street trees, shade trees, shrubbery, hedges, ground covers and/or grasses, perennial and annual flowers and other plant materials. Design shall feature repetition, structured patterns and complimentary textures and colors in order to create an overall character for the Redevelopment Area.



B. Plant Material

1. To the extent practicable, plant material shall consist of native species as well as those species traditionally found in the Atlantic County / Absecon City region. Non-native species may be employed to enhance aesthetic appeal.
2. Plant selection shall be varied to avoid a monoculture.
3. Only nursery-grown plant materials are acceptable. All plant material shall be grown and installed in compliance with the current edition of the American Standard for Nursery Stock (ANSI Z60.1) published by the American Horticulture Industry Association.
4. Species shall be appropriate to Absecon's climatic zone and tolerant for the salt-air and heavily-trafficked environment of the Redevelopment Area. Types, location and frequency of plantings

shall be appropriate to the Project elements which they are intended to serve.

10.1.2 Streetscaping

- A. Streetscaping shall address the decorative treatment of all impervious surfaces, both internal to the Redevelopment Area and within any Right-of-Way bounding the Area, in order to demarcate public spaces and help the Project blend in with the surrounding natural and built environment. Elements shall be appropriate to the Project proposed and shall be constructed of non-reflective materials.
- B. Streetscaping elements may include, but need not be limited to such functional and ornamental elements as decorative (textured) paving materials;⁵² benches and other street furniture; fountains or other water features; trellises, pergolas, gazebos; fences and walls; decorative lighting (both pedestrian and architectural); and like and similar features.

⁵² Including, but not be limited to, a combination of scored concrete, paver accents and such non-traditional / New Urbanist landscape design as curvilinear or meandering (internal) sidewalks with enhanced planting beds, rain gardens and other similar aesthetic treatment.



- C. Streetscaping along New Jersey Avenue and at the intersection of New Jersey Avenue and New Road shall be compatible with the existing streetscape on New Jersey Avenue east of New Road.
- D. Curbing and sidewalks shall be provided along all public and private rights-of-way and along all internal circulation-ways.
- E. As specified in §8.1.2 B. herein, this Redevelopment Plan requires new sidewalks and/or expansions of existing sidewalks to a minimum of 8' along New Jersey Avenue and a minimum of 5' along the White Horse Pike, New Road and Michigan Avenue.
- F. Alfresco seating (where restaurants are proposed) and open-air gathering places are encouraged throughout the Redevelopment Area.
- G. Accessible Open Space areas may be developed as café seating, pedestrian promenades and/or active or passive recreation areas. Treatment may include gardens or other decorative elements to create an attractive setting. Such areas may be common open

space or may be proprietary to a Permitted Use within a component of the Redevelopment Project.

10.2 Lighting

- 10.2.1 A comprehensive Lighting Plan, addressing illumination of all public areas, parking lots, open spaces and buildings, shall be submitted as part of the Landscaping & Streetscaping Plan. Lighting shall be designed to provide security and safe movement of pedestrians and vehicles as well as to highlight Project elements in order to create an aesthetically-pleasing environment.

The Lighting Plan shall depict the proposed location, type and wattage of all luminaries, with i.s.o. footcandle radii and light cutoff angles indicated. Where pole mounted lighting is employed, pole design, height, foundation and support information is required.

- 10.2.2 Site and building lighting shall blend with the architecture of the element(s) such lighting is designed to highlight.
- 10.2.3 Lighting shall be shielded, buffered and directed to prevent light spillover, glare or reflection from impacting



adjoining properties, including wetlands and other natural areas.

10.2.4 Security lighting shall illuminate all windows, doors, access drives to parking areas and other public spaces as required.

10.3 Final Landscaping & Streetscaping Plans

Details comprising the Redeveloper's Landscaping and Streetscaping plans for the Redevelopment Area, shall be more fully developed as Redeveloper refines its Project Concepts and designs and shall be approved by the Planning Board at time of Review & Approval.



