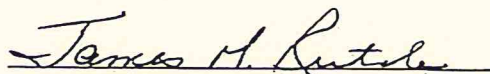


CITY OF BRIGANTINE

WATERFRONT REDEVELOPMENT PLAN

Adopted by the Brigantine Planning Board
April 25, 2018

**Original signed and
sealed in accordance with N.J.A.C. 13:41**


James M. Rutala, Licensed Professional Planner #2704
Rutala Associates, LLC

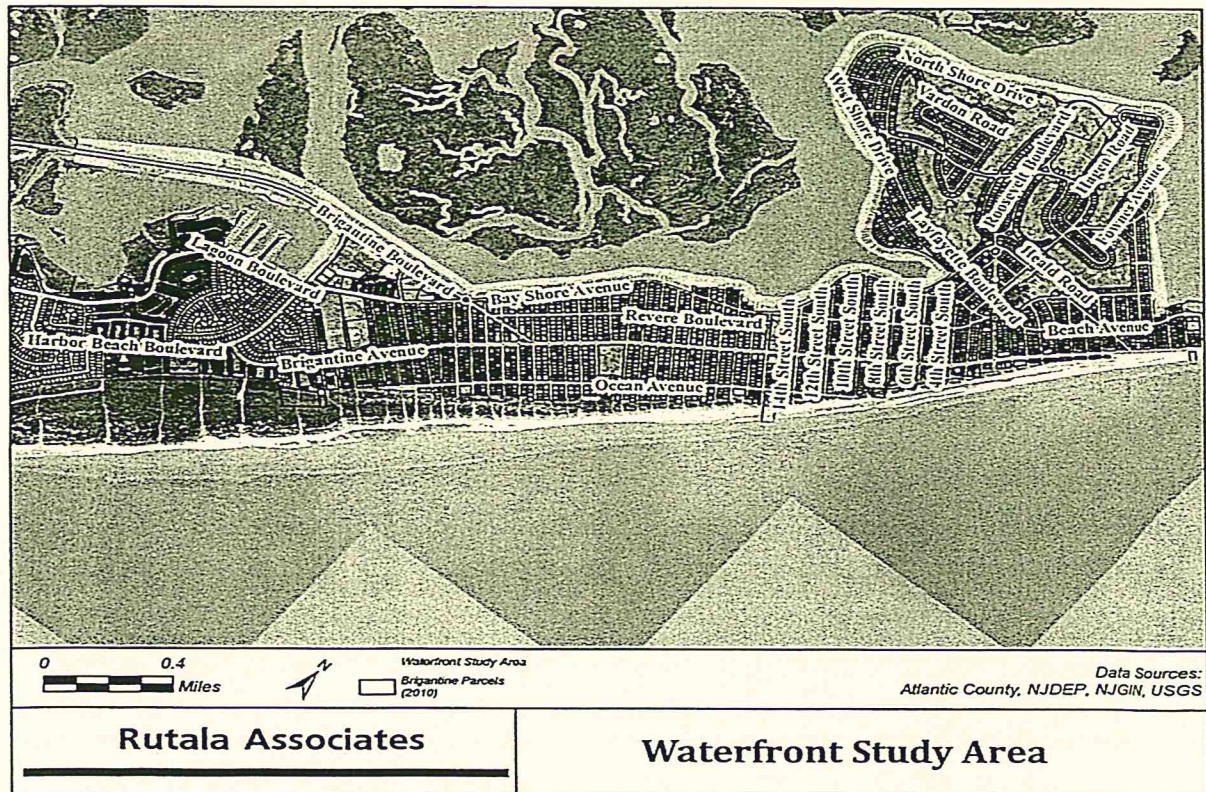
City of Brigantine Redevelopment Plan

Waterfront Redevelopment Area

1.0 Introduction

This Non-Condemnation Redevelopment Plan (Redevelopment Plan or Plan) has been prepared for the City of Brigantine (City), New Jersey for property known as the Waterfront Redevelopment Area and includes the area along the back bay from, but not including the North End Redevelopment Area to the Brigantine Bridge, roughly 33,000 feet and the area that begins across Brigantine Bridge continuing around St. George's Thorofare, roughly 11,000 feet. The 44,000 lineal feet of Redevelopment Area encompasses the land area necessary to construct or reconstruct bulkheads to protect the City and the individual properties they will be constructed on from flooding and storm surges. The Redevelopment Area abuts a variety of uses including residential, multifamily and commercial uses. The study area is approximately 220,000 square feet in area (five acres), which assumes a minimum five-foot-wide strip of land to construct bulkheads. Figure 1 depicts this Redevelopment Area.

Figure 1 - Waterfront Redevelopment Area



The City directed the Brigantine Planning Board (Planning Board) to undertake a preliminary investigation on whether the Waterfront Redevelopment Area is in need of redevelopment in accordance with the criteria specified in the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (Redevelopment Law) on August 2, 2017. The Planning Board undertook the required study and recommended that the City Council declare the area in need of redevelopment and on November 1, 2017 the City declared the Waterfront Redevelopment Area to be an area in need of redevelopment.

The Waterfront Redevelopment Plan has been prepared pursuant to N.J.S.A. 40A:12A-7 and must be adopted by ordinance by the City Council. The Redevelopment Plan must include the following components.

- Redevelopment Goals and Objectives
- Proposed Land Uses and Design Concepts
- Redevelopment Regulations and Standards
- Relationship of the Redevelopment Plan to Other State, County and Local Plans

The criteria outlined in N.J.S.A. 40A:12A-7 will be addressed below.

2.0 Vision, Goals and Context

2.1 Vision and Purpose

The purpose of the Redevelopment Plan is to promote the construction or reconstruction of bulkheads in the Waterfront Redevelopment Area through a public/private partnership to ensure that the City is protected from flooding and storm surges. The City intends to issue bonds or notes to assist in financing the cost for permitting, designing, constructing or reconstructing bulkheads in the redevelopment area. The City intends to collect a special assessment to reimburse the City for the cost of permitting, designing, constructing and other associated costs. The time period for the repayment of loans is ten (10) years for residential properties and thirty (30) years for commercial marina properties. The main goal in adopting this Redevelopment Plan is to provide a financing mechanism for property owners in the Redevelopment Area to construct or reconstruct needed bulkheads. In addition to this main goal the Redevelopment Plan includes the following goals:

- Protect the City from flooding and flood surges.
- Insure that new and rebuilt bulkheads are constructed to the required height 9 feet NAVGD or 8 feet NAVD 88.
- Encourage the use of sustainable building materials in the construction of new or rebuilt bulkheads.
- Ease permitting requirements by providing one State permit for all property owners.

No condemnation or land acquisition is necessary, no residents in the Redevelopment Area will be displaced, nor will any housing units affordable to low and moderated income households be removed for this Redevelopment Plan.

3.0 Land Use Plan for The Water Front Redevelopment Area

The proposed land uses in the Redevelopment Area are not intended to change under this Plan and the underlying uses and zoning remain in place. Requirements for the construction or reconstruction of bulkheads will be modified as outlined in this Plan.

No acquisition of land is proposed as part of this Redevelopment Plan. The Plan provides a funding mechanism for residents to construct or reconstruct bulkheads. The program is voluntary.

