

# Ordinance

Ordinance No. 42

OF THE  
CITY OF ATLANTIC CITY, N.J.

Date..5-21-08.....  
Date to Mayor.6-12-08

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

City Solicitor /s/ Kathleen M. Kissane

Business Administrator /s/ Dr. Carol A. Fredericks

Prepared by the City Solicitor's Office

Council Members MASON & MOORE

Present the following Ordinance:

## AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR THE BADER FIELD REDEVELOPMENT AREA

**WHEREAS**, under the provisions of the State of New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., specifically N.J.S.A. 40A:12A-4(a)(3), a municipal governing body has the power to adopt a Redevelopment Plan in an Area in Need of Rehabilitation pursuant to N.J.S.A. 40A:12A-7; and

**WHEREAS**, In 1994 the City Council of the City of Atlantic City ("Governing Body"), pursuant to Resolution No. 889 of 1994 and N.J.S.A.40A:12A-1 et seq., declared the entirety of the City of Atlantic City as an Area in Need of Rehabilitation. On April 9, 2008, the Governing Body pursuant to Resolution No. 422 of 2008 directed the Atlantic City Planning Board ("Planning Board") to prepare a Redevelopment Plan for an area within the Rehabilitation Area generally bounded by Albany Avenue (U.S. Route 40/322) to the west, Inside Thorofare to the south and Beach Thorofare to the north and east. The area is identified as Block 794, Lot 1 and commonly known as Bader Field.

**WHEREAS**, the Planning Board held a hearing on May 7, 2008, and issued a report recommending that the Council adopt the Bader Field Redevelopment Plan (attached hereto) in accordance with N.J.S.A. 40:12A-7e; and

**WHEREAS**, the Planning Board report found it to be consistent with the Redevelopment Plan and the current Master Plan.; and

**WHEREAS**, this Council is familiar with the Redevelopment Area and the historical overview of the Area as stated in Section I.2 of the Redevelopment Plan. It is also familiar with the stagnation of development in the Area, as a result of the decommissioned airport, and the lack of full utilization of the land comprising much of the Redevelopment Area. The adoption of this Redevelopment Plan is intended to be a mechanism to remedy those existing conditions; and

**WHEREAS**, the Council recognizes that the City is in the process of updating the current Master Plan and that certain recommendations have been made by City professionals in the proposed new Master Plan that would be more consistent with the Redevelopment Plan than the current Master Plan;

**WHEREAS**, as conditioned by N.J.S.A. 40A:12A-15, a Redevelopment Plan within an Area in Need of Rehabilitation cannot authorize the use of eminent domain for property acquisition and no such authority from the City is contemplated herein; and

**WHEREAS**, City Council has duly considered the Bader Field Redevelopment Plan referenced herein and the report, recommendations of the Planning Board; and

**WHEREAS**, it is the desire of a majority of City Council to adopt by ordinance the said Redevelopment Plan;

**NOW, THEREFORE**, the City Council of the City of Atlantic City does **ORDAIN**:

Section 1. That, pursuant to N.J.S.A. 40A:12A-4(a)(3), the Redevelopment Plan for the Bader Field Redevelopment Area, which document is annexed hereto and which is also on file with the City Clerk's Office, is hereby adopted by this Ordinance.

Section 2. That the zoning district map of the City of Atlantic City shall be amended to identify the Bader Field Redevelopment Area in the area noted above and more specifically on the Plan and to reflect the building controls and other applicable provisions of the Redevelopment Plan;

Section 3. All Ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

Section 4. Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction such a decision shall not affect the remaining portions of this Ordinance.

Section 5. This Ordinance shall take effect upon final passage, adoption and publication in a manner prescribed by law.

dle September 29, 2010 12:18:33 PM

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
MANCUSO	X						SCHULTZ	X					
MASON	X				X		SMALL				X		
MOORE	X					X	TIBBITT	X					
ROBINSON	X						WARD	X					
MARSH, PRESIDENT								X					
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on ...MAY 21, 2008.....

Adopted on second and final reading after hearing on.....JUNE 11, 2008.....

Approved By.../s/...SCOTT EVANS.....Date...JUNE 13, 2008.....By Council.....Ride \_\_\_\_\_  
 Mayor \_\_\_\_\_ Reconsidered \_\_\_\_\_ Over \_\_\_\_\_  
 Aye \_\_\_\_\_ Nay \_\_\_\_\_

This is a Certified True copy of the Original Ordinance on file in the City Clerk's Office.