11.0 PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS

11.1 Redevelopment Area Designation

1.1.1 On May 4, 2017, the Absecon City Council, via Resolution No. 101-2017⁵³ declared what was then termed the Block 203 Study Area to be a "Non-Condemnation Area in Need of Redevelopment" pursuant to the *Redevelopment Law*.

Redevelopment Area designation is a prerequisite for the promulgation of a Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.

11.2 Redevelopment Plan

Upon adoption by City Council, this document shall constitute a Redevelopment Plan under the *Local Redevelopment & Housing Law*. It includes an outline for the (re)planning and (re)development of the Redevelopment Area as follows:

11.2.1 Relationship to Definite Local Objectives⁵⁴

This Redevelopment Plan has been crafted to achieve the Municipal Goals & Objectives detailed under §4.0 herein.

A. Appropriate Land Uses

Permitted and Prohibited land uses for the Redevelopment Area are detailed in §6.2.3 and §7.2 herein.

B. Density of Population

At Publication, no residences existed in the Redevelopment Area.

This Redevelopment Plan permits no residential uses.

This requirement is therefore not applicable.

⁵³ On file with the City Clerk.

⁵⁴ N.J.S.A. 40A:12A-7a(1)



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C. Public Transportation & Traffic

1. Public Transportation

- a. NJ Transit's Absecon Train Terminal is located less than 1/2 miles southeast of the Redevelopment Area on the corner of the White Horse Pike, Station Avenue and Ohio Avenue.

This station provides local and regional train service to Atlantic City to the east and to Egg Harbor City, Hammonton, Atco, Lindenwold, Cherry Hill, Pennsauken and Philadelphia's 30th Street Station to the west.

Transfers at Lindenwold provide service to Ashland, Woodcrest, Haddonfield, Westmont, Collingwood, Camden and ultimately Center City Philadelphia. Transfers at Pennsauken provide service to NJ Transit's River Line to communities along the Delaware River and ultimately Trenton.

Transfers at Philadelphia and Trenton provide connections to SEPTA, Amtrak and other providers to points north, south and west.

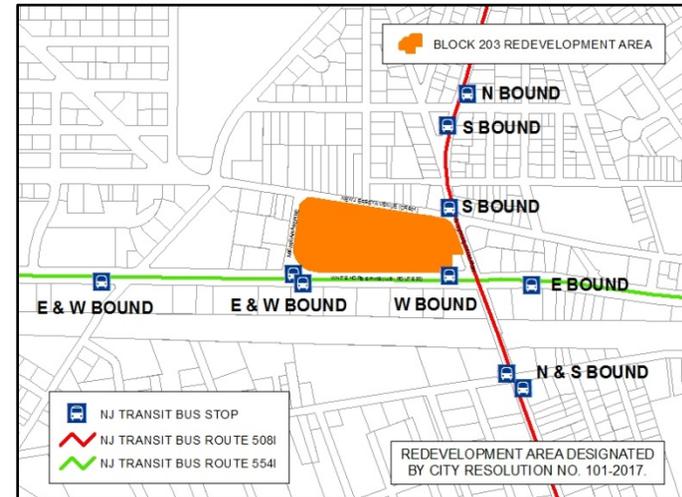




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b. A number of NJ Transit Bus Stops are located in proximity to the Redevelopment Area.⁵⁵ These Stops provide access to local and regional bus service to (from) Absecon to (from) locations throughout Atlantic County and, via bus and rail connections, various points in all directions. Specifically:⁵⁶

- **NJT Bus Route 508** (Atlantic City ~ Galloway Township) serves: Atlantic City Bus Terminal, West Atlantic City, Pleasantville, Absecon, Seaview Country Club, Absecon Highlands, Atlantic Care Regional, Medical Center (Limited), Galloway Township, Richard Stockton College, Absecon Manor (Limited), Atlantic County Social, Security Offices (Limited), Hamilton, Consumer Square, Hamilton Mall.
- **NJT Bus Route 554** (Lindenwold - Atlantic City) serves: Lindenwold, Berlin, Atco, Hammonton, Mullica Twp., Egg Harbor City, Galloway Twp., Absecon, Pleasantville, Atlantic City.