4.0 Redevelopment Provisions and its Relationship to the Land Use Code of the City

The design and performance standards of this Redevelopment Plan shall supersede and replace the zoning and development regulations of the City Land Use Ordinance. The zoning map of the City shall be amended upon the adoption of this Plan in accordance with N.J.S.A.40A:12A-7c. In any instance in which this Redevelopment Plan's regulations and standards do not address a particular land development control, or when specific reference to the Land Use Ordinance is made in the Plan, the standards of the Land Use Ordinance shall apply to the Redevelopment Area. If any provision of this Redevelopment Plan is determined by a court with appropriate jurisdiction to be invalid the remainder of the Plan will not be affected and shall remain in full force and effect.

5.0 Waterfront Redevelopment Plan Development Regulations

5.1 General Requirements

The Redevelopment Plan is intended to assist property owners in constructing or reconstructing bulkheads to protect the City from flooding and storm surges. It will also require that property owners use environmentally suitable materials in the construction of bulkheads.

5.2 Definitions

Any term not identified herein shall be defined in the City Land Use Code.

Building — A combination of materials to form a construction adapted to permanent temporary or continuous occupancy and having a roof.

Bulkhead — A retaining wall, or other structure which has received all prior permits and approvals constructed along a body of water for the purpose of stabilizing the existing water's edge or State approved wetlands line and behind which fill is placed.

5.3 Use Regulations

Principal Permitted Uses. The uses permitted in the underlying zone districts as defined in the City of Brigantine Land Use Code shall apply.

Conditional Permitted Uses. The conditional uses permitted in the underlying zone districts as defined in the City Land Use Code shall apply.

Accessory Uses. The accessory uses permitted in the underlying zone districts as defined in the City Land Use Code shall apply.

5.4 General Development Regulations

In any location within the Redevelopment Area where bulkheads are to be constructed or reconstructed pursuant to this Redevelopment Plan, such bulkhead shall be constructed or reconstructed to the following minimum specifications.

- A. The elevation of the top of the bulkhead shall be a minimum of 9ft NVGD or 8.0 NAVD 88.
- B. Sheet piling shall have a penetration of solid ground of 1/2 of the length of the board. Sheet piling shall be a double row of two-by-ten-inch boards and shall be driven plumb with all joints tight.
- C. Front piling shall have a minimum of twelve-inch diameter butts with the center to center spacing not to exceed five feet. Piling shall have a minimum penetration of five feet more than the sheet piling.
- D. Wales shall be a minimum of six inches by six inches, spaced at three feet from center to center with a minimum of three wales per section. Every wale shall be bolted to each piling with three-fourths-inch diameter galvanized bolts. Splicing of wales shall be staggered so that no two joints will be at the same piling.
- E. Back piling and drag planks shall be twenty-pound treated. Piling shall have twelve-inch diameter butts with the same penetration as front piling and shall be connected by the use of a three-by-ten-inch drag plank. Each front piling shall be connected to an individual back piling with a three-fourths-inch galvanized tie-rod.
- F. All bulkheads, except back piling and drag planks, shall be vinyl or similar non-polluting material.
- G. All hardware shall be hot-dipped galvanized. All bolts and tie rods shall be a minimum of 3/4 inch in diameter, with the length of the tie rods being at least 16 feet.
- H. A four-by-six-inch fascia board shall be constructed along the top of the bulkhead and shall be bolted to each pile and top wale with three fourths- inch galvanized bolts. The top of the bulkhead shall be capped with three two-by-twelve-inch boards.
- I. Notwithstanding the above, any other described bulkheading procedure, as approved and contained in the BOCA Code, shall be acceptable within the City of Brigantine.

- J. All private bulkheads within the City must be maintained in such a manner so the same are not injurious or dangerous to the health, safety or welfare of the citizens of the City. Said bulkheads shall be kept in such a state of repair so as to maintain the filling in of land around and about said bulkhead to the grade above the mean high tide level as established for the City and shall also be maintained to prevent erosion or damage to abutting, adjacent or adjoining properties.
- K. Any person or entity who violates this section of the Redevelopment Plan may be subject to a fine not to exceed \$1,000 or jail time not to exceed 90 days, or both, in the discretion of the Municipal Court Judge of the City.
- L. No private contractor shall use a City street end or place any material, supplies or equipment on or over bulkheads at a City street end without first receiving specific written approval of the City. Any person or business entity who does not receive such permission and violates this subsection shall be subject to the penalties set forth in Subsection K as well as the cost to repair any and all damage which occurs on the City bulkhead, street or other City property. If any such damage occurs to the City street, bulkhead or other City property by an individual or business entity who has received written permission from the City of Brigantine pursuant to this subsection, said individual or business entity will specifically indemnify and hold harmless the City and be responsible for the cost of repair of any such damage or destruction to said City street, bulkhead or City property. Any individual or business entity who owes money to the City pursuant to this subsection and who has not paid the same can be denied the permission referred in this subsection and, after an appropriate hearing before the governing body of the City of Brigantine, can have the mercantile license of said individual and/or business entity revoked until such time as all costs for any such damage and destruction has been paid in full to the City.
- M. To the extent that a foreclosure complaint has been filed in any court within the State in accordance with the City Code Chapter 127-1J, as set forth above shall be enforceable against the bank, mortgage company, or other financial institution who is a holder of a mortgage on the property or who has instituted foreclosure proceedings.

6.0 Site Planning and Design Standards

The following performance and design standards shall be used by the City Engineer in reviewing applications, who may approve departures from the site planning and design standards as may be requested by the Redeveloper where in the opinion of the City Engineer the departures are consistent with the Redevelopment Plan.

A. Sustainable Development Green Design

All bulkheads are to be constructed or reconstruct using non-polluting material to the maximum extent possible. Bulkhead sheathing should be vinyl or similar material.

7.0 Relationship of Redevelopment Plan to City Master Plan and to Other Plans

7.1 City Master Plan

The Planning Board adopted Master Plans in 1992 and 2001 and Re-examination Reports in 2010 and 2016. The 2016 Reexamination Report acknowledges that the City is, to a major extent, fully developed with only isolated parcels of land available for development. The 2016 Reexamination Report discusses the various goals and objectives outlined in the 1992 and 2001 Master Plans as well as the 2010 Reexamination Report. The following goals from the 2016 Reexamination Report are furthered by this Redevelopment Plan.

RESIDENTIAL DEVELOPMENT GOAL - Recognize the need to balance the previous period of residential growth with the preservation of existing neighborhoods of single family character, rather than encourage continued multi-family development throughout the City.

The creation of a funding mechanism to construct or reconstruct bulkheads in residential neighborhoods as proposed in this Redevelopment Plan will further the preservation of existing neighborhoods by making these neighborhoods safer from flood events and storm surges. Gaps or substandard bulkheads pose a serious risk of storm damage to the City, neighborhoods and individual properties. This Redevelopment Plan will help protect residential neighborhoods from future flooding and storm surges thus preserving the character of each neighborhood.

ENVIRONMENT GOAL – Remain committed to the development and implementation of regulatory controls and design techniques, which in conjunction with State and Federal programs will preserve and protect the natural resources of the island, such as beaches, dunes and wetlands.