.../s/...ROSEMARY ADAMS.....City Clerk

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FIRST PASSAGE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
MANCUSO				X			SCHULTZ	X					
MASON	X					X	SMALL	X					
MOORE	X				X		TIBBITT	X					
ROBINSON	X						WARD	X					
MARSH, PRESIDENT								X					
X-Indicates Vote    NV-Not Voting    AB-Absent    MOT-Motion    SEC-Second													

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on ...MAY 21,2008.....

REDEVELOPMENT PLAN FOR THE  
BADER FIELD REDEVELOPMENT AREA

CITY OF ATLANTIC CITY, NEW JERSEY  
SCOTT EVANS, MAYOR

Prepared for:  
The Atlantic City Planning Board

Prepared by:  
The Atlantic City Division of Planning

Dated: May 7, 2008

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## **1. INTRODUCTION**

### **1.1 AUTHORIZATION**

In 1994 the City Council of the City of Atlantic City ("Governing Body"), pursuant to Resolution No. 889 of 1994 and N.J.S.A.40A:12A-1 et seq., declared the entirety of the City of Atlantic City as an Area in Need of Rehabilitation. On April 9, 2008, the Governing Body pursuant to Resolution No. 422 of 2008 directed the Atlantic City Planning Board ("Planning Board") to prepare a Redevelopment Plan for an area within the Rehabilitation Area generally bounded by Albany Avenue (U.S. Route 40/322) to the west, Inside Thorofare to the south and Beach Thorofare to the north and east. The area is identified as Block 794, Lot 1 and commonly known as Bader Field.

### **1.2 PURPOSE**

1.2.1 Having undertaken the prescribed process to determine that the City and, in particular, the Redevelopment Area contains conditions which meet the statutory criteria for an "Area in Need of Rehabilitation" and acknowledging that such conditions are amendable to correction and amelioration by the concerted effort of responsible public bodies and are not likely to be corrected or ameliorated solely by public effort, the purpose for the declaration of an Area in Need of Rehabilitation was to provide a mechanism for the orderly planning and redevelopment of the Redevelopment Area consistent with certain municipal goals and objectives as stated herein.

1.2.2 Upon adoption by the Governing Body, the Redevelopment Plan shall satisfy all statutory requirements and constitute the legal prerequisite for the redevelopment actions outlined herein.

## **2. HISTORICAL OVERVIEW**

Bader Field was opened in 1910 and was authorized to provide passenger service in 1911. The first known usage of the term "air-port" appeared in a newspaper article in 1919, in reference to Bader Field.

It was the founding location of the Civil Air Patrol in 1941. Scheduled air service was available into the 1980s. However, by the 1990s, activity at Bader Field declined significantly in favor of Atlantic City International Airport, located approximately 9 miles (14 km) northwest.

Bader Field was officially closed to aviation traffic in September 2006. Since that time although the airport has remained closed, the approximately 6000 seat Bernie Robbins baseball stadium and Flyers Skate Zone indoor hockey rink continue to operate at Bader Field.



### 3. DEFINITIONS

For the purposes of this Redevelopment Plan, the terms:

3.1 "City" shall mean the City of Atlantic City, a body corporate and politic, and unless otherwise indicated its Governing Body, elected officials, officers and staff.

3.2 "Destination Resort" shall mean an entertainment and recreation complex which may include casino hotels, hotels, condo hotels, residential multi-unit facilities, retail, restaurant, entertainment, and non-gaming attractions and other amenities.

3.3 "Land Use Development Ordinance" shall mean Chapter 163 (Land Use Development) of the Atlantic City Code, as may be amended from time to time.

3.4 "Local Redevelopment and Housing Law" shall mean N.J.S.A. 40A:12A-1 et. seq.

3.5 "Lot Coverage" shall mean the percentage of lot area occupied by the principal and accessory buildings on such lot at grade level or above, excluding roof overhangs, architectural features, balconies, signage and similar building projections.

3.6 "Redeveloper" shall mean the corporation, partnership or other entity designated by the Redevelopment Entity as Redeveloper pursuant to N.J.S.A. 40A:12A-1 et. seq. for the purpose of advancing this Redevelopment Plan.

3.7 "Redevelopment Area" shall mean Block 794 Lot 1 within the City of Atlantic City.

3.8 "Redevelopment Entity" shall mean the City Council, acting as the implementing agent for this Redevelopment Plan in accordance with and under the provisions of N.J.S.A. 40A:12A-1 et. seq.

3.9 "Redevelopment Plan" shall mean this document entitled Redevelopment Plan for Bader Field Redevelopment Area.

