

Ordinance

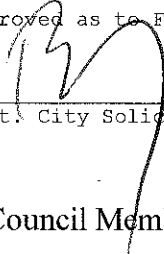
Ordinance No. 53.....

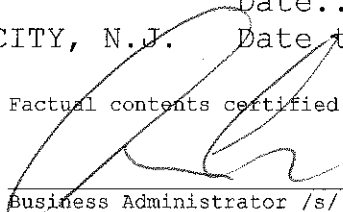
OF THE
CITY OF ATLANTIC CITY, N.J.

Date 9-3-2014
Date to Mayor.. 9-18-2014

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

Factual contents certified to by


Asst. City Solicitor /s/ Benjamin Kaufman


Business Administrator /s/ Arthur M. Liston

Prepared by the City Solicitor's Office

RANDOLPH &
Council Member GILLIAM Presents the following Ordinance:

AN ORDINANCE AMENDING THE UPTOWN URBAN RENEWAL PLAN FOR THE UPTOWN URBAN RENEWAL TRACT

WHEREAS, the Uptown Urban Renewal Tract was determined to be an area in need of redevelopment in approximately 1965; and

WHEREAS, over the years, the City Council has adopted redevelopment plans to guide the development of the Uptown Urban Renewal Tract; and

WHEREAS, the City Council adopted the Amended Urban Renewal Plan for the Uptown Urban Renewal Tract by Ordinance No. 42 on September 25, 2002 ("**Redevelopment Plan**"); and

WHEREAS, the designated Redeveloper has requested the City consider certain amendments to the Redevelopment Plan to facilitate the redevelopment of the area; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(f), the City Council adopted Resolution 659 on July 23, 2014, directing the Planning Board to review the proposed amendments to the Redevelopment Plan; and

WHEREAS, the Planning Board reviewed a proposed amendment to the Redevelopment Plan during a public meeting on August 6, 2014; and

WHEREAS, the Planning Board concluded that the proposed amendments are consistent with and would further the goals of the City of Atlantic City Master Plan; and

WHEREAS, by a resolution adopted on September 3, 2014, the Planning Board formally reported its findings to the City Council and recommended that the City Council consider and adopt the Amendment to the Uptown Urban Renewal Plan, which is attached hereto as Exhibit A ("**Amendment**"); and

WHEREAS, upon reviewing the Amendment along with the findings and conclusions in the Planning Board's resolution, this Council similarly concludes that the Amendment is consistent with and will further the goals of the City of Atlantic City Master Plan; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTIC CITY, STATE OF NEW JERSEY, AS FOLLOWS:

1. **SECTION 1** - The recitals set forth above, as well as those in the Planning Board's resolution adopted on September 3, 2014, shall be incorporated herein as the City Council's findings of fact.
2. **SECTION 2** - The City Council hereby adopts the Amendment to the Uptown Urban Renewal Plan, annexed hereto as **Exhibit A** in accordance with N.J.S.A. 40A: 12A-7, to amend and supplement the Amended Urban Renewal Plan for the Uptown Urban Renewal Tract, which was previously adopted by Ordinance No. 42 on September 25, 2002.
3. **SECTION 3** - All ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.
4. **SECTION 4** - If any section, subsection or part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of the ordinance.
5. **SECTION 5** - Upon execution by the Mayor, the Clerk for the City of Atlantic City is hereby directed to publish a notice of adoption of this Ordinance and to transmit a copy of this Ordinance to the City of Atlantic City Tax Assessor, the Atlantic County Planning Board, the Casino Reinvestment Development Authority, and any other person or entity required to receive notice of this Ordinance's adoption.

6. SECTION 6 - This Ordinance shall take effect twenty (20) days after the signing of the Ordinance by the Mayor of the City of Atlantic City.

KC September 18, 2014 9:20 AM 15-D

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.
DELGADO	X						MOORE	X					
GILLIAM	X				X		RANDOLPH	X					X
MALIK	X						SMALL	X					
MANCUSO	X						TIBBITT	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 ... SEPTEMBER 3, 2014.....

Adopted on second and final reading after hearing on..... SEPTEMBER 17, 2014.....