The creation of a funding mechanism to construct or reconstruct bulkheads that meet the regulatory and design techniques outlined in this Redevelopment Plan will preserve and protect the natural resources of the City as well as homes and businesses. This program also demonstrates the City's commitment toward preserving and protecting the City's natural resources. Use of sustainable building material in the construction or reconstruction of bulkheads will further protect natural resources, beaches and wetlands.

FLOOD PROTECTION GOAL – Ensure continued implementation of those programs that will minimize property damage and protect the safety and welfare of its residents.

The creation of a funding mechanism under this Redevelopment Plan to construct or reconstruct bulkheads will ensure the continued implementation of a program to minimize property damage and protect the safety and welfare of the City's residents from future storms. The proposed funding mechanism provides a tool for property owners to construct or reconstruct bulkheads to current standards thus minimizing property damage and protecting the safety and welfare of City residents.

SCENIC RESOURCES GOAL – Implement programs and regulatory controls designed to protect the scenic resources of the City.

The Redevelopment Plan encourages residents to construct or reconstruct bulkheads which will protect the City's scenic resources from flooding and storm surges.

7.2 Surrounding Municipalities Master Plans

The City consists of a group of islands along the Atlantic Ocean, situated just north of Atlantic City and east of Galloway Township. Neither of these communities is immediately adjacent to the Redevelopment Area and surrounding towns are separated from the City by various waterways. The construction or reconstruction of bulkheads is not anticipated to have any impact on these municipalities or their Master Plans due to the distance from nearby municipalities.

7.3 Atlantic County Master Plan

The Atlantic County Master Plan was adopted in October 2000. The County plan does not provide any specific recommendations for the Redevelopment Area. This Redevelopment Plan is in compliance with the County's general goals of enhancing the quality of life of County residents, ensuring quality growth and development and encouraging economic opportunities.

7.4 State Development and Redevelopment Plan

The State Plan classifies the City as an Environmentally Sensitive/Barrier Island Planning Area with a designation of PA5B. The intent of the Environmentally Sensitive/Barrier Islands Planning Area is to: accommodate growth in centers; protect and enhance the existing character of barrier island communities; minimize the risks from natural hazards; provide access to coastal resources for public use and enjoyment; maintain and improve coastal resource quality; and revitalize cities and towns. The Redevelopment Plan complies with the intent of the PA 5B Planning Area and Plan complies with and furthers the State Development and Redevelopment Goals of:

- Revitalizing the State's cities and towns;
- Conserving natural resources; and
- Promoting beneficial economic growth, development and renewal.

Specifically, the Redevelopment Plan will protect and enhance the character of the City, minimize risks from natural hazards, such as Super Storm Sandy, and maintain and improve coastal resources.

8.0 General Provisions of the Redevelopment Plan

8.1 Redevelopment Entity

The City Council shall act as the redevelopment entity pursuant to the Redevelopment Law for purposes of implementing this Redevelopment Plan and carrying out the construction and reconstruction of bulkheads.

8.2 Redeveloper Selection

It is anticipated that the redevelopment entity will select more than one redeveloper as each individual property owner may be selected as a redeveloper. The selection of the redeveloper or redevelopers shall be on forms and applications developed by the City. The City Engineer shall review all plans, specifications and applications. Those plans, specifications and applications deemed compliant by the City Engineer with this Redevelopment Plan shall be recommended to the redevelopment entity for approval.

8.3 Redevelopment Agreement

For each approved individual redeveloper (property owner), the redevelopment entity shall enter into a redevelopment agreement with the redeveloper that comports with the requirements of the Redevelopment Law.

In addition, the Redevelopment Agreement may contain the following additional provisions.

1. Interim and final redeveloper designations.
2. Terms for dispute resolution.
3. Allowance for changes in the Redevelopment Agreement should a "force majeure" event occur.
4. A guarantee of performance by the redeveloper to ensure completion of the project and that other obligations of the Redevelopment Agreement are met.
5. Any sharing of costs between the public and private entities.
6. Default termination clauses and their remedies for failure to perform by the redeveloper.
7. Provisions that specify allowed deviations from the development regulations, excepting use regulations.
8. Any other clauses deemed necessary to effectuate the Redevelopment Plan by the redevelopment entity.

Any development or construction within the Redevelopment Area shall be undertaken in accordance with a contractual Redevelopment Agreement between the redevelopment entity and the municipally designated redeveloper(s). The Redevelopment Agreement shall be in full force and effect prior to the redeveloper starting construction.

8.4 Effect of Redevelopment Agreement

The execution of the Redevelopment Agreement shall establish the period of time in which the redeveloper has to construct the bulkhead.

8.5 Development Plan Review and Approval

Prior to submission of any application for development, the redeveloper shall meet for a pre-application conference with City Engineer.

8.6 Escrow Fee

The Redevelopment Agreement shall provide that the Redeveloper(s) shall be responsible for payment of all professional fees and expenses related to the City's cost of negotiating and preparing the Redevelopment Agreement. Such escrow account shall be in accordance with N.J.S.A. 40:55D-53.2 and as further specified in the Redevelopment Agreement.

8.7 Application for Development

The application for development shall be submitted on such form, and accompanied by such maps, documents, and materials as are prescribed in this Redevelopment Plan or developed by the City.

8.8 Approval by Other Agencies

Redeveloper(s) shall be responsible, at its sole cost and expense, for obtaining other Governmental Approvals required for the construction or reconstruction of bulkheads. The redeveloper shall submit proof of approval from any county, state or federal agency required to effectuate bulkhead construction or reconstruction.

8.9 Duration of Plan

The Redevelopment Plan shall remain in full force and effect for a period of ten years from the date of adoption of this Redevelopment Plan by the City for residential property and thirty years for commercial marinas. Notwithstanding this provision, the period of time shall be established in an executed Redevelopment Agreement.

8.10 Non-Discrimination Provisions

No covenant, lease, conveyance or other instrument shall be affected or executed by the City or by the redeveloper or any of his successors or assignees, whereby land within the Redevelopment Area is restricted upon the basis of race, creed, color, or national origin in the sale, lease use or occupancy thereof.

**CITY OF BRIGANTINE - TIMELINE
REDEVELOPMENT AREA DESIGNATION AND
ADOPTION OF REDEVELOPMENT PLAN**

| DATE | EVENT |
|-------------|---|
| 8/2/17 | City Council to consider and adopt resolution authorizing Planning Board to undertake a preliminary investigation to determine if proposed areas ¹ are redevelopment areas in accordance with the criteria set forth in N.J.S.A. 40A:12A-5. (NOTE: Resolution shall state that the redevelopment area will be non-condemnation redevelopment area.) |
| 8/2/18 | City Clerk to forward certified copy of resolution to Planning Board |
| | Publish first notice of Planning Board hearing in the Press of AC. Notice shall include: <ol style="list-style-type: none"> 1. general boundaries of the area to be investigated 2. statement that a map has been prepared and can be inspected at the Clerk's office 3. statement that area will be non-condemnation redevelopment area. |
| | Publication of second hearing notice in the Press of AC and mail a copy of the notice to owners of property in the Redevelopment Areas. (This notice must be published and mailed no later than 9/15. |
| 9/27/18 | Planning Board hearing regarding preliminary investigation and adoption of resolution making findings and recommendations |
| 10/25/18 | Planning Board Secretary forwards copy of Planning Board resolution to City Clerk |
| 11/1/17 | City Council adopts resolution (i) determining that the delineated area, or any part thereof, is an area in need of redevelopment and (ii) directing the Planning Board to review the redevelopment plan. |
| | City Clerk transmits copy of adopted resolution to the Commissioner of Community Affairs. |
| | City Clerk serves Notice of Determination: <ol style="list-style-type: none"> 1. upon all record owners of the property located within the delineated area whose names are listed on the tax assessor's records; 2. upon each person who filed a written objection at Planning Board, if any |
| 2/28/18 | Planning Board meeting to review redevelopment plans |
| 4/25/18 | Planning Board meeting to review redevelopment plan and adoption of resolution making findings and recommendations |