3.10 "Redevelopment Project" shall mean the Destination Resort proposed for development in all or portion of the Redevelopment Area.

3.11 "State" shall mean the State of New Jersey and shall include all applicable agencies and instrumentalities thereof.

3.12 "Temporary Use" shall mean those uses, either directly or indirectly related to a permanent Redevelopment Project, and not intended to be permanent uses.

4. REDEVELOPMENT AREA

4.1 SITE CONTEXT

4.1.1 The Redevelopment Area is specifically delineated on Bader Field Map Nos. 1 & 2.

4.1.2 The entire Redevelopment Area is located in the City's Resort Commercial Development District ("RS-C" Zone), permitting casino-hotel development.

4.1.3 The Redevelopment Area consists of approximately 142 acres of land in the form of one tax parcel known as Block 794, Lot 1.

4.2 BOUNDARIES

The Project Boundary Map (Bader Field Map No. 2) delineates the boundaries of the Redevelopment Area.

5. STATEMENT OF PURPOSE AND INTENT

5.1 GENERAL STATEMENT

This document constitutes a Redevelopment Plan under the provisions of the Local Redevelopment and Housing Law for the purpose of facilitating the development of a Destination Resort. General redevelopment plan objectives are more particularly described as follows:

- A. To provide a mechanism for a public/private partnership leading to the development of a Destination Resort in the Redevelopment Area.
- B. To foster development of a Destination Resort, and to make available such assistance as may be reasonably necessary to aid development.
- C. To improve the Redevelopment Area and to encourage the development of the area for its highest and best use;
- D. To promote the redevelopment of an area which would not otherwise occur solely by public effort.

5.2 REDEVELOPMENT PLAN OBJECTIVES

5.2.1 To stimulate private development by allowing maximum flexibility in land use, project design and building regulations.

5.2.2 To provide land and incentives as permitted by N.J.S.A. 40A-12A-1 et.seq. to promote growth of new private sector development in the form of a Destination Resort which will strengthen and diversify the City's economic base.

5.2.3 To maximize tax revenue and generate new tax ratables by constructing on lands not currently on the roles.

5.2.4 To return to productive use currently unutilized or underutilized land which is not likely to be developed or redeveloped without the active participation of a public/private partnership.

5.2.5 To stimulate private development by allowing maximum flexibility in land use, project design and building limit controls. In keeping with this objective, more moderate building setbacks, coverage standards and other building controls in favor of innovative and functional design solutions are particularly important.

### 5.3 DESIGNATION OF REDEVELOPER

5.3.1 Subsequent to the City Council's adoption of this Redevelopment Plan, the Council acting in its capacity as the Redevelopment Entity and pursuant to a formal Request for Proposals/Qualifications shall designate a Redeveloper. The Redeveloper selected by the City shall, in the opinion of the City, be qualified to successfully develop the Redevelopment Area consistent with the Public Policy Goals and Redevelopment Plan Objectives outlined herein. The City's general guidelines for designation of a Redeveloper are as follows:

- A. The purchase price, sale or lease, offered for the Bader Field Redevelopment Area, in whole or part.
- B. Financial capability and ability to obtain the financing required to develop the type of Destination Resort envisioned by this Redevelopment Plan.
- C. Organizational strength, business reputation and professional capability to operate the type of Destination Resort envisioned by this Redevelopment Plan.
- D. Ability to comply with the Public Policy Goals and Objectives of this Redevelopment Plan.

## 6. REDEVELOPMENT PLAN

### 6.1 REDEVELOPMENT AGREEMENT INTENTION

Upon designation of the Redeveloper, it is the intent of this Redevelopment Plan that the Redeveloper proceeds to develop the Redevelopment Area in accordance with the

Redevelopment Plan, the Redevelopment Agreement and other issues specified herein. Such Redevelopment Agreement shall include, at a minimum:

- A. The development concept(s) and description of project elements for the undertakings proposed.
- B. The Redeveloper's plan for compliance with the Public Policy Goals and Objectives of this Redevelopment Plan.
- C. The Redeveloper's financial commitment for all infrastructure improvements including site access, utilities and storm water management.
- D. Development phasing plan outlining the schedule for completion of all phases if applicable, and the built-out project.

## 6.2 LAND USE PLAN

The Land Use Plan is comprised of the Land Use Standards, Building Controls, Utility Controls, and Additional Controls.