2. Traffic

As detailed in §8.1.1 and elsewhere in this Redevelopment Plan, the City assumes that the Rights-of-Way bounding the Redevelopment Area will generally remain in their current geometry, but may be modified in some form to improve traffic flow in this section of the City. Specific improvements will naturally be dependent on the traffic data provided by the Redeveloper and the concurrence of the Relevant Permitting Agencies,

⁵⁵ njgin.state.nj.us/NJ_NJGINExplorer/explorer.jsp

⁵⁶ www.dougandadrienne.info/njbus/indexsnj.html



and are therefore beyond the scope of this Redevelopment Plan.

Issues related to traffic and vehicular circulation improvements, parking, and related elements for the Redevelopment Area are outlined in the Circulation, Parking & Loading Plan (§8.0) herein.

D. Public Utilities

Utility service and the Redeveloper's requirements relating thereto are outlined in the Infrastructure Controls (§9.0) herein.

E. Recreational & Community Facilities

1. The municipal recreation facilities formerly located on Block 203, Lot 1.01 were relocated to the City's Dr. Jonathan Pitney Recreational Park in 2002 / 2003.

The activities detailed in this Redevelopment Plan will therefore not negatively impact existing recreation facilities within the City.

2. The lone Community facility in the Redevelopment Area is the City-owned Absecon Fire Station, located on Block 203, Lot 1.02. Conditions of this facility are fully detailed in the Report of Findings.

As detailed in §4.4.10, §5.2.1 E. and §6.2.2 C. herein, the City intends to utilize this Redevelopment process as a means to provide for improved functionality for the Fire Station, either in its current location, elsewhere within the Redevelopment Area or outside of the Redevelopment Area. Details related thereto shall be determined within the context of the Redevelopment Agreement to be negotiated between the City and the Redeveloper.

F. Other Public Improvements

1. Other Public improvements anticipated by this Redevelopment Plan include improvements related to the roadway and infrastructure networks in and around the Redevelopment Area, improved sidewalks and streetscaping and remediation of any contamination found in the Area.



Traffic and infrastructure improvements will have the added benefit of providing upgraded service to properties outside ~ but in the vicinity of ~ the Redevelopment Area.

To the extent that such improvements benefit parties other than Redeveloper, they may be considered *Other Public Improvements*.

2. While no *Other Public* improvements are contemplated, this Redevelopment Plan permits such improvements as may be necessary to support the Redevelopment Project.
3. Pursuant to §6.2.1. D.3. herein, the Planning Board shall retain the right, at time of Review & Approval, to require such off-site and/or off-tract improvements as may be lawful, necessary and proportionate to ensure the free flow of traffic, to mitigate other possible impacts to the public safety and welfare arising from the Redevelopment

Project, and to otherwise ensure the effective implementation of this Redevelopment Plan consistent with the Goals & Objectives specified (§4.0) herein.

11.2.2 Proposed Land Use & Building Requirements⁵⁷

The Standards & Controls of General Applicability⁵⁸; Land Use Plan⁵⁹; Circulation, Parking & Loading Plan; Infrastructure Controls; and Landscaping & Streetscaping Provisions are detailed in §6.0 through §10.0 of this Redevelopment Plan.

11.2.3 Provision for Temporary & Permanent Relocation⁶⁰

The *Redevelopment Law* requires a Redevelopment Plan to include “adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market”.

⁵⁷ N.J.S.A. 40A:12A-7a(2)

⁵⁸ Authorities; Review Procedures, Interpretations & Responsibilities; Approval Process; Variances, Departures, Deviations & Design Waivers; and Permitted & Prohibited Uses.

