

1 INTRODUCTION AND HISTORICAL CONTEXT

The Urban Renewal Plan ("Plan") was initially adopted in 1965 and has been amended from time to time. The Plan covers an area generally known as the "Uptown Urban Renewal Area". The boundaries of the Uptown Urban Renewal Area, as amended in 1971, are as shown on URP Map No. 1.

Prior to 1983, the Plan provided for several uses in designated Tracts. The Tracts were identified formally as Tracts No. 1, 2, 3, 4, 5,6, 7, 8 and 9 in the Plan amended on August 7, 1973 (1973 Plan).

In 1983, the Plan was amended to redesignate the then undeveloped portions of land within the project boundary as Land Use Zones A, B, C and D and to provide for additional uses in these Zones (1983 Plan). However, the then developed Tracts, or portion of Tracts, No. 1, 2, 3, 6, 7 and 8 continued to be controlled by the provisions of the 1973 Plan.

In 1992, the Plan was amended to create three additional Land Use Zones for the approximately 30 acres remaining undeveloped within the project boundary (1992 Plan). The 1992 Plan designated the new zones as Recreation-Entertainment ("RE"), Hotel-Retail ("HR") and Fire Department ("FD") and provided for controls related to these zones. The 1992 Plan also codified the surviving provisions from the 1973 Plan and the 1983 Plan in a single document. Section 6 of the 1992 Plan provided for Land Uses and Building controls in Zones RE, HR and FD; section 7 provided for Land Uses-and Building controls in Zones A, B and C; and section 8 provided for Land Uses and Building Controls in Tracts 1, 2, 3, 6, 7 and 8.

The Plan, as amended on November 23, 1994 by Ordinance 102 of 1994, redesignated Tract 7 as part of the RE Zone (1994 Plan). The 1994 Plan also expanded permitted uses in the RE Zone to include retail and public parking and in the HR Zone to include accessory and public parking. The 1994 Plan also modified the Easement Plan and Building Limit Controls Plan to accommodate the changes in the Permitted Uses.

The 1994 Plan expired for Tracts 1,2,3,6 and 8 on May 27, 1995 and the Tracts were zoned by the City of Atlantic City as RS-C (Resort Commercial), RM-1 (Multi-Family) or CBD (Central Business). The effective date of the 1994 Plan was extended to March 26, 2002 for the balance of the Uptown Urban Renewal Area. Said balance of the Uptown Urban Renewal Area is generally bounded by Connecticut Avenue to the east, Atlantic Avenue to the north, Maryland Avenue to the west and the Boardwalk to the south and is shown on URP Map No 2.

A Redevelopment Plan was adopted by the City of Atlantic City for the Southwest Inlet Redevelopment Area by Ordinance No. 60 of 1997 on September 24, 1997. The relationship between the remaining balance of the Uptown Urban Renewal Area and the Southwest Inlet Redevelopment Area is shown on URP Map No. 3.

The Plan, as amended on December 8, 1999, changed land use designations and other controls to be consistent with an anticipated development spanning into the adjacent Southwest Inlet Redevelopment Area. Portions of the developed land within the Plan were returned to City zoning and classified as CBD and RS-C. The 1999 Plan also extended the 1994 Plan controls for an approved project.

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This Amended Plan changes the land use controls to include uses permitted under the CBD and RS-C zoning designations. This Amended Plan establishes the street pattern to include New Jersey Avenue from Atlantic Avenue to the Boardwalk as a 50 foot (50') right of way as it is now constructed and Connecticut Avenue as a 50 foot (50') right of way from Atlantic Avenue to Pacific Avenue and from Oriental Avenue to the Boardwalk as it is now constructed. All other streets within the URP boundaries will remain as is.

1.1 AUTHORIZATION

Upon the recommendation of the Atlantic City Housing Authority and Urban Redevelopment Agency made by Resolution No. 6630 on August 29, 2002, the City considered amendments to the Plan for the area comprising the undeveloped balance of the Uptown Urban Renewal Area generally bounded by Connecticut Avenue to the east, Atlantic Avenue to the north, Maryland Avenue to the west and the Boardwalk to the south (the "Redevelopment Area"). The boundaries of the Redevelopment Area are more particularly set forth in section 3.2 and shown on URP Map No. 5.

2 DEFINITIONS

For the purposes of this Plan, the terms:

- 2.1 "ACHA" shall mean the Atlantic City Housing Authority and Urban Redevelopment Agency.
- 2.2 "Amended Plan" shall mean this Amended Urban Renewal Plan for the Uptown Urban Renewal Project as amended by the City by Ordinance No. ____ on ____.
- 2.3 "City" shall mean the City of Atlantic City, a body corporate and politic, and unless otherwise indicated includes its Governing Body, elected officials, officers and staff.
- 2.4 "Interim Use" shall mean those uses, either directly or indirectly related to a permanent Redevelopment Project, and lasting from not less than one (1) year to not more than five (5) years.
- 2.5 "Land Use Ordinance" shall mean Chapter 163 (Land Use Development) of the Atlantic City Code, as may be amended from time to time.
- 2.6 "Local Redevelopment and Housing Law" and "LRHL" shall mean N.J.S.A. 40A:12A-1 et seq.
- 2.7 "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.
- 2.8 "Redeveloper" shall mean any corporation, partnership or other entity designated by the Redevelopment Entity as a Redeveloper pursuant to the LRHL, and having entered into a Redeveloper's Agreement with the Redevelopment Entity for the purposes of advancing this Plan.
- 2.9 "Redevelopment Entity" shall mean the ACHA, or its successors, acting as the implementing agent for this Plan in accordance with and under the provisions of N.J.S.A. 40A:12A-1 et seq.
- 2.10 "Redevelopment Project" shall mean a project approved pursuant to this Amended Plan.