Approved By... *[Signature]* ... Date *9/19/14* ... Reconsidered _____ Over _____
 By Council..... Ride _____ Aye _____ Nay _____

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

[Signature]
 /s/..... RHONDA WILLIAMS, City Clerk

ORD. 15-D

EXHIBIT A

AMENDMENT TO THE UPTOWN URBAN RENEWAL PLAN

2014 Amendment to the Amended Uptown Urban Renewal Plan

Atlantic City, New Jersey

Introduction:

This document is an amendment ("2014 Amendment") to the document entitled "Amended Urban Renewal Plan for the Uptown Urban Renewal Project," as adopted by Ordinance 42 on October 10, 2002 (the "Redevelopment Plan").

On February 1, 2011, the State Legislature adopted P.L. 2011, c. 18, entitled the Atlantic City Tourism District Act (the "Act"), which vested the Casino Reinvestment Development Authority with various powers and responsibilities, including the authority to establish the Atlantic City Tourism District ("Tourism District"), to adopt development and design guidelines and land use regulations for the Tourism District, and to review and approve site plans and development proposals for property within the Tourism District. Thus, the following amendments to the Redevelopment Plan are necessary to further redevelopment and to harmonize the Redevelopment Plan with the Act.

Changes to the Plan:

2 Definitions

"Amended Plan" shall now mean "the Amended Urban Renewal Plan for the Uptown Urban Renewal Project, as adopted by Ordinance 42 on October 10, 2002, and as subsequently amended, including this 2014 Amendment."

5.2.1.C General

The language in Section 5.2.1.C is hereby deleted and replaced in its entirety with the following paragraph:

C. As required by the P.L. 2011, c. 18, entitled the Atlantic City Tourism District Act (the "Act"), the Casino Reinvestment Development Authority (the "CRDA") shall review and approve the development plan of a redeveloper in accordance with the requirements set forth in the Act, any regulations adopted by the CRDA, the Municipal Land Use Law, N.J.S.A. 40:55D-1 to -163 ("MLUL"), and such other standards as are provided herein. When reviewing applications for site plan or subdivision approval, the CRDA shall have the power to grant any relief authorized by the Act, the CRDA's regulations, or the MLUL, including but not limited to (i) variances from the requirements of the Redevelopment Plan, and any other applicable law or ordinance, pursuant to N.J.S.A. 40:55D-70(c) and (d); (ii) exceptions from the requirements of the Redevelopment Plan, and any other applicable law or ordinance, pursuant to N.J.S.A. 40:55D-51; and (iii) de minimis exceptions from the Residential Site Improvement Standards. In the remainder of this Redevelopment Plan, where consistent with the Act, the term "Planning Board" shall be interpreted to mean the CRDA.

5.2.2.A Land Use Provisions- Permitted Uses in the "A" Zone

The language in Section 5.2.2.A concerning Permitted Uses in the "A" Zone is hereby deleted and replaced in its entirety with the following provision:

Dated 8/6/14

"A. Permitted Uses

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

Permitted Uses in the "A" Zone shall include multiple-family dwellings, single-family attached dwellings and single-family townhouses; commercial uses, including but not limited to, hotels, convention/meeting space, retail space, theaters, cinemas, restaurants and lounges, offices, and banks; structured and surface parking; landscaped open space accessible to the public; entertainment/recreation elements such as arenas, theme parks, water parks, active/passive recreations facilities, cultural facilities and other like and similar attractions; any other uses permitted within the CBD Zone; and any other such uses permitted within the redevelopment area by regulations adopted by the CRDA. Mixed use developments are permitted, and as such, multiple uses may be constructed on the same lot or property, within the same building, or both on the same lot or property and within the same building.

Permitted Accessory Uses in the "A" Zone shall include amenities for residential uses (including, but not limited to, pools, fitness facilities, lobbies, gathering spaces, mail facilities, and storage facilities), bicycle racks, renewable energy facilities, electric charging stations for vehicles, outdoor dining, outdoor display of merchandise, surface and structured parking, maintenance and security facilities, communications facilities, utilities, generators, childcare centers and any other accessory uses which are customary, subordinate and incidental to a permitted use."

5.2.4.B Building Limit Controls - Building Setbacks

The following portions of Section 5.2.4.B are hereby amended to read as follows:

"2. New Jersey Avenue Right-of-Way (50' wide)

* * *

c. Atlantic Avenue to Pacific Avenue: A minimum setback of zero feet (0') is required."

"3. Delaware Avenue Right-of-Way (82' wide): A minimum setback of zero feet (0') is required."

"4. Connecticut Avenue Right-of-Way (50' wide)

a. Atlantic Avenue to Pacific Avenue: A minimum setback of zero feet (0') is required."

"5. Pacific Avenue Right-of-Way (60' wide)

* * *

b. For the North side of Pacific Avenue: A minimum setback of zero feet (0') is required."