⁵⁹ Parcelization Plan, Development Regulations and Architectural Controls.

⁶⁰ N.J.S.A. 40A:12A-7a(3)



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There are no residences or (other than the City-owned Absecon Fire Station) non-residential facilities within the Redevelopment Area. This requirement is therefore not applicable to this Redevelopment Plan.

11.2.4 Identification of Property-To-Be-Acquired⁶¹

Issues related to ownership and acquisition are addressed in §5.2 herein.

11.2.5 Significant Relationships to Other Plans⁶²

The *Redevelopment Law* requires a Redevelopment Plan to address any significant relationship of the Plan to the master plans of contiguous municipalities, the master plan of the County in which the municipality is located, and the State Development and Redevelopment Plan.

Prior to the adoption of this Redevelopment Plan. Plans applicable to the Redevelopment Area were:

- The Absecon Master Plan;
- The Atlantic County Master Plan; and
- The State Plan.

⁶¹ N.J.S.A. 40A:12A-7a(4)

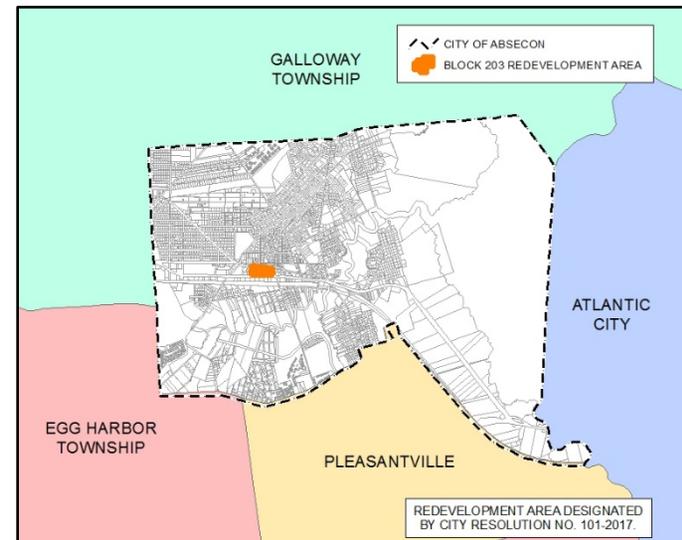
⁶² N.J.S.A. 40A:12A-7a(5)

Upon adoption of this Redevelopment Plan, Plans applicable to the Redevelopment Area will be:

- This Redevelopment Plan;
- The Absecon Master Plan;
- The Atlantic County Master Plan; and
- The State Plan.

A. Master Plans of Contiguous Municipalities

Municipalities continuous to Absecon are Galloway Township, Egg Harbor Township, Pleasantville and Atlantic City.





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Given the location of the Redevelopment Area within the City of Absecon and the geometry of the City vis-à-vis its neighbors, the activities anticipated under this Redevelopment Plan are not expected to have a material impact on any of the municipalities that are contiguous to Absecon.

Accordingly, this Redevelopment Plan creates no change in the relationships between Absecon and the municipalities contiguous to Absecon from the relationships that existed prior to the adoption of this Plan.

B. Atlantic County Master Plan

The Atlantic County Master Plan was adopted in October 2000.

At Publication, the Atlantic County Department of Regional Planning and Development was undertaking, but had not completed, a new Master Plan. While the contents of the new County Plan are prospective at this time, County Government has prioritized economic development / economic revitalization County-wide.

Accordingly, while this Redevelopment Plan creates no change in the relationship between the City of Absecon and the County Master Plan from the relationship that existed prior to the adoption of this Plan, it is fully consistent with the economic development priorities.

C. State Development & Redevelopment Plan

As detailed in §3.3.3 herein, the State Plan identifies Absecon as a (town) “Center”, and classifies the section of the City which includes the Redevelopment Area as a PA~1 (Metropolitan) Planning Area.