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

2.12 "Temporary Use" shall mean those uses, either directly or not directly related to a permanent Redevelopment Project, and lasting from not less than one (1) day to not more than one (1) year.

3 REDEVELOPMENT AREA

3.1 SITE CONTEXT

3.1.1 The Uptown Urban Renewal Area is located in the Uptown section of the City (see URP Map No. 2).

3.1.2 The Redevelopment Area is located between the City's Resort Commercial Development district ("RS-C") and the Southwest Inlet Redevelopment Area, and adjacent to the Garden Pier Area. Two casino-hotels were previously developed on a portion of the Uptown Urban Renewal Area for which the Plan expired on May 27, 1995. These areas are now zoned RS-C (see URP Map No. 3).

3.1.3 The Redevelopment Area includes approximately 725 linear feet of Boardwalk frontage (see URP Map No. 5).

3.1.4 The Redevelopment Area consists of (approximately) 21.5 acres of land plus an additional (approximately) 10.2 acres of City rights-of-way, for a combined total of (approximately) 31.7 acres.

The land within the Redevelopment Area includes approximately 19.2 acres owned by the ACHA and 2.3 acres, (Block 62, Lot 1) owned by another entity.

3.1.5 The major defining characteristic of the Redevelopment Area is that it is comprised almost entirely of vacant land. Additionally, as noted above, the area lies adjacent to and is contiguous with the Southwest Inlet Redevelopment Area and the Garden Pier Area, which is included in a portion of the City determined by the Governing Body to be an "Area in Need of Rehabilitation" pursuant to the LHRL by Resolution No. 889 of 1994, Ordinance No. 96 of 1994 and Resolution No. 364 of 1994.

3.2 BOUNDARIES

URP Map No. 5 delineates the boundaries of the Redevelopment Area which are as follows:

All that certain land and premises, tract-or parcel, situated in the City of Atlantic City, County of Atlantic County and State of New Jersey, bounded and described as follows:

BEGINNING at the intersection of the Northwesterly line of Atlantic Avenue (100' wide) with the Northeasterly line of Connecticut Avenue (50' wide) and extending:

- (1) South 27 degrees 28 minutes East, along said Northeasterly line of Connecticut Avenue, 710.00'to the Southeasterly line of Pacific Avenue (60'wide); thence

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- (2) South 62 degrees 32 minutes West, along said Southeasterly line of Pacific Avenue, 400.00' to the Northeasterly line of New Jersey Avenue (50' wide); thence
- (3) South 27 degrees 28 minutes East, along said Northeasterly line of New Jersey Avenue, 388.00' to the widened Northwesterly line of Oriental Avenue; thence
- (4) North 62 degrees 32 minutes East, along said widened Northwesterly line of Oriental Avenue, 400.00' to the aforementioned Northeasterly line of Connecticut Avenue; thence
- (5) South 27 degrees 28 minutes East, along said Northeasterly line of Connecticut Avenue, 1007.498' to the curved Southeasterly line of the Boardwalk (60' wide); thence
- (6) Southwestwardly, along said curved Southeasterly line of Boardwalk, curving to the left, along an arc having a radius of 687.845', 66.105' to a point of tangency in said Boardwalk; thence
(chord=South 57 degrees 13 minutes 06 seconds West, 66.08'),
- (7) South 54 degrees 13 minutes 06 seconds West, still along the Southeasterly line of said Boardwalk, 556.906' to a point of curvature in same; thence
- (8) Southwestwardly, still along said Southeasterly line of said Boardwalk, curving to the right, along an arc having a radius of 1162.573', 99.703'; thence
(chord=South 56 degrees 40 minutes 30 seconds West, 99.672'),
- (9) North 27 degrees 28 minutes West, 550.312'; thence
- (10) North 62 degrees 32 minutes East, 113.00'; thence
- (11) North 27 degrees 28 minutes West, 419.73'; thence
- (12) North 59 degrees 59 minutes 37 seconds West, 20.77'; thence
- (13) North 27 degrees 28 minutes West, 41.38'; thence
- (14) North 59 degrees 59 minutes, 37 seconds West 20.46'; thence
- (15) North 27 degrees 28 minutes West, 85.53'; thence
- (16) South 62 degrees 32 minutes West, 75.83'; thence
- (17) North 27 degrees 28 minutes West, 360.60' to the Southeasterly line of the aforementioned Pacific Avenue; thence
- (18) South 62 degrees 32 minutes West, along said Southeasterly line of Pacific Avenue, 90' to the Southwesterly line of Delaware Avenue; thence
- (19) North 27 degrees 28' 00" West, in the westerly line of Delaware Avenue, a distance of 182.01' to a point of curve; thence
- (20) Curving to the left, in and along the westerly line of Delaware Avenue, in the arc of a curve, having a radius of 315.00', the arc length of 76.97' to a point of tangent; thence
- (21) North 41 degrees 28' 00" West, in and along the westerly line of Delaware Avenue, a distance of 152.53' to a point of curve; thence
- (22) Curving to the right, in and along the westerly line of Delaware Avenue, in the arc of a circle having a radius of 429.00', the arc length of 104.82' to a point of tangent; thence
- (23) North 27 degrees 28' 00" West, in and along the westerly line of Delaware Avenue, a distance of 200.00' to the northerly line of Atlantic Avenue; thence
- (24) North 62 degrees 32' 00" East, in and along the northerly line of Atlantic Avenue, a distance of 850.00' to the point and place of BEGINNING.

Containing approximately 31.7 acres.