¹ There are three (3) separate study areas.

| | |
|--|--|
| | Planning Board Secretary forwards copy of Planning Board resolution to City Clerk |
| | City Council to review Planning Board report and introduce ordinance adopting redevelopment plan |
| | Publication of Notice of introduction of redevelopment plan ordinance |
| | City Council second reading and adoption of redevelopment plan ordinance |
| | Publication of Notice of adoption of redevelopment plan ordinance |

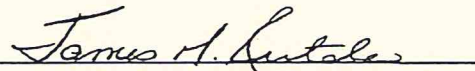
CITY OF BRIGANTINE

CIVIC CENTER REDEVELOPMENT PLAN

Adopted by the Brigantine Planning Board

April 25, 2018

Original signed and
sealed in accordance with N.J.A.C. 13:41

A handwritten signature in dark ink, appearing to read "James M. Rutala", is written over a horizontal line.

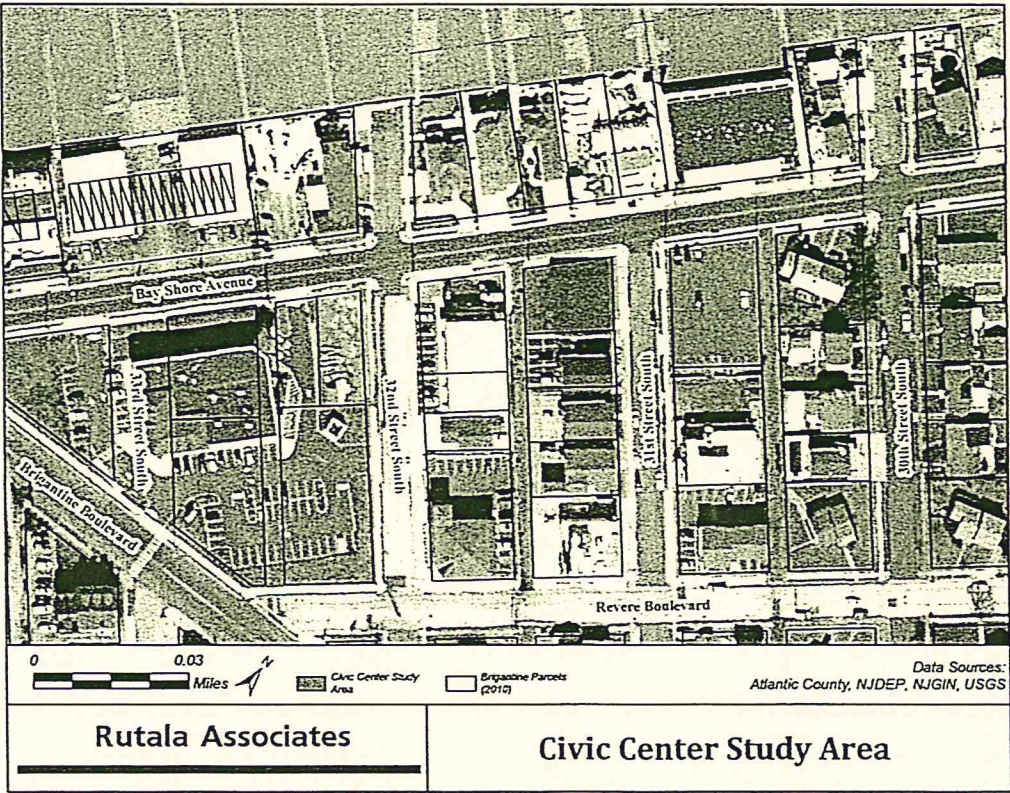
James M. Rutala, Licensed Professional Planner #2704
Rutala Associates, LLC

Brigantine Redevelopment Plan
Civic Center Redevelopment Area

1.0 Introduction

This Non-Condemnation Redevelopment Plan (Redevelopment Plan) has been prepared for the City of Brigantine (City) for property known as the Civic Center Redevelopment Area (Redevelopment Area) and includes the antiquated and unused two-story City-owned Civic Center building located on the southern side of Bayshore Avenue between 31st Street and 32nd Street (Block 2901, lot 5 on the City Tax Map). Surrounding uses are varied and include mixed-use residential and commercial buildings as well as a mix of residential uses including two- to four-family units as well as multi-family units. Immediately adjacent to the Civic Center is the Brigantine Aquatic Center, a parking lot, a four-family residential condominium use and marine commercial properties across the street. The Civic Center site is approximately 6,585 square feet. Figure 1 depicts this Redevelopment area.

Figure 1 - Civic Center Redevelopment Area



The City directed the Brigantine Planning Board (Planning Board) to study the Civic Center Area to determine whether the area was in need of redevelopment in accordance with the criteria specified in the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (Redevelopment Law) on August 2, 2017. The Planning Board undertook the required study and recommended that the City declare the area in need of redevelopment.

On November 1st, 2017, City Council declared the Civic Center Redevelopment Area to be an area in need of redevelopment.

The Civic Center Redevelopment Plan has been prepared pursuant to N.J.S.A. 40A:12A-7 and must be adopted by ordinance by the City Council. The Redevelopment Plan must include the following components.

- Redevelopment Goals and Objectives
- Proposed Land Uses and Design Concepts
- Redevelopment Regulations and Standards
- Relationship of the Redevelopment Plan to Other State, County and Local Plans

The criteria outlined in N.J.S.A. 40A:12A-7 will be addressed below.

2.0 Vision, Goals and Context

2.1 Vision and Purpose

The purpose of the Redevelopment Plan is to replace an obsolete use and building which was damaged by Superstorm Sandy with a viable residential use. Redevelopment of this site will be compatible with the surrounding uses. The main goals are to provide a Redevelopment Plan that enables a private developer to acquire the site and construct a four-unit residential building that anchors the southeast corner of Bayshore Avenue and 32nd Street, provides revenue to the City and is compatible with surrounding uses.

No condemnation or land acquisition is necessary, no residents in the project area will be displaced, nor will any housing units affordable to low and moderated income households be removed for this Redevelopment Plan.

3.0 Land Use Plan for the Civic Center Redevelopment Area

Figure 2 is an aerial photo of the Redevelopment Area and Figure 3 shows land use categorizations of properties in the vicinity of the Redevelopment Area. This aerial photograph clearly shows the many types of uses that surround the civic center property. The adjoining properties are a four-family residential structure and the Aquatic Center. Across 31st Street is parking lot and across Bayshore Avenue are commercial and residential properties.