The activities proposed under this Redevelopment Plan are designed to advance the State Plan's goals for Metropolitan Planning Areas by, in the language of the State Plan Policy Objectives:

LAND USE

Promoting redevelopment and development in a (town) Center that has been identified through cooperative regional planning efforts.

Promoting diversification of land uses, albeit in a multi-use ~ as opposed to single use ~ development with linkages to the rest of the community.



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Ensuring efficient and beneficial utilization of scarce land resources in order to strengthen the Planning Area's existing diversified and compact nature.

ECONOMIC DEVELOPMENT

Promoting economic development by encouraging strategic land assembly, site preparation and infill development, public / private partnerships and infrastructure improvements that support an identified role for the community within the regional marketplace.

Encouraging job training and other incentives to retain and attract businesses.

Encouraging private sector investment through supportive government regulations, policies, and programs, including tax policies and expedited review of proposals that support appropriate redevelopment.

TRANSPORTATION

Maintaining and enhancing a transportation system that capitalizes on [existing] settlement patterns by encouraging walking, and public transportation to reduce automobile dependency.

Creating opportunities for transit oriented redevelopment by locating a significant Project

in proximity to a NJ Transit Rail Station as well as several NJ Transit Bus Stops.

REDEVELOPMENT

Promoting a multi-use Project which provides for a broader range of uses than could be accomplished under a single-use Project; thereby creating a more efficient use of infrastructure.

Promoting a design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile.

PUBLIC FACILITIES & SERVICES

Addressing the needs of existing infrastructure systems to eliminate deficiencies and provide capacity for sustainable development and redevelopment in the region.

Providing for the needs of an existing public facility and service in a (town) Center.

Accordingly, the Redevelopment Actions anticipated under this Redevelopment Plan are consistent with, support and are designed to effectuate the goals and objectives of the State Plan for (town) Centers within a Metropolitan Planning Area.



11.2.6 Inventory of Existing Affordable Housing Units to be Removed⁶³

There are no housing units ~ affordable or otherwise ~ within the Redevelopment Area. This requirement is therefore not applicable to this Redevelopment Plan.

11.2.9 Plan for Affordable Replacement Housing⁶⁴

The *Redevelopment Law* requires a Redevelopment Plan to include “[a] plan for the provision of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the Redevelopment Plan”.

There are no housing units ~ and therefore no housing units to be replaced ~ within the Redevelopment Area. This requirement is therefore not applicable to this Redevelopment Plan.

11.2.10 Provision of Affordable Housing⁶⁵

Issues related to any affordable housing obligation arising from a Project in the Redevelopment Area shall be negotiated within the context of the Redevelopment Agreement between the City and the Redeveloper.

11.2.11 Relationship to Pertinent Municipal Development Regulations⁶⁶

A. Prior to the adoption of this Redevelopment Plan, Block 203, Lot 1.01 was zoned (C-1) Central Business District and Block 203, Lot 1.02 was zoned (SPB) Schools & Public Buildings. Use and building regulations for each such zone are included as Exhibit 1 herein.

Upon adoption of this Redevelopment Plan, the provisions of §7.0 herein shall govern all land use and structural form within the Redevelopment Area.

B. The uses permitted in the C-1 Zone range from single-family detached dwellings to commercial

⁶³ N.J.S.A. 40A:12A-7a(6)

⁶⁴ N.J.S.A. 40A:12A-7a(7)

⁶⁵ N.J.S.A. 40A:12A-7b

⁶⁶ N.J.S.A. 40A:12A-7c



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parking lots, retail uses, office uses, indoor and outdoor entertainment / recreational / sports uses and Mid-rise Hotels⁶⁷. Such a wide disparity in use types have the potential to create incompatible land uses in very close proximity to each other.