"6. Atlantic Avenue Right-of-Way (100' wide):

a. A minimum setback of ten feet (10') is required, as measured from the property line to the face of the building.

b. For the purposes of Section 6a above, steps, ramps, planters, patios, terraces, outdoor dining areas, and other similar appurtenances shall be permitted within the setback area. However, parking, mechanical equipment, storage, dumpsters, and similar uses shall not be allowed within the required front yard setback along Atlantic Avenue. "

Dated 8/6/14

"9. 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 - A minimum setback of 5 feet is required; and
- b. Blocks 61 and 62 - A minimum setback of 10 feet is required."

10. Section 5.2.4.B.10 is hereby deleted in its entirety.

Those portions of Section 5.2.4.B not specifically referenced herein remain unchanged. To the extent the amendments set forth herein conflict with any URP Maps referenced in the Redevelopment Plan, the text of this Amended Plan shall govern.

5.2.4.C Building Limit Controls- Maximum Building Height

Section 5.2.4.C.1 is hereby amended to state:

"North of Pacific Avenue to Atlantic Avenue. The maximum building height shall be two hundred sixty feet (260') above grade."

5.2.4.E Planning Board Authority

Section 5.2.4.E is hereby deleted in its entirety and replaced with the following:

"E. Parking - Parking spaces shall have a minimum dimension of 9' x 18'."

5.2.8 Additional Controls

Section 5.2.8.A is hereby amended to state:

"Except where otherwise set forth in this Redevelopment Plan, the Redevelopment Area shall be governed by the Performance Standards, Signage Regulations, and Parking and Loading Regulations for the CBD as contained in the City Land Use Ordinance. By reference herein, such provisions are included in and adopted by this Redevelopment Plan. Furthermore, for the purpose of the Performance Standards, Signage Regulations, and Parking and Loading Regulations, the Redevelopment Area shall be treated as part of the CBD."

Section 5.2.8.H is hereby deleted in its entirety and replaced with the following:

"Required parking may be constructed either on-site or off-site on a nearby property. In addition, the required parking for a development, whether such parking is provided on-site, off-site, or in combination, may be reduced by up to 50% if a redeveloper (i) can establish the right to use shared parking facilities either through common ownership or an agreement; and (ii) provides a parking study, or other such testimony or evidence, establishing the proposed uses have complimentary parking demands such that the proposed shared parking requirement will result in an adequate supply of parking to meet the anticipated demand. Notwithstanding Section 11.2 herein or any other provision of this Amended Plan, the CRDA shall have the authority to grant a variance or other required relief of a magnitude that is warranted based on the testimony presented pursuant to the standards set forth in the MLUL, the Act, or other applicable law."

7.1.2 Density of Population

Section 7.1.2 is hereby deleted in its entirety and replaced with the following provision:

Dated 8/6/14

“This Redevelopment Plan provides an opportunity for mixed use redevelopment of the Redevelopment Area, including residential and commercial uses, which are designed to permit appropriate population densities and/or commercial activity to the Redevelopment Area.”

7.4 Significant Relationships Between the Redevelopment Plan and Other Plans

The 2014 Amendment is consistent with the State Development and Redevelopment Plan, last adopted in 2001, as it will (i) help revitalize Atlantic City by leveraging private investment to create new jobs and housing opportunities through good urban design (Goal #1); (ii) facilitate the construction of attractive multi-family housing to provide additional housing options for the area (Goal #6); and (iii) integrate State and local planning objectives (Goal #8). Due to the location of the Redevelopment Area and the passage of the Act, the 2014 Amendment does not have a significant impact on the master plans of any contiguous municipalities or Atlantic County.

7.7 Consistency with the Atlantic City Master Plan and the CRDA Master Plan

This 2014 Amendment is consistent with the Atlantic City Master Plan, which was adopted in September 2008 (“City Master Plan”). The City Master Plan recognizes the Uptown Urban Renewal Plan area as part of the “Uptown Neighborhood” that extends along Atlantic Avenue, including a large portion of the area zoned as the Central Business District, until terminating at Connecticut Avenue. See City Master Plan at 8. In adopting the City Master Plan, the Planning Board also recommended that the “A Zone” within the Uptown Urban Renewal Plan be rezoned to be part of a “Main Street Corridor” redevelopment area to include the entire area along Atlantic Avenue from the Atlantic City Expressway to Rhode Island Avenue. See City Master Plan at 77. Therefore, the City Master Plan already implicitly recognizes the Property as an extension of the Central Business District. Accordingly, amending this Redevelopment Plan to make the setbacks, uses, and other design standards more consistent with the zoning in the Central Business District is consistent with the City Master Plan.