The preceding land use map shows the neighborhood land use context of the Redevelopment Area. The Redevelopment Area is in an area of mixed commercial and residential uses, with the properties to the west of the Redevelopment Area being commercial, those to the north and south being residential of varying densities, and those to the east being a VFW and a parking lot. Residential properties on the opposite side of 30th Street South are almost exclusively single-family residential, while those on the opposite side of Brigantine Boulevard are a mix of densities within the context of the City's low-rise character. The only mid-rise, non-contextual development is the waterfront condominium complex on Bay Shore Avenue.

Figure 2 - Civic Center Redevelopment Site

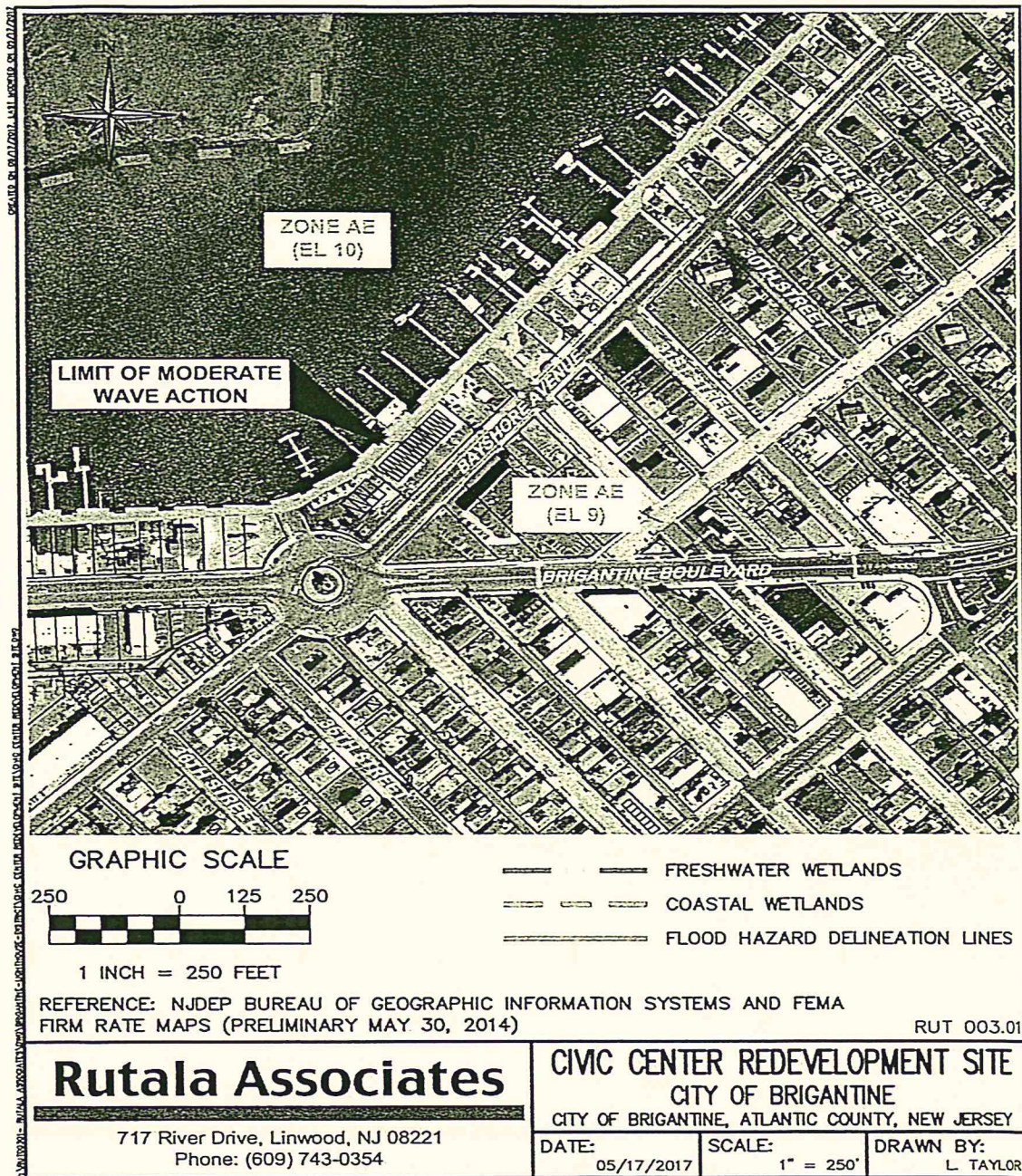
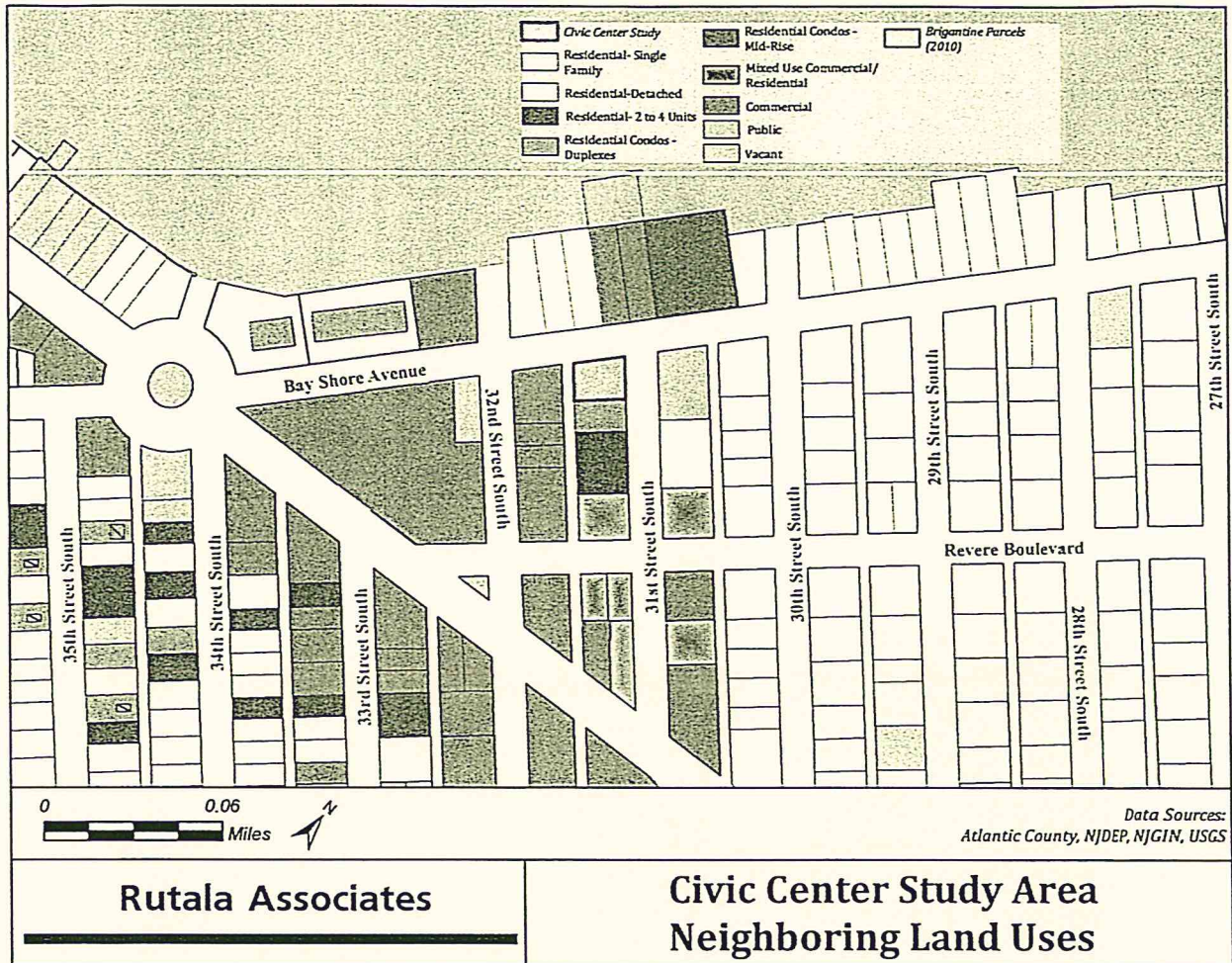