The Development Ordinance establishes no Permitted Uses for the SPB Zone.⁶⁷

- C. In order to achieve the Goals & Objectives of this Redevelopment Plan as detailed in §4.0 herein, this Plan eliminates from the Redevelopment Area the non-commercial uses and certain lower intensity commercial uses permitted in the C-1 Zone in favor of the Permitted Uses detailed in §7.2 herein, and extends such Permitted Uses to the SPB-Zoned lands.
- D. The area, yard and bulk regulations for the C-1 Zone established by the Development Ordinance⁶⁷ were presumably crafted to relate to the uses permitted in the C-1 Zone by such Ordinance.

As with Permitted Uses, the Development Ordinance establishes no area, yard and bulk requirements for the SPB Zone.⁶⁷

The Building Limit Controls, Architectural Controls and other provisions of this Redevelopment Plan differ from the regulations established by the Development Ordinance. Such changes are deemed necessary to achieve the multi-use commercial Project envisioned by this Redevelopment Plan.

11.2.10 Consistency with Municipal Master Plan⁶⁸

The *Redevelopment Law* provides that “All provisions of [a] redevelopment plan... be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan”.

⁶⁷ Exhibit 1

⁶⁸ N.J.S.A. 40A:12A-7d



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- A. The City's 2016 Master Plan Reexamination Report,⁶⁹ adopted by the Planning Board on February 22, 2017, predated this Redevelopment process.

- B. The Goal & Objectives of this Redevelopment Plan articulated in §4.3 herein incorporate many of the provisions and recommendations of such Reexamination for the Redevelopment Area. As such, this Redevelopment Plan is fully consistent with the 2016 Master Plan Reexamination Report.

⁶⁹ On file with the Planning Board Secretary and/or the City Clerk.



12.0 EFFECTIVE DATE

12.1 Effective Date

The Effective Date of this Redevelopment Plan shall be the date the Ordinance adopting this Plan becomes effective.



13.0 EXHIBITS



EXHIBIT 1: PRE-EXISTING ZONING REGULATIONS			
REGULATION	CENTRAL BUSINESS DISTRICT (C-1)		
USE REGULATIONS			
Permitted Principal Uses & Buildings	Single-family detached dwellings.		
	Parks, playgrounds and other publicly operated recreational uses or structures		
	Retail stores and shops, general business establishments, personal service establishments, such as barber and beauty shops, professional offices, and restaurants.		
	Ground-level parking lots not operated for profit and for the convenience of shoppers in this district.		
	Commercial uses included in §224-68, §224-74, §224-83 exclusively for those properties that have lot frontage on both US Route 30 and New Jersey Avenue, with a minimum lot area of 5 acres and site access on US Route 30.	§224-68	Retail stores and service establishments.
			Restaurants and bars.
			General business and professional offices.
			Banks.
			Motels.
			Gasoline service stations and auto repair garages ⁷⁰
			Golf and tennis recreational uses
			Places containing games. ⁷⁰
		§224-74	Retail stores and shops, restaurants and bars, fully enclosed restaurants with drive-through facilities, craft shops, barbershops and beauty parlors, banks and theaters.
			Offices of a doctor, dentist, lawyer or other professional person and general business, utility, governmental, insurance and similar offices.
	Freestanding restaurants with drive-through facilities.		
	§224-83	Mid-rise Hotels.	
		Professional Office Buildings.	
		Restaurants and Bars.	
Restaurants, takeout and drive-in.			
Theaters.			
Recreation Facilities.			
Motels ⁷⁰			
Permitted Accessory Uses	Residential dwellings in combination with retail uses.		
	Bars integral with and ancillary to a restaurant.		

⁷⁰ Subject to certain limiting conditions described in the Development Ordinance.