In addition, with respect to the “A Zone” within the Uptown Urban Renewal Plan area, the City Master Plan specifically states that the development of an “urbanist townhouse community” should be encouraged. See City Master Plan at 28. Thus, amending the Redevelopment Plan to promote the development of a mixed use, urban-designed residential complex is consistent with the intent of and effectuates the City Master Plan.

Furthermore, more broadly, this 2014 Amendment to the Redevelopment Plan promotes the goals and objectives of the City Master Plan in the following manner:

- Maintains a compact urban form and growth pattern which provides adequate space to meet housing, employment, business, and public service needs by allowing more flexible design of mixed use redevelopment;
- Encourages urban design and establishes design criteria and performance standards that improve the quality of residential, commercial, industrial, and mixed use development in the City;
- Encourages development in the Central Business District/Main Street District that enhances the area as a primary business and mixed use district by making the regulations within the Redevelopment Area, which is in the recommended “Main Street Corridor,” more consistent with the regulations which apply in the Central Business District and more appropriate for mixed use redevelopment; and

Dated 8/6/14

- Encourages new neighborhood commercial and mixed use development by specifically permitting multiple uses on one lot and allowing for accessory uses typically incorporated into mixed use developments.

The Redevelopment Area is also within the Tourism District. The Master Plan adopted by the CRDA on February 1, 2012 ("CRDA Master Plan"), split the Redevelopment Area between the "Central Business District" and the "Crystal Beach District." See CRDA Master Plan at 12.

The Central Business District area includes a large portion of the "A Zone" of the Redevelopment Plan, including the entire frontage along Atlantic Avenue and portions of the frontages on Delaware, Connecticut, and New Jersey Avenues. The Central Business District identified in the Master Plan also extends several blocks in each direction along Atlantic Avenue, outside of the Redevelopment Area, from Martin Luther King, Jr. Boulevard to Rhode Island Avenue. For the Central Business District, the Master Plan recommends that the "massing and building guidelines shall follow current planning guidelines." See CRDA Master Plan at 141.

However, prior to this 2014 Amendment, this Redevelopment Plan was inconsistent with the Central Business District regulations adopted by Atlantic City, which govern properties along Atlantic Avenue from Mississippi Avenue through Delaware Avenue, including the entire blocks located on the southern side of Atlantic Avenue from Martin Luther King Jr. Boulevard to Delaware Avenue. For those properties, the Atlantic City Land Use Code does not require a front yard setback. Until this 2014 Amendment, the properties in the "A Zone" were subject to a front yard setback ranging from 20 to 25 feet, which means that the Redevelopment Plan did not conform to the requirements imposed on the surrounding Central Business District properties.

This 2014 Amendment reduces those required setbacks to zero to conform with the setbacks in the remainder of the Central Business District. Thus, this 2014 Amendment is consistent with and effectuates the CRDA Master Plan by making the setback regulations for the Redevelopment Area consistent with the "building guidelines" for the remainder of the Central Business District, as implicitly recommended by the CRDA Master Plan.

The remaining portion of the Redevelopment Area is located within the "Crystal Beach District," which was recognized by the CRDA Master Plan as a district that should serve to create a "stronger sense of connection" among the Central Business District, the Inlet, and the Park Place districts. Thus, it is not inconsistent with the CRDA Master Plan for the portions of the Crystal Beach District that abut the Central Business District to have the same setback requirements.

8.4 Authority and Plan Interpretation

Section 8.4 shall be deleted in its entirety and shall be replaced with the following provision:

"The process for granting land use approvals shall be governed by the Tourism Act and other applicable law."

Section 8.5 shall be added and shall state:

"To the extent anything adopted as part of this 2014 Amendment conflicts with any prior adoptions of the Amended Plan, this amendment shall supercede and shall govern. Furthermore, to the extent the text of this 2014 Amendment conflicts with any map or plan referenced in the Amended Plan, the text of this 2014 Amendment shall govern."

Dated 8/6/14

13.2 2014 Amendment

Section 13.2 entitled "2014 Amendment" is hereby added and states:

"The 2014 Amendment supercedes the applicable portions of the 1994 and 1999 Plans and any other amendments adopted between 1999 and the date of adoption of this 2014 Amendment."