4. STATEMENT OF PURPOSE AND INTENT

4.1 GENERAL STATEMENT

This document constitutes a plan for redevelopment under the provisions of the LRHL for the Redevelopment Area. The Plan's Public Policy Goals and Redevelopment Plan Objectives are more particularly described as follows:

4.2 PUBLIC POLICY GOALS

4.2.1 General Public Policy Goals

The purpose of this Plan is to provide the mechanism leading to the complete development of Redevelopment Area.

4.2.2 Specific Public Policy Goals

- A. To provide for intensive development of uses as permitted herein including uses permitted in an RS-C and CBD District. To transition development of the Redevelopment Area with adjacent developments and land use zones.
- B. To the extent reasonably practicable, work with the Redeveloper to minimize traffic infiltration into the City's neighborhoods.

4.2.3 The City has not attempted, in drafting these amendments to the Plan, to anticipate every possible design or land use solution. Accordingly, this Plan is designed to be as flexible as possible in order to foster a quality Redevelopment Project while maintaining consistency with the objectives as outlined herein.

4.3 REDEVELOPMENT PLAN OBJECTIVES

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

4.3.2 To provide land for and thus promote growth of new private sector development which will strengthen and diversify the City's economic base by:

- A. stimulating new markets, thereby attracting new employees and visitors to the City;
- B. providing diverse entertainment experiences resulting in an extension of a visitors stay and an increase in the likelihood that visitors will patronize other, non-casino attractions in the City and the region;
- C. providing year-round facilities, thus extending the length of the tourist season;
- D. increasing employment and business opportunities, including opportunities reserved for City residents and businesses;
- E. generating new hotel rooms;
- F. ensuring financial viability of the Project;
- G. encouraging private sector interest; and
- H. facilitating community use.

4.3.3 To maximize tax revenue and generate new tax ratables by constructing on and thus increasing the assessed value of lands currently undeveloped.

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- 4.3.4 To return to productive use currently unimproved vacant land which, as a whole, has remained unproductive and which is not likely to be developed without the active participation of public bodies and return to the active tax roles land currently under-public ownership.
- 4.3.5 To prevent the spread of blight by the application of comprehensive plan controls.
- 4.3.6 To improve pedestrian circulation, movement and facilities.

4.4 REDEVELOPER'S AGREEMENT

- 4.4.1 There shall be a Redeveloper's Agreement between a Redeveloper and the Redevelopment Entity. Said Agreement shall include:
 - A. The development concept(s) and a description of project elements proposed by the Redeveloper.
 - B. A schedule for the commencement and completion of improvements.
 - C. The Redeveloper's plan for compliance with the Public Policy Goals and Objectives of this Plan, including specific details regarding utilization of City-based businesses, MBE and WBE businesses, and employment of City and ACHA housing residents, consistent with law.
 - D. Provisions for termination of the Redeveloper's status in the event of an uncured material default by the Redeveloper.
 - E. Such provisions as may be required by law.

5. REDEVELOPMENT PLAN

5.1 PROPOSED REDEVELOPMENT ACTIONS

The redevelopment actions proposed for the Redevelopment Area consist of having a Redeveloper develop a Redevelopment Project consistent with permitted land uses in order to effectuate the Public Policy Goals and Redevelopment Plan Objectives of this Plan.

5.1.1 Conveyance

Pursuant to N.J.S.A. 40A:12A-8g, the portion of the Redevelopment Area owned by the ACHA may be conveyed to a Redeveloper or multiple Redevelopers for a Redevelopment Project. Details related thereto shall be set forth in the Redeveloper's Agreement.

5.1.2 Actions Subsequent to Conveyance

Upon conveyance of the portions of the Redevelopment Area owned by the ACHA, the Redeveloper(s) shall be responsible for all taxes which become due and owing as required by law on all parcels so conveyed; for all demolition and site work-and for all planning, permitting and other activities (including compliance with all applicable City codes) necessary for the redevelopment of the conveyed parcels in accordance with this Plan.

5.2 LAND USE PLAN

The Land Use Plan is comprised of the Land Use Provisions, Easement/Street Vacation Plan, Building Limit Controls, Utility Controls, Architectural Controls and Additional Controls.

5.2.1 General

- A. The controls and regulations governing land use and structural form specified herein are designed to promote the redevelopment of the Redevelopment Area in accordance with the Statement of Purpose and Intent (section 4) of this Plan and are intended to provide a setting within which the Redevelopers are encouraged to generate detailed plans in order to produce a project of outstanding design and superior quality.
- B. The development concepts and a description of project elements proposed for the Redevelopment Project(s) will be reviewed and approved by the Redevelopment Entity and embodied in the Redeveloper's Agreement to be negotiated with the Redeveloper(s).
- C. The Atlantic City Planning Board ("Planning Board") shall review and approve the development plans of the Redevelopers 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.) and such other standards as are provided herein.
- D. Consistent with its responsibility pursuant to N.J.S.A.40A:12A-13, the Planning Board shall retain the right, at time of site plan review and approval, to require such offsite improvements as may be necessary for the effective implementation of the Plan.

5.2.2 Land Use Provisions

The entire Redevelopment Area shall be governed by the Land Use Provisions contained herein. These provisions are intended to provide for and foster the development of the Redevelopment Project(s).

A. Permitted Uses

"A" Zone – The "A" Zone comprises all the land within the Redevelopment Area located between Atlantic and Pacific Avenue.

Permitted uses in the "A" Zone shall include hotels, convention/meeting space, retail space, theaters, cinemas, restaurants and lounges, surface and structured parking, landscaped open space accessible to the public, and such other specialized entertainment/recreation elements such as arenas, theme parks, water parks, active/passive recreation facilities, cultural facilities and other like and similar attractions, and any other uses permitted within the CBD Zone.