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EXHIBIT 1: PRE-EXISTING ZONING REGULATIONS		
REGULATION	CENTRAL BUSINESS DISTRICT (C-1)	
DESIGN REGULATIONS ⁷¹		
Uses Listed in §224-44		
Minimum Lot Size	Single-family, public, retail, general business and professional offices	7,500 s.f. ⁷²
	Parking lots	10,000 s.f. ⁷²
Minimum Lot Width	Parking lots	100' at street
	All Other Uses	75' at street
Minimum Lot Depth	All Uses	Varies
Lot Coverage	Single Family	45% minimum
	All Other Uses	75% maximum ⁷³
Front Yard Setback	All Uses Except Conditional Uses	8'
Side Yard Setback	Single-Family And Public	10' each ⁷⁴
	Retail, General Business and Professional.	4' each ⁷⁴
Rear Yard Setback	All Uses Except Conditional Uses	5' minimum ⁷⁴
Building Height	All Uses	2½ Stories ⁷⁵
		35' ⁷⁵
Building Size	Public, Retail, General Business and Professional	1,200 s.f. of floor area minimum.
Building Length	All Uses	50'
Commercial Uses Listed In §224-68		
Minimum Lot Size	Retail stores and service establishments, restaurants and bars, general business and professional offices, gasoline service stations, auto repair garages and banks	15,000 s.f.
	Drive-in restaurants	30,000 s.f.
	Motels	30,000 s.f.

⁷¹ "All Uses" entered where specific use not specified.

⁷² Lot sizes for principal and accessory uses may, upon Planning Board site plan review, be lessened by 10%.

⁷³ Proposed commercial development that is designed to promote pedestrian activity along New Jersey Avenue by providing pedestrian access and storefronts along New Jersey Avenue the permitted site coverage shall be increased to 80%.

⁷⁴ Projections into side and rear yards of 24" maximum may be permitted upon Planning Board review.

⁷⁵ All uses proposed within 60' of New Jersey Avenue shall be compatible in terms of height and mass with surrounding land uses.



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EXHIBIT 1: PRE-EXISTING ZONING REGULATIONS		
REGULATION	CENTRAL BUSINESS DISTRICT (C-1)	
Minimum Lot Width	Retail stores and service establishments, restaurants and bars, general business and professional offices, gas stations, auto repair garages and banks	200'
	Motels	200'
	Drive-in restaurants	
Minimum Lot Depth	All Uses	100'
Lot Coverage	All Uses	60% maximum
Front Yard Setback	All Uses	35' minimum
Side Yard Setback	All Uses	35' minimum except where the property adjoins another used for the same purpose, in which case the setback of that side may be reduced to 15'
Rear Yard Setback	Retail stores and service establishments, restaurants and bars, general business and professional offices, gas service stations and automobile repair garages, banks and motels and drive-in restaurants.	30'
Building Height	Gasoline service stations and auto repair garages (on northern side of U.S. 30)	1 Story
	All Other Uses from Western City line Bordering Galloway Township to Illinois Avenue on the Southern Side of U.S. 30.	25'
		50'
	All Other Uses in Remainder of Zone	2½ Stories
Building Length	All Uses	100' maximum
Distance between Buildings on the Same Lot	All Uses	35' minimum
Structural Size	Principal and Accessory Use	1,400 s.f. minimum
Commercial Uses Listed In §224-74		
Minimum Lot Size	Design Center	6 acres
Minimum Lot Width	All Uses	500', w/ 500' frontage on 1 or more streets.
Front Yard Setback	All Uses	50' minimum
Side Yard Setback	All Uses	25' minimum each
		50' minimum if Side Yard is Located on Route 30 or New Jersey Avenue
Rear Yard Setback	All Uses	50' minimum