### 6.2.1 General

- A. The controls and regulations governing land use specified herein are designated to promote the redevelopment of the Redevelopment Area in accordance with the Statement of Purpose and Intent of this Redevelopment Plan and are intended to provide a setting within which the Redeveloper and its architects are encouraged to generate plans in order to produce a Redevelopment Project of outstanding design and superior quality.
- B. The development concepts and description of project elements proposed for the Redevelopment Area will be reviewed and approved by the Redevelopment Entity.
- C. The Planning Board shall review and approve the development plans of the Redeveloper in accordance with the requirements for review and approval of subdivisions and site plans as set forth by ordinance adopted pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et.seq.).

### 6.2.2 Land Use Standards

The Redevelopment Area shall be governed by the Land Use standards contained herein including standards contained in the Atlantic City Land Use Development Ordinance referenced herein.

These Provisions are intended to provide for and foster the development of a Destination Resort.

A. Permitted Uses

Permitted Uses within the Redevelopment Area, may include, but shall not be limited to: hotels; casino-hotels; condo hotels; residential multi-family facilities; convention meeting space; retail space; restaurants; bars; museums; spas; nightclubs; entertainment uses including, but not limited to, theaters, arenas, amusement parks, theme parks, water parks, active/passive recreation facilities, cultural facilities and other like and similar attractions; and support uses including, but not limited to, laundry, office, storage and parking including, but not limited to, surface and structured parking. Permitted accessory uses in the Redevelopment Area shall include all customary accessory uses, including, but not limited to, heliports, heating and cooling facilities and other support uses.

B. Temporary Uses

In addition to Permitted Uses, this Redevelopment Plan permits the Redeveloper to utilize the land within the Redevelopment Area for such Temporary Uses as may be proposed from time-to-time, provided that such uses do not conflict with nor adversely impact the construction or operation of any permanent Redevelopment Project. Temporary Uses may include, but shall not be limited to, open-air or indoor uses housed in a temporary structure constructed for such purpose, and may include amphitheaters, skating rinks, circus/carnival attractions, miniature-golf courses, parade staging, film shooting or like and similar attractions, including parking, or may include support elements for Permitted Uses such as ancillary parking and shall be subject to compliance with the Section 163-69 A, B, C, D, F, G and H of the Land Use Development Ordinance.

C. Construction Staging

Staging for construction conducted in the Redevelopment Area, including parking and all other activities normally attendant thereto, shall be permitted, subject to compliance with the provisions set forth in Section 163-69(D)(3) of the Land Use Development Ordinance.

D. Land Use Approvals

Land use approval is required by this Redevelopment Plan and by Section 163-81 of the Land Use Ordinance. The Land Use Administrator shall have the authority pursuant to Section 163-207 of the Land Use Development Ordinance to issue certificates of land use compliance when approval pursuant to this Section is not required.

### 6.2.3 Building Controls

The following regulations, controls and restrictions provide standards for the physical development of the Redevelopment Area. The Redeveloper and its designers are encouraged to exercise maximum ingenuity, creativity and freedom of design consistent with the Statement of Purpose and Intent of this Redevelopment Plan.

#### A. Redevelopment Area

##### 1. Site Coverage:

The maximum impervious coverage within the Redevelopment Plan Area shall be ninety (90%) percent.

##### 2. Building Setbacks (Bader Field Map No. 3)

Setbacks are required where indicated on the attached Bader Field Map No. 3 and are described below. Setbacks shall be a clear space measured at a right angle between a right-of-way line and a building limit line or parking limit line as applicable except as otherwise noted herein. Setbacks shall be unoccupied and unobstructed from grade to sky, except for the following Permitted Encroachments: awnings, canopies, flag poles, ornamental architectural features, street furniture, fences, pedestrian bridges, signage, landscaping, lighting, benches, trash receptacles, walkways, access drives, and the like.

- A. Albany Avenue: Two hundred (200') feet from the right-of-way line established at the time of Final Site Plan approval by the Planning Board. The setback area shall be designed to provide for decorative landscape treatment including pedestrian friendly open space, plazas and the like.
- B. Inside Thorofare/Beach Thorofare: One hundred (100') feet from the upland edge. A pedestrian walkway shall be established along the entire length of the waters edge terminating at the Albany Avenue setback area.
- C. The Planning Board at its sole discretion may decrease any of the setback provisions or allow for encroachments not specified herein for a project of superior design.

##### 3. Building Height

- A. Maximum building height shall be eight hundred and fifty (850') above grade (see Bader Field Map No. 3) provided, however, that mechanical rooms/equipment, architectural and similar features may extend to a height of nine hundred and fifty (950') feet above grade.