"B" Zone – The "B" Zone comprises all the land within the Redevelopment Area located between Pacific Avenue and the Boardwalk.

Permitted uses in the "B" Zone shall include hotels, casino-hotels, convention/meeting space, retail space, theaters, cinemas, restaurants and lounges, surface and structured parking, landscaped open space accessible to the public, and such other specialized entertainment/recreation elements such as arenas, theme parks, water parks, active/passive

recreation facilities, cultural facilities and other like and similar attractions, and any other uses permitted within the RS-C Zone.

B. Temporary and/or Interim Uses

1. In addition to Permitted Uses, the Plan permits the land within the Redevelopment Area to be used for such Temporary and/or Interim Uses as may be proposed from time-to-time, provided that such uses do not conflict with or adversely impact the construction or operation of any permanent Redevelopment Project within the Redevelopment Area, or unreasonably adversely impact any occupied residential property adjacent to the Redevelopment Area.
2. Temporary and/or Interim Uses may be open-air or indoor uses housed in a temporary structure constructed for said purpose, and may include amphitheaters, skating rinks, circus/carnival attractions, miniature-golf courses, parade staging, film shooting or like and similar attractions, construction staging, including parking related to such uses, or may include support elements for Permitted Uses such as ancillary parking.
3. In permitting Temporary and/or Interim Uses, the Planning Board or Land Use Administrator, as applicable, may impose such restrictions and/or conditions as may be deemed reasonable and appropriate, including, but not limited to, provisions concerning hours of operation, number of parking spaces and site lighting.

C. Construction of Provisions

Approval, duration and interpretation of Temporary and/or Interim Uses and what constitutes a "conflict" or "adverse impact" shall be determined by the Planning Board or Land Use Administrator, as applicable, in accordance with the standards set forth in sections 5.2.2.B.1 and 5.2.2.B.2 herein.

D. Land Use Approvals

Unless Planning Board approval is required by this Plan or by section 163-81 of the Land Use Ordinance, land use approvals shall be granted by the Land Use Administrator pursuant to section 163-207 of the Land Use Ordinance.

5.2.3 Easement/Street Vacation Plan (see URP Map No. 12)

This Easement/Street Vacation Plan has been generated in order to promote the cohesive development of the Redevelopment Area and to maximize efficiency in land utilization and traffic control internal and external to the Redevelopment Area.

A. Vacations

The following rights-of-way within the Redevelopment Area, along with all air rights and subsurface rights attendant thereto, are hereby vacated:

1. Connecticut Avenue (30 feet on the westerly side) from Atlantic Avenue to Pacific Avenue (as dedicated but not constructed)
2. Connecticut Avenue (30 feet on the westerly side) from Oriental Avenue to the Boardwalk (as dedicated but not constructed).
3. New Jersey Avenue (as currently dedicated but not constructed) from Atlantic Avenue to Pacific Avenue.

B. Dedications

The former New Jersey Avenue (50' wide) as constructed in its present physical location (as of the date of this Amended Plan) between Atlantic Avenue and the Boardwalk shall be rededicated by the ACHA as a public right-of-way and accepted by the City as such.

C. Rights-of-Way to Be Improved

The Planning Board shall designate the rights-of-way to be improved at the time of site plan approval, based on the requirements of the individual development proposed.

D. Easement Plan

The Governing Body of the City authorizes the Mayor to execute and the City Clerk to attest to any or all documents required to implement this Easement Plan. The City shall amend its Official Map to reflect the aforementioned street vacations and dedications. The City shall cooperate with the Redevelopment Entity and the Redeveloper to consolidate the lots into parcels consistent with the Plan.

5.2.4 Building Limit Controls

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

A. Lot Requirements

1. Minimum Lot Size: Block 61 Lots 24 through 28 shall be developed jointly and shall constitute a minimum lot size. Block 62, Lot 2, Block 132, Lot 1, Block 133, Lot 1, and Block 62, Lot 1 may be developed separately and shall constitute a minimum lot size.
2. Maximum Lot Coverage: The maximum lot coverage shall be eighty percent (80%) in Zone A and ninety percent (90%) in Zone B.

B. Building Setbacks (see URP Map Nos. 6, 7, 8, 9, 10 and 11)

Setbacks are required where indicated on the attached URP Maps and are described below. Setbacks shall be a clear space measured at a right angle between a lot line and a building limit line or parking limit, line as applicable. Setbacks shall be unoccupied and unobstructed from grade to sky, except for the following permitted obstructions: awnings, canopies, flag poles, ornamental architectural features not extending further than five feet (5'), street furniture, fences, pedestrian bridges, signage, landscaping, lighting, benches, trash receptacles and the like. Setbacks may include pedestrian walkways and necessary access drives.

1. Oriental Avenue Right-of-Way (72' wide as dedicated) (see URP Map No. 9)
 - a. For a building, or any portion of a building, a minimum setback of thirty feet (30') is required