Figure 3 – Land Use in the Vicinity of the Redevelopment Area



The Redevelopment Area's location supports four-unit residential development. Each residential property on the Redevelopment Area's block appears to be a building of at least four units, including the mixed-use building on Revere Boulevard. The single-family uses opposite the Redevelopment Area and mixed-use and density to the south and east of the Redevelopment Area render the site ideal as a transitional zone, whereby attractive residential development at a slightly higher density is contextually appropriate.

4.0 Redevelopment Provisions and its Relationship to the Land Use Code of the City of Brigantine.

The design and performance standards of this Redevelopment Plan shall supersede and replace the zoning and development regulations of the City Land Use Ordinance. The zoning map of the City shall be amended upon the adoption of this plan in accordance with N.J.S.A.40A:12A-7c. In any instance in which this Redevelopment Plan's regulations and

standards do not address a particular land development control, or when specific reference to the Land Use Ordinance is made in the Plan, the standards of the Land Use Ordinance shall apply to the Redevelopment Area. If any provision of this Redevelopment Plan is determined by a court with appropriate jurisdiction to be invalid the remainder of the Plan will not be affected and shall remain in full force and effect.

5.0 Civic Center Redevelopment Plan Development Regulations

5.1 General Requirements

The Redevelopment Plan is intended to enable a private developer to acquire the old civic center site and construct a four-unit residential building.

5.2 Definitions

Any term not identified herein shall be as defined in the City Land Use Code.

Dwelling — A structure or portion thereof which is used exclusively for human habitation.

Dwelling, attached — A one-family dwelling attached to one or more one-family dwellings by common vertical walls.

Dwelling, detached — A one-family dwelling which is not attached to any other dwelling by any means.

Dwelling, multifamily — A dwelling containing more than two one family dwelling units, including all dwellings which are attached or detached, or defined as garden apartments, quadraplexes, townhouses, triplexes or two-family dwellings.

Dwelling, quadraplex — Four attached one-family dwellings in one structure in which each unit has two open-space exposures and shares one or two walls or floors with adjoining unit or units.

Dwelling, townhouse — A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire-resistant walls.

Dwelling, triplex — A dwelling containing three dwelling units, each of which has direct access to the outside or to a common hall.

Dwelling, two-family — A structure on a single lot containing two independent dwelling units. If the Zoning Officer or Construction Official makes a determination that a dwelling is a two-family dwelling (duplex), the burden is on the applicant, occupant or owner to prove otherwise and obtain all necessary variances, permits, and other approvals.

Dwelling unit — A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

5.3 Use Regulations

Principal Permitted Uses. The following principal uses, and structures shall be permitted.

- Two-family Dwelling
- Townhouse Dwelling
- Triplex Dwelling
- Quadraplex Dwelling

Accessory Uses. The following accessory uses, and structures shall be permitted.

- Fences
- Signs
- Public Utility
- Electric Vehicle Charging

5.4 Area, Yard, Height, Coverage and other requirements

A. General Regulations

| | |
|--|-------------------|
| Minimum lot area | 6,500 square feet |
| Minimum lot depth | 90 feet |
| Minimum lot frontage | 60 feet |
| Minimum front yard - Primary | 20 feet |
| Minimum front yard - Secondary | 15 feet |
| Second side yard setback | 5 feet |
| Minimum Rear yard | 10 feet |
| Maximum building height (measured from first habitable floor) | 35 feet |
| Maximum number of stories | 3 stories |
| Maximum building coverage | 40 percent |
| Maximum site coverage | 60 percent |
| All side and rear yard setbacks for accessory buildings | 5 feet |
| Maximum height of accessory buildings | 15 feet |

Number of Parking Spaces Per Unit
(one space on site and one space off site)

2 spaces

5.5 Additional Requirements and Exceptions

- A. Where a lot abuts an alley, the rear yard setback may be reduced to a minimum of 10 feet if all other bulk requirements are met. This reduction acknowledges that a twenty-foot wide rear yard alley provides the desired air, light and open space deemed appropriate by the goals of this section.
- B. There shall be a minimum of 10 feet between buildings on adjoining lots. An applicant for a building permit shall submit a survey or other documentation showing the home/building on contiguous lots are at least ten feet away from the proposed home/building on the applicant's lot.
- C. For any use there shall be no more than three floors of dwelling space and the combined height of all such dwelling space or portions thereof shall not exceed 35 feet measured from the first habitable floor. The thirty-five-foot height is to allow more architecturally pleasing houses to be constructed in the City. The increase in height over 30 feet is not designed to allow a fourth floor to be added to a dwelling. All dwellings with flat roofs shall be limited to 28 feet in height. Partial flat roofs shall also be limited to 28 feet in height.
- D. Eaves or roof overhangs, 12 feet or more above average finished grade, shall not exceed 12 inches. (Note that both side yard setbacks may be encroached).
- E. The following extensions or projections from residential structures are permitted in front and rear yards only:
 - 1. Open entry porches, not to exceed four feet.
 - 2. Chimneys, not to exceed 18 inches.
 - 3. Steps (up to eight feet wide) into the principal building, not to exceed a thirty-six-inch encroachment.
 - 4. Bay windows, not to exceed twenty-four-inch encroachment.
 - 5. Mechanical equipment in rear yard not to exceed 48 inches encroachment. Mechanical equipment is permitted in rear yards within the center 1/3 of the lot width and shall be soundproofed to conform to the local sound ordinance and elevated to conform to the floodplain management ordinance.
 - 6. Decks and porches are to be considered as part of the principal structure unless specifically addressed in other portions of this section.

6.0 Site Planning and Design Standards

The following performance and design standards shall be used by the Planning Board which may approve departures from the site planning and design standards as may be requested by the redeveloper where in the opinion of the Planning Board the departures are consistent with the Redevelopment Plan.

A. Architectural Style

The building should front on 31st Street.

B. Sustainable Development Green Design

1. Energy Efficiency

- a. Roof lines of proposed structure should be designed to maximize south facing surfaces with few obstructions to maximize solar access.
- b. Structures should be oriented with a long true east west axis to maximize passive solar strategies.
- c. Energy Star roofing material should be used.
- d. Electric lighting should use LED lamps.
- e. Appliances and mechanical equipment should be Energy Star rated.
- f. Windows and doors should be Energy Star rated.
- g. Electric vehicle charging station(s) should be considered.
- h. Roof design should permit installation of photovoltaics panels.