- B. The Planning Board at its sole discretion, may increase any of the height provisions for a project of superior design provided that such increase does not negatively impact the site or the surrounding area.

4. Floor Area Ratio

Maximum floor area ratio shall be ten and zero-tenths (10.0) excluding floor area devoted to off-street parking and calculated in relation to the redevelopment as a whole within the Redevelopment Area.

5. Signage

Signage shall be subject to compliance with Section 163-71 of the Land Use Development Ordinance as it relates to the RS-C District.

6. Parking and Loading

A. Parking shall be subject to compliance with Section 163-70 A(2)(a){1} and {2} {a}, 9b) {1}{a}-{3}{b}, (c){1}-{11}, (3)(a), B(1)(a)-(e), (2)(a)-{3}, (c){1}-{5} and (3) of the Land Use Development Ordinance:

B. All parking for residential dwellings shall conform to the New Jersey Residential Site Improvement Standards pursuant to N.J.A.C. 5:21-1.1 et. seq. including waiver provisions.

C. An adequate area, internal to the property, shall be provided for taxi and limousine staging.

7. Performance Standards

The project shall be subject to Section 163-73 of the Land Use Development Ordinance.

8. Urban Design Standards

The project shall be subject to the following:

A. All horizontal flat surfaces shall be developed in such a manner as to be aesthetically acceptable in order to secure agreeable visual conditions in the roofscaping of the City; provided, however, that this requirement shall not apply above a height of three hundred eight five feet (385') above grade.

B. Vertical surfaces may be treated with reflective surfaces provided that they do not have an adverse impact on surrounding uses causing visual discomfort or any other adverse impact.

- C. The lateral separation of any two towers that exist within the same plans shall be a distance of no less than 25% of the height of the tallest tower.

B. Planning Board Authority:

Consistent with Section 9.3 of this Redevelopment Plan, the Planning Board, at time of site plan review and without formal amendment to this Redevelopment Plan, may approve modifications in or changes to these Building Limit Controls if requested by Redeveloper.

6.2.4 Utility Controls

- A. The Redevelopment Area is serviced by access to all required utilities, including electric, gas, sewer, water, communications (telephone) and cable television systems.
- B. Distribution lines for all utility systems within the Redevelopment Area shall be placed underground. All easements shall comply with City requirements. Exact locations for utility lines and easements shall be established at time of Planning Board site plan review and approval. Existing above ground utilities shall be incorporated into the underground systems at the boundaries of the Redevelopment Area in the areas where improvements are undertaken.

6.2.5 Additional Controls

- A. Loading, mechanical equipment, storage and similar uses as well as any vehicles in the valet operation and/or vehicle activity in the portè-cochere area shall not be visible by pedestrians on the public street or on-site pedestrian-way.
- B. Interpretation of and modifications to these provisions shall be made by the Planning Board at time of site plan review and approval.

6.2.6 Standards and Controls of General Applicability

- A. Jurisdiction

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



B. Applicability of Other Standards

1. In addition to the standards set forth in this Redevelopment Plan, all development within the Redevelopment Area shall comply with the applicable laws, codes, rules and regulations established by any State or Federal agency.
2. The above notwithstanding, whenever local codes or regulations (other than those found in the Land Use Development Ordinance) contain comparable but more restrictive provisions or requirements than set forth in this Redevelopment Plan, the standards set forth herein shall govern.
3. The provisions of the Land Use Development Ordinance, except as specifically provided for in this Redevelopment Plan, shall not be applicable within the Redevelopment Area.

7. **EQUAL OPPORTUNITY**

No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the Redevelopment Entity or by the Redeveloper (or any successors in interest) whereby the land or improvements in the Redevelopment Area is restricted, either by the Redevelopment Entity or the Redeveloper (or any successors in interest) in violation of any State or Federal anti-discrimination law. The foregoing restrictions, as well as the applicable provisions of N.J.S.A. 40:A12A-9 shall be implemented by appropriate covenants or other provisions in the Redeveloper's Agreement and/or disposition instruments as covenants running with the land.

8. **PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS**

The Redevelopment Plan satisfies the statutory requirements under the Local Redevelopment and Housing Law as follows:

8.1 Redevelopment Plan Outline

The Redevelopment Plan is an outline for the planning, development, and redevelopment of the Redevelopment Area sufficient to indicate:

A. Appropriate Land Uses

The Redevelopment Plan provides for land uses consistent with the RS-C district which comprises the entirety of the Redevelopment Area.