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- b. An additional minimum setback of thirty feet (30') is required for any portion of a building over one hundred twenty feet (120').
2. New Jersey Avenue Right-of-Way (50'wide)
 - a. Pacific Avenue to Southerly line of Oriental Avenue (see URP Map No. 10).
A minimum setback of twenty-five feet (25') is required. An additional minimum setback of 25' is required for any position of a building over thirty five feet (35').
 - b. Southerly line of Oriental Avenue to the Boardwalk: A minimum setback of ten feet (10') is required. (See URP Map No. 6) For a building higher than thirty-five (35') feet an additional twenty (20') feet setback is required.
 - c. Atlantic Avenue to Pacific Avenue (see URP Map No. 7): A minimum setback of twenty feet (20') is required.
 3. Delaware Avenue Right-of-Way (82' wide) (see URP Map No. 7): A minimum setback of twenty feet (20') is required.
 4. Connecticut Avenue Right-of-Way (50' Wide)
 - a. Connecticut Avenue Right-of-Way (50' wide) Atlantic Avenue to Pacific Avenue (see URP Map No. 7): A minimum setback of twenty-five feet (25') is required.
 - b. Connecticut Avenue Right of Way (50' wide) Oriental Avenue to the Boardwalk. A minimum setback of fifty-five feet (55') is required. (See URP Map No. 6)
 5. Pacific Avenue Right-of-Way (60' wide) (see URP Map No. 11)
 - a. South side of Pacific Avenue
 - (i) A minimum setback of ten feet (10') is required.
 - (ii) An additional setback of twenty feet (20') is required for any portion of a building over thirty-five feet (35').
 - b. North side of Pacific Avenue: A minimum setback of twenty-five feet (25') is required.
 6. Atlantic Avenue Right-of-Way (100' wide) (see URP Map No.7)
 - a. Subject to the provisions of section 5.2.8.H herein, for a building, or any portion of a building, up to thirty-five feet (35') above grade, no setback is required.
 - b. A setback of twenty-five feet (25') is required for any portion of a building over thirty-five feet (35').
 7. Boardwalk (see URP Map No. 9)
 - a. No setback shall be required along the Boardwalk up to a height of thirty-five feet (35') above the Boardwalk.

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- b. A maximum height of sixty feet (60') is permitted for fifty percent (50%) of the Boardwalk frontage. A maximum height of thirty-five feet (35') is permitted for the remaining balance of the Boardwalk frontage. In addition, no building shall have an uninterrupted, continuous height exceeding thirty-five (35') for a run of more than one hundred and fifty feet (150') along the Boardwalk.
 - c. In addition to the provisions of sections 5.2.4.B.7.a. and b. herein, above a height of thirty-five feet (35') above Boardwalk level or a height of sixty feet (60') above Boardwalk level when permitted by section 5.2.4.B.7.b. no building or portion of a building, other than overhangs and balconies projecting not more than five feet (5'), shall encroach upon the building envelope as defined by a line extending upward at a thirty degree (30") angle from the vertical plane with the vertical plane commencing on the north side of the Boardwalk edge.
 - d. The Planning Board, at its sole discretion, may modify any of the Boardwalk height provisions, notwithstanding sections 5.2.4.B.7.a. b. and c. and sections 11.2 and 11.3 for a project of superior design.
8. Westerly Redevelopment Area Boundary-Pacific Avenue to Boardwalk (see URP Map No. 6).
- a. Immediately adjacent to the built upon area of Lot 23, Block 61 (Old Lot 144.10, Old Block 13) and not in common ownership with the owner of said Lot:
 - (i) For a building, or any portion of a building, up to a height of fifty-two feet (52') above mean sea level, no setback is required.
 - (ii) A setback of twenty-four feet (24') is required for any portion of a building fifty-two feet (52') above mean sea level.
 - b. Balance of Westerly Redevelopment Area Boundary: No setback is required.
9. Surface Parking (see URP Map No. 8A and 8B)
- Notwithstanding the foregoing setback requirements, surface-parking use in the Redevelopment Area shall be governed by the following setback provisions:
- a. Blocks 132 and 133
 - (i) Pacific Avenue: a setback of fifteen feet (15') is required.
 - (ii) Other frontages: a minimum setback of ten feet (10') is required.
 - b. Blocks 61 and 62 a minimum setback of twenty-five feet (25') is required.
10. Building setbacks and related treatments shall conform to the Beach/Boardwalk Access Street Design Guidelines (section 5.2.7) herein.

C. Maximum Building Height

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1. North of Pacific Avenue to Atlantic Avenue. Subject to the provisions of section 5.2.4.B. (Building Setbacks), the maximum building height shall be two hundred sixty feet (260') above grade (see URP Map No. 7).
2. South of Pacific Avenue to Boardwalk. Subject to the provisions of section 5.2.4. B. (Building Setbacks), the maximum building height shall be five hundred twenty feet (520') above grade (see URP Map No. 6).

D. Floor Area Ratio

The maximum floor area ratio shall be eight and zero-tenths (8.0). This maximum is in addition to floor area devoted to off-street parking. For casino-hotels, the stated maximum floor area ratio may be increased, at the discretion of the Planning Board, to not more than nine and zero-tenths (9.0).

E. Planning Board Authority

Consistent with section 11.2 of this Plan, the Planning Board, at time of site plan review and without formal amendment to this Plan, shall only approve modifications in or changes to these Building Limit Controls requested by a Redeveloper.

5.2.5 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. The City and the Redevelopment Entity make no warranties as to the adequacy of service for said utilities for any particular Redevelopment Project.
- B. Distribution lines for all utility systems within the Redevelopment Area shall be placed underground. Notwithstanding the foregoing, a Redeveloper shall not be responsible for placement of utilities underground on the north side of Atlantic Avenue. 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 as improvements are undertaken.

5.2.6 Architectural Controls

- A. This Plan recognizes that a variety of factors will influence the final design of a Redevelopment Project. The goal of the Plan is to encourage development facilities which results in outstanding projects. The architecture of a Redevelopment Project (form, size, color, materials and other elements) shall be harmonious with this goal. The Plan permits a Redeveloper the latitude to select and implement a theme which, in the judgment of the Redeveloper, is necessary to create an outstanding project.
- B. Exterior building architecture shall coordinate form, materials, color and detailing to achieve design harmony and continuity for all building elevations.
- C. Interpretation of sections 5.2.6.A. and B. shall be made by the Planning Board at time of site plan review and approval and shall be exercised to permit the Redevelopers latitude to develop outstanding projects.