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EXHIBIT 1: PRE-EXISTING ZONING REGULATIONS		
REGULATION	CENTRAL BUSINESS DISTRICT (C-1)	
Parking Perimeter Setback	New Jersey Avenue	25' minimum
	Other Adjacent Streets	15'
Lot Coverage	All Uses	60%
		70% maximum due to outstanding design ⁷⁶
Building Height ⁷⁷	All Uses	2½ Stories
		35'
Building Length	All Uses	No more than 8 units in a row or 100' feet
		No more than 2 contiguous units without variation in setback.
Distance between Buildings	All Uses	35' minimum at the closest point.
Building Access	All Uses	A 20' minimum open space shall be maintained along the building front
		A 12' open space shall be maintained along the building sides and rear.
		This area may include pedestrian walkways and well-spaced landscaping.
Open Space	All Uses	A minimum of 30% of the total lot area shall be provided and maintained as open or green space. Such space may not include parking.
Commercial Uses Listed In §224-83.		
Minimum Lot Size	Non-Entertainment / Recreation Uses	2.5 acres
	Theaters (total seating capacity under 300 seats)	75,000 s.f.
	Theaters (total seating capacity over 300 seats)	3.0 acres
	Outdoor Sports Facilities	5.0 acres
	Indoor Recreational Facilities	2.0 acres
	Restaurants	30,000 s.f. (2 acres if drive in/takeout)
Minimum Lot Width (measured as street)	Non-Entertainment / Recreation Uses	300'
	Theaters	200'
	Recreation Facilities	200'
	Restaurants	100' (200' if drive in/takeout)
	All Other Permitted Entertainment / Recreation Uses	100'

⁷⁶ Subject to Planning Board review and approval, which shall include coverage by buildings, parking areas, roadways and all other materials less porous than presently existing. In no case shall stormwater management standards be waived to allow additional lot coverage over 60%.

⁷⁷ Does not apply to church spires, belfries, cupolas or chimneys, provided that the total area covered by all such features shall not exceed 20% of the total roof area and the height of such features shall not be more than 10' above the average roof level.



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EXHIBIT 1: PRE-EXISTING ZONING REGULATIONS		
REGULATION	CENTRAL BUSINESS DISTRICT (C-1)	
Minimum Lot Depth	Non-Entertainment / Recreation Uses	400'
	Entertainment / Recreation Uses	200'
Lot Coverage	Non-Entertainment / Recreation Uses	55% maximum of total upland and buffer area.
	Entertainment / Recreation Uses	60%
Front Yard Setback	Non-Entertainment / Recreation Uses	35' minimum
Side Yard Setback	Non-Entertainment / Recreation Uses	Equal to the Height of Building.
Perimeter Setback	Entertainment / Recreation Uses	30' minimum, including parking areas.
Maximum Building Height	Non-Entertainment / Recreation Uses	70.0' above mean sea level datum [NGVD]
	Restaurants	1½ Stories
		25'
	All Other Permitted Entertainment / Recreation Uses	2½ Stories
		35'
	Accessory Uses	2½ Stories
35'		
Building Length	Non-Entertainment / Recreation Uses	100' maximum
	Restaurants	100'
	Theaters	200'
	Recreational Facilities	150'
	All Other Permitted Entertainment / Recreation Uses	100'
Distance between Buildings	All Uses	30'

Permitted uses set forth above in Section 224-44A(5) shall comply with the following setback requirements:

- (1) One story structure with pedestrian access and storefront—eight-foot minimum.
- (2) One story structure without pedestrian access and storefront—twenty-five-foot minimum landscaped buffer.
- (3) Two story structure with pedestrian access and storefront—twenty-five-foot minimum landscape strip.
- (4) Two story structure without pedestrian access and storefront—forty-foot minimum with twenty-five-foot minimum landscaped buffer.
- (5) Three story structure or greater with pedestrian access and storefront—thirty-five-foot minimum, with twenty-foot minimum landscape buffer.
- (6) Three story structure or greater without pedestrian access and storefront—sixty-foot minimum, with forty-foot minimum landscape buffer.



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EXHIBIT 1: PRE-EXISTING ZONING REGULATIONS	
REGULATION	SCHOOLS & PUBLIC BUILDINGS (SPB)
USE REGULATIONS	NO REGULATIONS ESTABLISHED
DESIGN REGULATIONS	