2. Water Conservation

- a. Low flow plumbing fixtures should be used.
- b. Water Sense certified fixtures should be used.

3. Build Material

- a. Forest Stewardship Council (FSC) certified lumber should be used.
- b. Green building materials and finishes should be used to the extent practicable.
- c. Sustainable source building material using recyclable material for drywall, insulation, glass tiles, landscape materials, carpeting and carpet padding, ceiling tiles, concrete, steel should be used.
- d. A minimum of 50% of all site building demolition and construction debris shall be recycled.

C. Landscaping

Native vegetation shall be utilized where possible due to its natural resistance to drought and disease. Landscaping shall include shade trees, ornamental trees, evergreens or conifers, shrubs and ground cover. Use locally sourced material where possible.

D. Lighting

All outdoor lighting shall reduce light pollution to the extent practicable. Outdoor lighting shall be installed with full cutoff fixtures and utilize LED lights.

Specify maximum height at which outdoor lighting can be mounted.

E. Mechanical equipment and trash enclosures

1. All mechanical equipment and trash enclosures shall be screened, recessed and enclosed. Wall, screens and enclosures for such structures shall use construction material similar as the primary building.
2. All roof top mechanical equipment shall be screened from view from all directions and elevated pursuant to Brigantine's floodplain management ordinance.
3. Trash enclosures shall be suitable sized to provide adequate space for waste and recyclables.

F Storm Water Management

1. The development shall comply with the City Engineer's requirements for Storm Water Management
2. The provision of rain gardens or rain barrels for stormwater detention purposes

G Flood Damage Prevention

1. All development remains subject to the provisions of the City's Flood Damage Prevention Ordinance.

7.0 Relationship of Redevelopment Plan to City Master Plan and to Other Plans

7.1 Brigantine Master Plan

The Brigantine Planning Board adopted Master Plans in 1992 and 2001 and Re-examination Reports in 2010 and 2016. The 2016 Reexamination Report acknowledges that the City is, to a major extent, fully developed with only isolated parcels of land available for development. The 2016 Reexamination Report discusses the various goals and objectives outlined in the 1992 and 2001 Master Plans as well as the 2010 Re-examination Report. The following goals are furthered by this Redevelopment Plan.

The 2010 Master Plan listed the following as primary goals of the City.

Encourage and promote the City of Brigantine Beach as a safe and wholesome place to raise a family that can provide good education opportunities and ample access to recreation of all types, along the Jersey shore.

The Redevelopment Plan furthers this goal by providing additional housing which promotes the City as a wholesome and safe place to live. The units will be oriented to families with good access to recreation facilities.

The 2016 Reexamination Report also cites the general goals of the Municipal Land Use Law as being goals for the City. The Redevelopment Plan addresses the following goals listed in the 2016 Reexamination Report.

To encourage municipal action to guide the appropriate use or development of all lands in a manner, which will promote the public health, safety, morals and general welfare.

To provide adequate light, air and open space.

To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.

To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.

To provide sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses, and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all citizens.

To promote a desirable visual environment through creative development techniques and good civic design and arrangements.

To promote conservation and wise use of all energy resources.

To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the state Recycling Plan goals and to complement municipal recycling programs.

The Redevelopment Plan specifically furthers these general goals by encouraging the redevelopment of an underutilized site in a manner that protects the public health and welfare. The standards proposed in this Redevelopment Plan insure that adequate air, light and open space are provided.

The Redevelopment Plan establishes an appropriate density for the site and the neighborhood given the density and intensity of adjacent uses as well as higher density uses nearby on Bayshore Avenue.

The development of the Redevelopment Area will result in a net increase in municipal revenues without adding additional cost burden to the City tax payers.

The design standards implemented through the Redevelopment Plan will result in a desirable visual environment, promote the conservation of energy resources and promote the recovery and recycling of recyclable materials.

7.2 Surrounding Municipalities' Master Plans

The City consists of island along the Atlantic Ocean, situated just north of Atlantic City and east of Galloway Township in Atlantic County. Neither of these communities is immediately adjacent to the Redevelopment Area and surrounding towns are separated from Brigantine by various waterways. The development of the Redevelopment Area is not anticipated to have any impact on these municipalities or their Master Plans due to the distance from nearby municipalities.

7.3 Atlantic County Master Plan

The Atlantic County Master Plan was adopted in October 2000. The County plan does not provide any specific recommendations for the Redevelopment Area. This Redevelopment Plan is in compliance with the County's general goals of enhancing the quality of life of County residents, ensuring quality growth and development and encouraging economic opportunities.

7.4 State Development and Redevelopment Plan

The State Plan classifies the City of Brigantine as an Environmentally Sensitive/Barrier Island Planning Area with a designation of PA5B. The intent of the Environmentally Sensitive/Barrier Islands Planning Area is to: accommodate growth in centers; protect and enhance the existing character of barrier island communities; minimize the risks from natural hazards; provide access to coastal resources for public use and enjoyment; maintain and improve coastal resource quality; and revitalize cities and towns. The Redevelopment Plan complies with the intent of the PA 5B Planning Area and complies with and furthers the State Development and Redevelopment Goals of:

- Revitalizing the State's cities and towns;
- Protect and enhance the existing character of barrier island communities;
- Minimize the risks from natural hazards;
- Revitalize cities and towns; and
- Promote beneficial economic growth, development and renewal.

8.0 General Provisions of the Redevelopment Plan

8.1 Redevelopment Entity

The City Council shall act as the redevelopment entity pursuant to the Redevelopment Law for purposes of implementing this Redevelopment Plan and carrying out the development of the Redevelopment Area. City Council shall review and approve a redevelopment concept plan and project description of the proposal.

8.2 Redeveloper Selection

The redevelopment entity shall select a redeveloper for the redevelopment of the entire Redevelopment Area. The selection of the redeveloper shall be by response to a request for proposal or other fair and equitable means of selection as determined by the redevelopment entity. The redevelopment entity shall select a redeveloper based on the entity's experience, financial capacity, ability to meet deadlines, flexibility in meeting market demands within the framework of the Redevelopment Plan, and additional criteria that demonstrate the redeveloper's ability to implement the goals and objectives of the Redevelopment Plan.

8.3 Redevelopment Agreement

Once a redeveloper has been selected, the redevelopment entity shall enter into a Redevelopment Agreement with the redeveloper that comports with the requirements of the redevelopment Law.

In addition, the Redevelopment Agreement may contain the following additional provisions.

1. Interim and final redeveloper designations.
2. Terms for dispute resolution.
3. Allowance for changes in the Redevelopment Agreement should a "force majeure" event occur.
4. A guarantee of performance by the redeveloper to ensure completion of the project and that other obligations of the Redevelopment Agreement are met.
5. Any sharing of costs between the public and private entities.
6. Default termination clauses and their remedies for failure to perform by the redeveloper.
7. Provisions that specify allowed deviations from the development regulations, excepting use regulations.
8. Provisions addressing payment in lieu of taxes or other tax abatement and impact mitigation provisions
9. Transfer of development and other rights of the redeveloper.
10. Development proforma.
11. The redeveloper shall be responsible for typical site plan requirements including but not limited to site sidewalks, curbing, landscaping, internal drives, drainage both on-site and offsite, as required to meet City storm water regulations.
12. Redeveloper shall be responsible for fill completion any area with fill shall be capped with top soil and lawn established.
13. Any other clauses deemed necessary to effectuate the Redevelopment Plan by the redevelopment entity.