5.2.7 Beach/Boardwalk Access Street Design Guidelines

- A. The Redevelopers shall, to the extent not inconsistent with the Easement/Street Vacation Plan, section 5.2.3.A., conform to the Beach/Boardwalk Access Street Design Guidelines as adopted as a policy document by the Planning Board on February 19, 1997. Compliance with these guidelines shall be more fully addressed by the Planning Board at time of site plan review and approval. To the extent of any inconsistencies between this Plan and the Beach/Boardwalk Access Street Design Guidelines, this Plan shall control.
- B. Interpretation of and modifications to this provision shall be made by the Planning Board at time of site plan review and approval.

5.2.8 Additional Controls

A. General

Except where otherwise required by the standards of this Plan, the Redevelopment Area shall be governed by the Performance Standards, Signage Regulations and Parking and Loading Regulations for the CBD and RS-C district as applicable contained in the City Land Use Ordinance. By reference herein, said provisions are included in and adopted by this Plan.

B. Boardwalk

- 1. The entrance floor level of any structure abutting the Boardwalk shall be at the same level as or not more than two (2) steps above or below the Boardwalk level.
- 2. The entire Boardwalk frontage, with the exception of entrance lobbies, shall be designed for retail shops and services or for unique attention getting attractions.
- 3. To the maximum extent practical, uses fronting the Boardwalk shall be either directly or reasonably indirectly accessible from the Boardwalk.
- 4. These design standards shall be read and interpreted in conjunction with the qualitative standards established under section 5.2.8.C. below.

C. Boardwalk Facade Treatment

- 1. For a Redevelopment Project, the entire Boardwalk frontage shall be qualitatively comparable to the best treatment found on any other frontage of the respective Redevelopment Project. This shall not be construed to mean that the Boardwalk treatment shall be the same as some other frontage, but rather that it shall display comparable attention to design and detail and comparable levels of expenditure per linear foot and shall be appropriate for a prominent facade of an outstanding project. Blank wall space should be kept to an absolute minimum. Compliance with these qualitative design standards is one of the requirements for site plan approval by the Planning Board.
- 2. In considering treatment, of the Boardwalk frontage, the redevelopers are encouraged to include a combination of rich detailing, texture, shadow lines, color, sound, motion, change and surprise. Elements to be encouraged include shop doors

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and windows, Boardwalk cafe seating and gathering places for special events. The uses of dramatic corporate icons and outdoor theatrical lighting are encouraged. The Boardwalk frontage should be of a scale appropriate for viewing by pedestrians on the Boardwalk. Multiple points of ingress and egress are encouraged.

- D. No surface parking area shall enter from or exit onto Atlantic Avenue or Pacific Avenue, other than customary porte cochere functions.
- E. Parking, loading and mechanical equipment, storage and other similar uses shall not be visible along any building frontage at the sidewalk or Boardwalk level. Exterior building architectural treatment shall be consistent with section 5.2.6 of this Redevelopment Plan.
- F. The exposed surface area of all flat roofs, including but not limited to decks, balconies and parking garage roofs, shall be treated as follows:
 - 1. Where said surfaces serve as pedestrian accessible promenades and/or activity/recreation areas, a minimum of twenty-five percent (25%) of the total exposed surface area shall be landscaped as roof gardens. Said treatment may or may not include live vegetation.
 - 2. The balance of all exposed flat roof surfaces shall be treated in such a manner as to be totally acceptable from an aesthetic point of view. Said areas shall be constructed of non-reflective material in order to secure agreeable visual conditions in the roof scaping of the City.
 - 3. Rooftops at the maximum building height of five hundred and twenty feet (520') shall not be subject to the provisions of this section.
 - 4. The use of reflective material on side surfaces at the street and Boardwalk level, other than trim and architectural detail uses, is discouraged.
- G. Chain link fences shall not be permitted in the Redevelopment Area except for construction staging.
- H. The Atlantic Avenue facade of a structure fronting on the public sidewalk along Atlantic Avenue shall, at the sidewalk level adjacent to said structure, be designed for retail, office, commercial and institutional uses. Parking, mechanical equipment, storage and similar uses shall not be allowed along any such frontage unless such building frontage shall be setback a minimum of thirty five feet (35') from the property line in common with the Atlantic Avenue right-of-way. Said thirty-five foot (35') setback shall be landscaped. In lieu of retail, office or institutional uses, a thirty-five foot (35') landscaped setback may be provided with decorative treatment of the structure along Atlantic Avenue up to a height of forty-five feet (45').

The Planning Board, at its sole discretion, may modify said thirty-five foot (35') Atlantic Avenue setback for-a project of superior-design.
- I. Interpretation to the provisions of this section 5.2.8 shall be made by the Planning Board at the time of site plan review and approval.

5.2.9 Standards and Controls of General Applicability

A. Jurisdiction

The provisions of this Plan 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 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 Ordinance) contain comparable but less restrictive provisions or requirements than set forth in this Plan, the standards set forth herein shall govern.
3. The provisions of the Land Use Ordinance, except as specifically provided for in this Plan, shall not apply to land or structures within the Redevelopment Area.
4. Certain environmental conditions may exist within the Redevelopment Area, including, but not limited to, riparian issues, underground fuel tanks and soils contamination. The Redevelopers, at their sole cost and expense, shall comply with all State and federal requirements and shall be responsible for all actions and costs related thereto.