B. Density of Population

The Redevelopment Plan permits residential uses. Residential uses and any increase in population associated with such residential uses are consistent with the redevelopment of the City.

C. Traffic and Circulation

It is anticipated that development of a destination resort at Bader Field will require significant new and/or upgraded roadway servicing the site as well as surrounding areas. Roadway improvements will be such that site access as well as overall traffic flow will facilitate the safe and efficient movement of traffic.

D. Public Utilities

The Redevelopment Area is served by public utilities which may require upgrade in order to adequately service the proposed uses set forth in the Redevelopment Plan.

E. Recreational and Community Facilities and Other Public Improvements

The development intended within the Redevelopment Area will provide for significant public improvements, including creating a waterfront promenade, increasing and improving the right-of-way along Albany Avenue, creating street/landscaped features along the right-of-way areas, improving traffic flow, and providing for a host of uses which will foster the continued redevelopment of Atlantic City.

8.2 Proposed Land Uses and Building Requirements

The proposed land uses outlined herein are consistent with the RS-C district and will help foster the redevelopment of Atlantic City. The proposed building requirements are either in conformance with the current municipal code or are consistent with other recently adopted redevelopment plan building controls for casino hotel developments within the City.

8.3 Provisions for Temporary and Permanent Relocation

The Redevelopment Plan does not require any relocation of residents.

#### 8.4 Property to be Acquired

The Redevelopment Plan does not require the acquisition of any privately owned property other than that which may be necessary for roadway improvements. Acquisition of City owned property is the responsibility of the Redeveloper.

#### 8.5 Significant Relationships of the Redevelopment Plan to Other Plans

The Redevelopment Plan is consistent with New Jersey State public policy in that the Redevelopment Plan seeks to foster redevelopment of the City consistent with express goals of the State Constitutional amendment authorizing casino gaming in Atlantic City. It is also consistent with the goals and objectives of the New Jersey State Planning Commission, N.J.S.A. 52:18A-196 et. seq. in that it encourages development, redevelopment and economic growth in a location that is well situated to support the development and with the goals of the Atlantic County 2000 Master Plan for diversification and strengthening of the County's economy. Finally, this Redevelopment Plan is consistent with the goals of the current and proposed City Master Plans in that it provides an opportunity for the continued growth of the City's resorts and casinos.

#### 8.6 Overriding Effect

The Redevelopment Plan expressly supersedes the applicable provisions of the Land Use Development Ordinance except as expressly set forth in the Redevelopment Plan. The Redevelopment Plan further amends the zoning district map with respect to the Redevelopment Area.

### 9. **AUTHORITY AND PLAN INTERPRETATION**

9.1 Pursuant to N.J.S.A. 40:A:12A-13, the Planning Board shall have the sole authority to determine conformance of a Redeveloper's concept and design with this Redevelopment Plan.

9.2 Subject to the provisions of this Redevelopment Plan herein, the Planning Board shall have sole authority for the interpretation or clarification of any provisions of this Redevelopment Plan.

9.3 Planning Board has authority to grant waivers or variances from building limit controls contained within this Redevelopment Plan provided that any such variance or waiver shall not deviate by more than 20% of the applicable building code which shall necessitate a formal amendment to this Redevelopment Plan in accordance with law.

10. **GENERAL CONSTRUCTION AND APPLICATION OF PLAN PROVISIONS**

All provisions of this Redevelopment Plan, including all building controls, regulations and/or restrictions imposed shall be applicable to all real property and improvements within the Redevelopment Area.

11. **DURATION OF PROVISIONS AND EFFECTIVE DATE**

11.1 This Redevelopment plan, as it may be amended from time to time, shall be in effect until the goals of the Redevelopment Plan are satisfied and the Redevelopment Area is fully redeveloped to the maximum extent permitted under the Redevelopment Area.