Any development or construction within the Redevelopment Area shall be undertaken in accordance with a contractual Redevelopment Agreement between the Redevelopment Entity and a municipally designated redeveloper. The Redevelopment Agreement shall be in full force and effect prior to the redeveloper making application to the Planning Board for any site plan approval.

8.4 Effect of Redevelopment Agreement

The execution of the Redevelopment Agreement shall convey the right to acquire all of the redevelopment area; prepare a site plan application for the redevelopment to the City Planning Board in accordance with the terms of the redevelopment agreement and the Redevelopment Plan. In addition, the execution of the Redevelopment Agreement shall establish the period of times such rights to develop under the terms and conditions of the Redevelopment Plan shall be granted.

8.5 Development Plan Review and Approval

Prior to submission of any application for development, the redeveloper shall meet for a pre-application conference with the Mayor, City Manager and other personnel as the City determines.

8.6 Escrow Fee

The Redevelopment Agreement shall provide that the Redeveloper(s) shall be responsible for payment of all professional fees and expenses related to the City's cost of negotiating and preparing the Redevelopment Agreement, any financial and PILOT agreements and any and all related agreements, resolutions and ordinances as may be necessary. Redevelopers seeking approval of a project in the Redevelopment Area such as, but not limited to, site plan approval shall establish an escrow account with the Redevelopment Entity from which any consultants necessary to the Entity's review of the redevelopment project shall be paid. Such escrow account shall be in accordance with N.J.S.A. 40:55D-53.2 and as further specified in the Redevelopment Agreement.

8.7 Application for Development

The application for development shall be submitted in such form, and accompanied by such maps, documents, and materials as prescribed in the City Land Management Code with the following additional submissions:

1. A sustainable design assessment
2. An architectural elevation of each façade.
3. An elevation/rendering of each public street view.
4. A site section for any portion of the Redevelopment Area adjacent to any public roadway or as otherwise requested by the City.
5. Sample boards for review by the Planning Board upon which are attached the actual materials to be used on each façade, windows, accent materials and roof materials.

8.8 Redevelopment Entity Approval

The Redevelopment Entity shall certify the consistency of an application for development with the Redevelopment Plan prior to its submission by the redeveloper to the Planning Board. As a condition precedent to filing of any application for development to the Planning Board for any property in the Redevelopment Area, the Redevelopment Entity shall execute a Redevelopment Agreement with the redeveloper.

8.9 Planning Board Review

Site plan review shall be conducted by the Planning Board. Site plan review shall consist of preliminary and final site plan applications. Applicants may submit for preliminary and final site plan approval or for preliminary site plan approval and then final site plan approval. The Planning Board may grant deviations from the strict application of the Redevelopment Plan except as specified below, in accordance with the provisions of N.J.S.A. 40:55D-60 and 70c.

The Planning Board, without formal amendment to this Redevelopment Plan for the Civic Center Redevelopment Area, may approve departures from the area, yard, height, coverage, parking and other standards as may be requested by the redeveloper. All such deviations shall be found by the Planning Board to be consistent with the intent of the Redevelopment Plan and in accordance with N.J.S.A. 40:55D-70c.

Deviations from the General Bulk Standards necessary to bring the redevelopment project into conformance with approvals issued by relevant permitting agencies may be permitted without formal plan amendment, regardless of the percentage deviation required, provided such modifications are reviewed and accepted by the Planning Board. If the modification is not accepted by the Planning Board a formal plan amendment shall be required.

No deviations shall be granted that result in any of the following conditions.

1. A use not specifically permitted in the Redevelopment Area.
2. Exceeding the maximum floor area.
3. Exceeding the maximum building height as measured in feet or stories.
4. Deviation from the phasing plan for public improvements or other contractual obligations of the redeveloper to the Redevelopment Entity.

8.10 Project Phasing

The Redevelopment Area may not be developed in phases.

8.11 Approval by Other Agencies

The redeveloper shall be responsible, at its sole cost and expense, for obtaining all Governmental Approvals required for the redevelopment project. The redeveloper shall submit proof of approval from any county, state or federal agency required to effectuate site plan approval.

8.12 Duration of Plan

The Redevelopment Plan shall remain in full force and effect for a period of ten years from the date of adoption of this Redevelopment Plan by the City. Notwithstanding this provision, the period of time for any particular phase or parcel within the Redevelopment Area shall be established in an executed Redevelopment Agreement.

8.13 Non-Discrimination Provisions

No covenant, lease, conveyance or other instrument shall be affected or executed by the City or by the redeveloper or any of his successors or assignees, whereby land within the

Redevelopment Area is restricted upon the basis of race, creed, color, or national origin in the sale, lease use or occupancy thereof.

**CITY OF BRIGANTINE - TIMELINE
REDEVELOPMENT AREA DESIGNATION AND
ADOPTION OF REDEVELOPMENT PLAN**

| DATE | EVENT |
|-------------|---|
| 8/2/17 | City Council to consider and adopt resolution authorizing Planning Board to undertake a preliminary investigation to determine if proposed areas ¹ are redevelopment areas in accordance with the criteria set forth in N.J.S.A. 40A:12A-5. (NOTE: Resolution shall state that the redevelopment area will be non-condemnation redevelopment area.) |
| 8/2/18 | City Clerk to forward certified copy of resolution to Planning Board |
| | Publish first notice of Planning Board hearing in the Press of AC. Notice shall include: <ol style="list-style-type: none"> 1. general boundaries of the area to be investigated 2. statement that a map has been prepared and can be inspected at the Clerk's office 3. statement that area will be non-condemnation redevelopment area. |
| | Publication of second hearing notice in the Press of AC and mail a copy of the notice to owners of property in the Redevelopment Areas. (This notice must be published and mailed no later than 9/15. |
| 9/27/18 | Planning Board hearing regarding preliminary investigation and adoption of resolution making findings and recommendations |
| 10/25/18 | Planning Board Secretary forwards copy of Planning Board resolution to City Clerk |
| 11/1/17 | City Council adopts resolution (i) determining that the delineated area, or any part thereof, is an area in need of redevelopment and (ii) directing the Planning Board to review the redevelopment plan. |
| | City Clerk transmits copy of adopted resolution to the Commissioner of Community Affairs. |
| | City Clerk serves Notice of Determination: <ol style="list-style-type: none"> 1. upon all record owners of the property located within the delineated area whose names are listed on the tax assessor's records; 2. upon each person who filed a written objection at Planning Board, if any |
| 2/28/18 | Planning Board meeting to review redevelopment plans |
| 4/25/18 | Planning Board meeting to review redevelopment plan and adoption of resolution making findings and recommendations |

¹ There are three (3) separate study areas.

| | |
|--|--|
| | Planning Board Secretary forwards copy of Planning Board resolution to City Clerk |
| | City Council to review Planning Board report and introduce ordinance adopting redevelopment plan |
| | Publication of Notice of introduction of redevelopment plan ordinance |
| | City Council second reading and adoption of redevelopment plan ordinance |
| | Publication of Notice of adoption of redevelopment plan ordinance |