6. EQUAL OPPORTUNITY

No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the Redevelopment Entity or by the Redevelopers (or any successors in interest) whereby the land or improvements in the Redevelopment Area is restricted, either by the Redevelopment Entity or the Redevelopers (or any successors in interest) upon the basis of age, race, creed, color, ancestry, sex, national origin, family status, disability or sexual preference in the sale, lease, use or occupancy thereof. The foregoing restrictions, as well as the provisions of N.J.S.A. 40A:12A-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.

7. PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS

Upon adoption of these amendments by the Governing Body, this document shall constitute a "Redevelopment Plan" under the provisions of the LRHL. The Plan includes an outline for the planning, development and redevelopment, of the Redevelopment Area as follows:

7.1 RELATIONSHIP TO DEFINITE LOCAL OBJECTIVES (N.J.S.A. 40A:12A-7a(l))

The Plan's Public Policy Goals and Redevelopment Plan Objectives are outlined in section 4 of this Plan and are incorporated herein by reference.

7.1.1 Appropriate Land Uses

Permitted Land Uses for the Redevelopment Area are outlined in the Land Use Provisions (section 5.2.2) of this Plan.

7.1.2 Density of Population

As of the date of this Plan, the Redevelopment Area contained no residential structures. The Permitted Uses outlined herein do not allow for residential uses. Therefore, this item is not applicable to this Plan.

7.1.3 Public Transportation and Traffic

The Redevelopment Area fronts Pacific Avenue (the City's primary Jitney route) and Atlantic Avenue (the City's primary bus route). Accordingly, the Redevelopment Area is well served by the City's primary modes of public transportation.

Issues related to improved traffic circulation both to and from the Redevelopment Area and internal-to the site will be addressed by the Planning Board at the time of site plan review and approval. Traffic management will be consistent with the Public Policy Goals (specifically section 4.2.2) and the Easement/Street Vacation Plan (section 5.2.3) of this Plan.

7.1.4 Public Utilities

Utility service and the Redevelopers' requirements relating thereto are outlined in Utility Controls (section 5.2.5) of this Plan.

7.1.5 Recreational and Community Facilities

The Land Use Provisions of this Amended Plan outline several types of uses commonly associated with a resort use. No independent recreational uses or community facilities other than those which may be included in said resort use are contemplated.

7.1.6 Other Public Improvements

Publicly oriented improvements may be provided consistent with the standards and requirements of the Beach/Boardwalk Access Street Design Guidelines (section 5.2.7) outlined herein.

Consistent with section 5.2.1.D. of this Plan, the Planning Board shall retain the right, at time of site plan review and approval, to require such off-site improvements as may be required by law for the effective implementation of this Plan.

7.2 PROPOSED LAND USES AND BUILDING REQUIREMENTS [N.J.S.A. 40A:12A-7a(2)]

The Land Use Provisions, Easement/Street Vacation Plan, Building Limit Controls, Utility Controls, Architectural Controls and Additional Controls are outlined in the Land Use Plan (section 5.2) of this Plan.

7.3 PROVISION FOR TEMPORARY AND PERMANENT RELOCATION [N.J.S.A. 40A:12A7a(3)]

The ACHA was responsible for, has assisted in, and has completed the relocation of displaced families, individuals and business concerns to suitable accommodations. Relocation has been carried out according to the requirements set forth by the Renewal Assistance Administration.

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There are no occupants within the Redevelopment Area. Accordingly, no Relocation Plan is required.

7.4 SIGNIFICANT RELATIONSHIPS OF THE PLAN TO OTHER PLANS [N.J.S.A. 40A:12A-7a(5)a]

The Land Use components of this Plan (Land Use Provisions, Easement/Street Vacation Plan, Building Limit Controls, Architectural Controls, Utility Controls and Additional Controls) do not substantially differ from those for the adjacent Southwest Inlet Redevelopment Area or to the adjacent RS-C district. Accordingly, there is no significant change in the relationship between this amended Plan and (a) the master plans of contiguous municipalities, (b) the master plan of the county and (c) the State Development

Plan beyond those relationships which existed prior to the adoption of this Amended Plan. Said relationships have formally been addressed by the duly adopted Master Plan of the City dated March 18, 1987 as revised pursuant to the reexamination of May 7, 1997 and are incorporated herewith.

7.5 RELATIONSHIP TO PERTINENT MUNICIPAL DEVELOPMENT REGULATIONS [N.J.S.A. 40A-12A-7a(5)c]

The relationship of this Plan to pertinent municipal development regulations is outlined in the Land Use Plan (section 5.2.9) of this Plan.

7.6 PROPOSED ZONING CHANGES [N.J.S.A. 40A:12A-7a(5)c]

7.6.1 Prior to the adoption of the amendments to the 1994 Plan, the Redevelopment Plan allowed as Permitted Uses within (various "zones" in) the Redevelopment Area, such recreation/entertainment uses as hotels, casino/hotels, retail, exhibits, movie and other types of theaters, a stadium and/or amphitheater, museums, amusement rides, video arcades, games, recreation facilities (roller/ice skating rinks, bowling alleys, miniature golf courses, water parks), restaurants and bars, and other like and similar uses.

7.6.2 Upon adoption of the 1999 Plan, the Redevelopment Plan allowed:

A. Permitted Uses

Permitted uses shall include hotels, casino-hotels, convention/meeting space, retail space, theaters, cinemas, restaurants and lounges, surface and structured parking and such other specialized entertainment/recreation elements such as arenas, theme parks, water parks, active/passive recreation facilities, cultural facilities and other like and similar attractions.

7.6.3 Upon adoption of the amendments to the 1999 Plan by the Governing Body, the Land Use Plan of this Plan shall apply to all property within the Redevelopment Area.