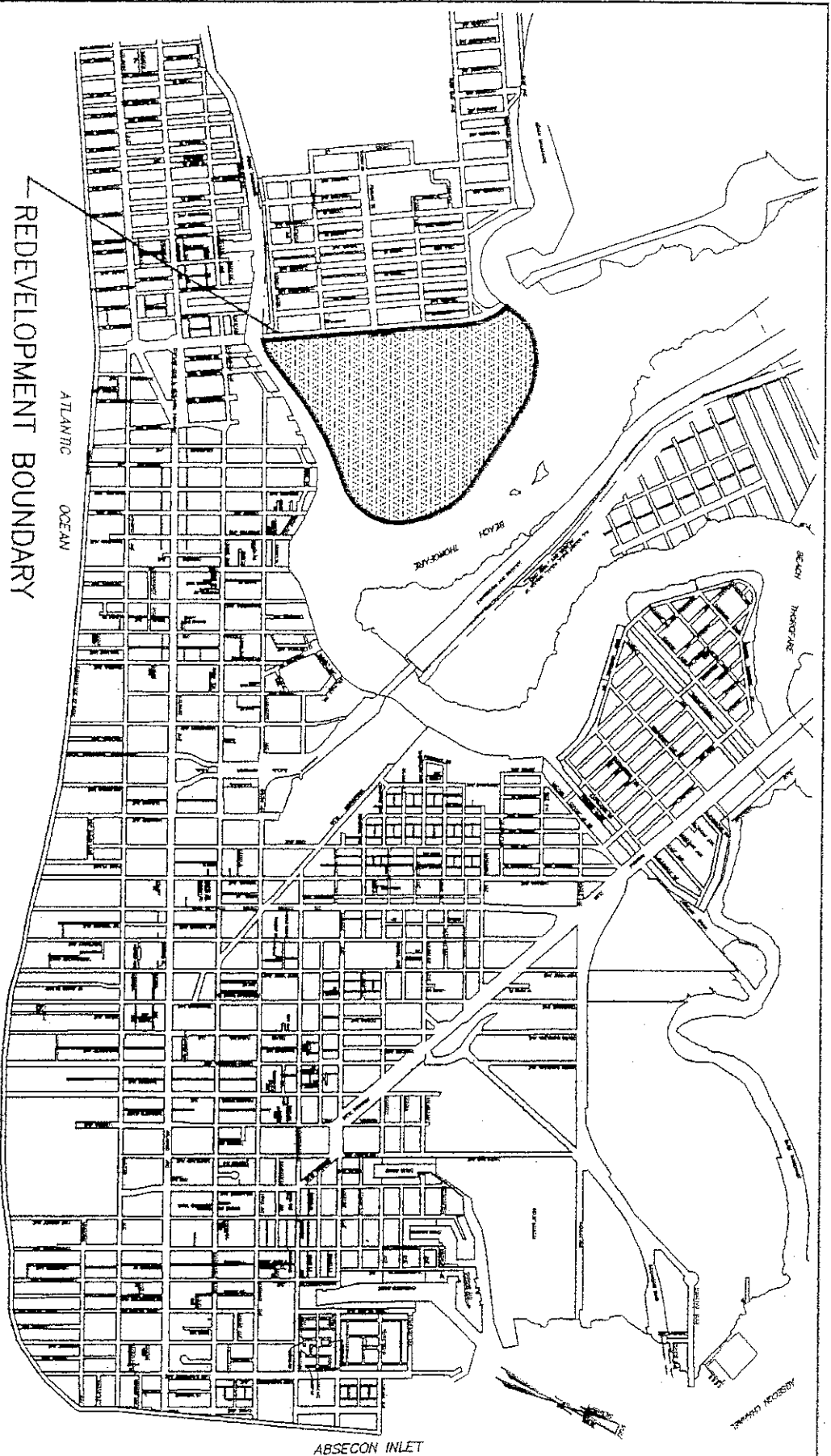
11.2 Upon completion of construction and the issuance by the City of all permanent Certificate(s) of Occupancy for individual portions or all of the Redevelopment Project, and at the request of the Redeveloper, (or Temporary Certificate(s) of Occupancy with the consent of the City, which consent shall not be unreasonably withheld) the City shall issue the Redeveloper a 'Certificate of Completion and Compliance' for the entire Redevelopment Project or such portions thereof as the Redeveloper shall have completed, certifying that the Redevelopment Project or the specific portions thereof were completed in accordance with this Redevelopment Plan and further certifying that the applicable provisions of the Redevelopment Agreement, if applicable, including provisions related to N.J.S.A. 40a:12a-9A, have been satisfied.

12. **PROCEDURES FOR AMENDING THE APPROVED REDEVELOPMENT PLAN**

This Redevelopment Plan may be amended from time to time upon compliance with all applicable laws and statutes and upon approval of the Governing Body. In addition to any other requirements, including but not limited to those imposed by N.J.S.A. 40A12A-13, mutual agreement between the City and the Redeveloper is required where a Redevelopment Agreement is in place and where an amendment would change the controls governing the use of land under such Redevelopment Agreement.

13. **LIST OF EXHIBITS**

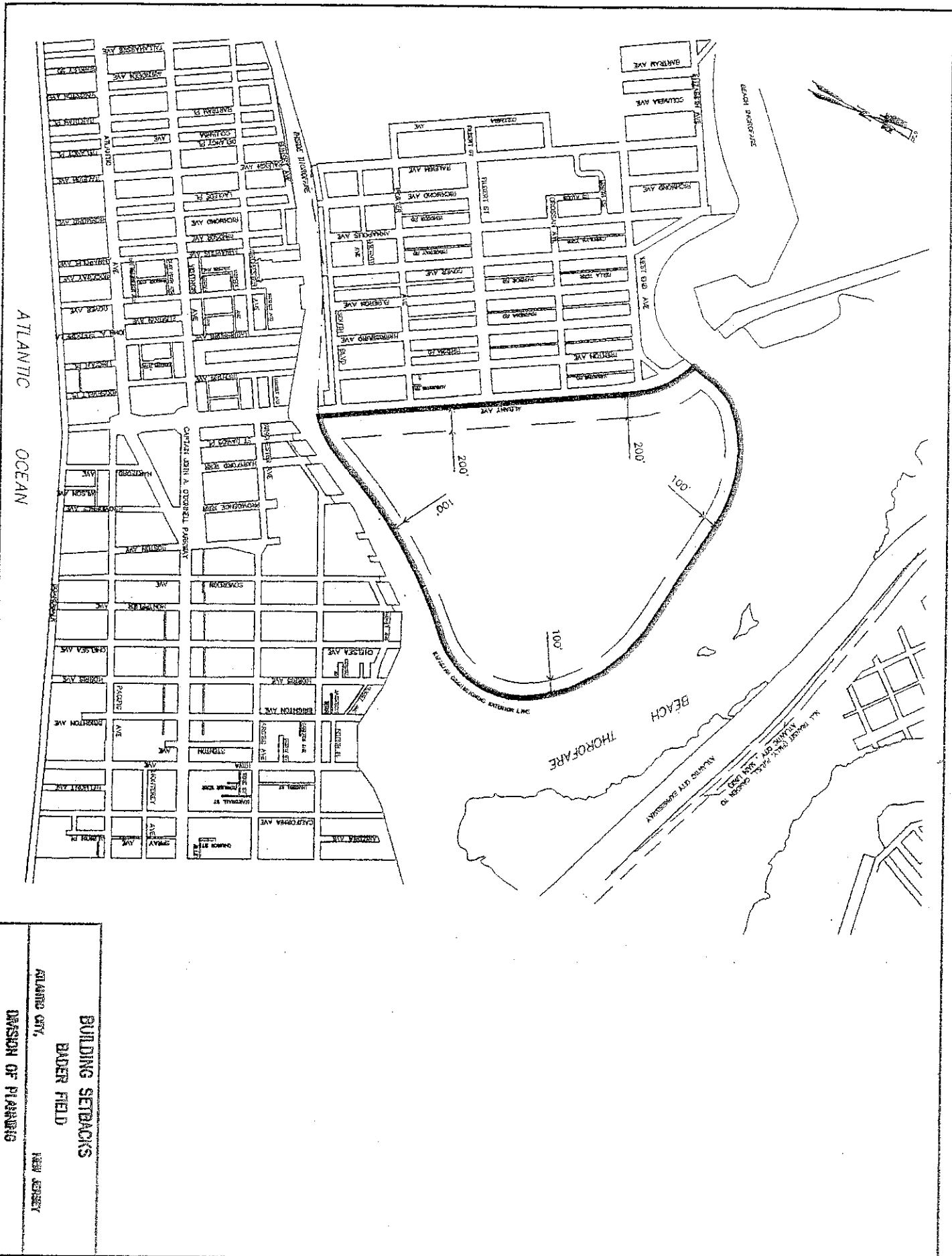
MAP NO. 1	REDEVELOPMENT AREA MAP, SITE LOCATOR
MAP NO. 2	REDEVELOPMENT AREA BOUNDARY MAP
MAP NO. 3	BUILDING SETBACKS



REDEVELOPMENT AREA MAP, SITE LOCATOR  
 BADER FIELD  
 ATLANTIC CITY, NEW JERSEY  
 DIVISION OF PLANNING

BADER FIELD MAP NO. 1: REDEVELOPMENT AREA MAP,  
 SITE LOCATOR





**BUILDING SETBACKS**  
**BADER FIELD**  
 ATLANTIC CITY,  
 DIVISION OF PLANNING  
 NEW JERSEY

BADER FIELD MAP NO. 3: BUILDING SETBACKS