7.6.4 Upon adoption of the amendments to the 1999 Plan by the Governing Body, and upon concurrent adoption by the Governing Body of such amendments to the City's Zoning Ordinance and Zoning Map as may be required, the two (2) portions of the Uptown Urban Renewal Area on which development was approved and completed and/or under construction prior to the adoption of these amendments, specifically Block 134, Lot 1 (Showboat Parking

Lot) and the Showboat Hotel, 544 room addition on Block 61, Lot 23, shall return to such "standard City zoning" as may be determined by the City.

- 7.6.5 Any Ordinance adopting this Plan shall contain language indicating that this Plan is an explicit amendment to the 1999 Plan and the Zoning District Map and Zoning Ordinance of the City.

7.7 CONSISTENCY WITH MUNICIPAL MASTER PLAN

This Plan is consistent with and is designed to effectuate the duly adopted Master Plan of the City of Atlantic City dated March 18, 1987 as revised via the reexamination of May 7, 1997. Said document (as revised) is incorporated herein by reference.

7.8 REHABILITATION AND CONSERVATION

No rehabilitation or conservation of structures within the Redevelopment Area is required.

8. AUTHORITY AND PLAN INTERPRETATION

- 8.1 Consistent with section 5.2.1.B. of this Plan, by adopting a negotiated Redeveloper's Agreement, the Redevelopment Entity shall have approved the development concepts and a description of project elements proposed by the Redeveloper.

- 8.2 The above notwithstanding, pursuant to N.J.S.A. 40A:12A-13, the Planning Board shall have the sole authority to determine conformance of the Redeveloper's concept and design with this Plan.

- 8.3 Subject to the provisions of section 8.4 herein, the Planning Board shall have sole authority for the interpretation or clarification of any provision of this Plan.

- 8.4 Unless otherwise subject to the jurisdiction of the Planning Board as mandated by this Plan and/or applicable law, Land Use Approvals shall be governed by the procedures established in section 163-207 et seq. of the Land Use Ordinance.

9. GENERAL CONSTRUCTION AND APPLICATION OF PLAN PROVISIONS

All provisions of this Plan, including all building controls, regulations and/or restrictions imposed, shall be applicable to all real property and improvements within the Redevelopment Area. The Redeveloper will be deemed in compliance with the Plan so long as an approved Redevelopment Project constructed in the Redevelopment Area.

10. DURATION OF PROVISIONS AND EFFECTIVE DATE

- 10.1 Subject to Section 10.2 below, the provisions of this amended Plan, as it may be amended from time to time, shall expire for the Redevelopment Project on September 24, 2020. Termination of this Plan or any of its provisions or amendments thereto shall not apply to the provisions of section 6 hereof, which covenant shall run in perpetuity.

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10.2 Upon the issuance of a Certificate of Completion (as defined in the Redeveloper's Agreement) for the Redevelopment Project, or at the expiration of this Plan pursuant to section 10.1 herein, whichever shall occur first, the controls outlined in this Plan, with the exception of section 6 (Equal Opportunity), shall terminate and the provisions of any zoning plan as may be adopted by the City pursuant to N.J.S.A. 40:55D-1 et seq. shall govern. Unless otherwise addressed by an affirmative action of the City subsequent to the issuance of a Certificate of Completion or the expiration of this Plan, the appropriate sections of the Land Use Ordinance shall hereby be, without any further action, amended to include the Land Use Controls (section 5.2) of this Plan.

11. PROCEDURES FOR AMENDING THE APPROVED PLAN

11.1 This 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. 40A:12.A-13, mutual agreement between the City and the Redeveloper is required where a Redeveloper's Agreement is in place and where an amendment would materially change the controls governing the use of land under said Agreement.

11.2 The Building Limit Controls of this Plan may be modified or changed at any time by the Planning Board. However, any modification or change of more than twenty percent (20%) shall necessitate a formal amendment to this Plan in accordance with law.

11.3 Modifications or changes in the Land Use Provisions or Building Limit Controls (other than those specified in section 11.2 herein) which are inconsistent with the intent of this Plan shall not be approved in the absence of a formal amendment to this Plan.

12. LIST OF EXHIBITS

URP MAP NO. 1:	UPTOWN URBAN RENEWAL AREA (1971)
URP MAP NO. 2:	UPTOWN URBAN RENEWAL AREA (1999)
URP MAP NO. 3:	SITE LOCATOR
URP MAP NO. 4:	(FORMER) UURA LAND RETURNING TO CITY ZONING
URP MAP NO. 5:	REDEVELOPMENT AREA (2002 AMENDMENT)
URP MAP NO. 6:	PARTIAL PLAN PART "A": UURA
URP MAP NO. 7:	PARTIAL PLAN PART "B"
URP MAP NO. 8A:	PARTIAL PLAN PART "A": ALTERNATE PLAN (SURFACE PARKING)
URP MAP NO. 8B:	PARTIAL PLAN PART "B": PACIFIC AVENUE TO BOARDWALK
URP MAP NO. 9:	BOARDWALK - ORIENTAL AVENUE PROFILE
URP MAP NO. 10:	NEW JERSEY AVENUE PROFILE
URP MAP NO. 11:	PACIFIC AVENUE PROFILE
URP MAP NO. 12:	EASEMENT PLAN

13. REDEVELOPMENT PLAN AMENDMENTS

13.1 1999 Plan

This Amended Plan supercedes the 1999 Plan and the applicable provisions of the 1994 Plan.

14. LIST OF APPENDICES

Atlantic City Housing Authority & Urban Redevelopment Agency Resolution No. 6630

Atlantic City Planning Board Resolution No. _____

City of Atlantic City Ordinance No. _____

Revised 9/18/02