

ORDINANCE #8-16
OF THE BOROUGH OF KEYPORT, COUNTY OF
MONMOUTH, NEW JERSEY, ADOPTING THE
REDEVELOPMENT PLAN FOR THE PROPERTY
COMMONLY KNOWN AS BLOCK 22, LOTS 12.01, 19
AND 20 ON THE TAX MAP OF THE BOROUGH OF
KEYPORT

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, as amended (the "**Redevelopment Law**"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation or redevelopment; and

WHEREAS, in accordance with the Redevelopment Law, the municipal council (the "**Council**") of the Borough of Keyport (the "**Borough**") on February 20, 2007, adopted Resolution 100-07 determining the entire Borough to be an area in need of rehabilitation, including the property commonly known as Block 22, Lots 12.01, 19 and 20 on the tax map of the borough (the "**Property**"); and

WHEREAS, in order to facilitate the development of the Property and effectuate the rehabilitation of same, the Borough had determined to develop a redevelopment plan for the Property pursuant to the authority granted under the Redevelopment Law; and

WHEREAS, CME Associates has prepared the redevelopment plan entitled: "Longview-Boatworks Redevelopment Plan Block 22, Lots 12.01, 19 and 20" dated April 18, 2016 (the "**Redevelopment Plan**") providing the development standards for the Property; and

WHEREAS, on April 28, 2016, the unified planning board of the Borough (the "**Planning Board**") reviewed the Redevelopment Plan and transmitted its recommendations relating to the Redevelopment Plan to the Borough in accordance with the provisions of *N.J.S.A. 40A:12A-7* of the Redevelopment Law; and

WHEREAS, based upon the Planning Board's recommendations relating to the Redevelopment Plan, the Borough believes that the adoption of the Redevelopment Plan is in the best interests of the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Keyport as follows:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The recommendations of the Planning Board are hereby accepted and the Redevelopment Plan, attached hereto as Exhibit A and made a part hereof, is

hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law.

Section 3. The zoning district map in the zoning ordinance of the Borough is hereby amended to include the Property per the boundaries described in the Redevelopment Plan and all of the provisions therein and shall supersede the applicable development regulations of the Borough's municipal code.

Section 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 5. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Borough Clerk during regular business hours.

Section 6. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: May 3, 2016
Public Hearing: May 17, 2016
Adopted: May 17, 2016



Valerie T. Heilweil, RMC
Borough Clerk
Borough of Keyport



Harry M. Aumack, II, Mayor
Borough of Keyport

**Longview-Boatworks
Redevelopment Plan
Block 22, Lots 12.01, 19 and 20**

**Borough of Keyport
Monmouth County, New Jersey**

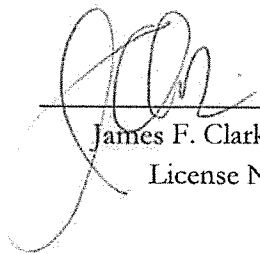
April 28, 2016

Amended May 6, 2016 per Planning Board Comments

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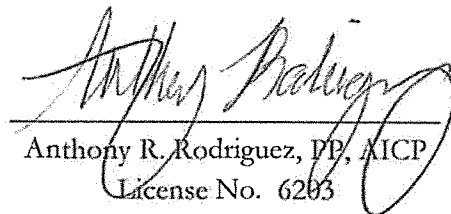

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Acknowledgements

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Jacqueline Kovacs-Olsen, Alternate
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Introduction

On February 20, 2007, the Borough Council of the Borough of Keyport adopted Resolution 105-07, which designated the entirety of the Borough to be an area in need of rehabilitation in accordance with the provisions of N.J.S.A. 40A:12A-14 of the Local Redevelopment and Housing Law ("LRHL"). On March 15, 2016, the Borough Council adopted Resolution 108-16, stating its intent to prepare a redevelopment plan for the property known as Block 22, Lots 12.01, 19 and 20, and authorizing CME Associates to prepare the plan on behalf of the Council. This plan has been prepared in accordance with this resolution using the Borough-wide rehabilitation designation adopted by the Council in 2007 as the basis for preparing the plan.

This Redevelopment Plan ("Redevelopment Plan" or "plan") is intended to govern the redevelopment of Block 22, Lots 12.01, 19 and 20 (160 West Front Street and 156-158 West Front Street), Borough of Keyport (See Figure 1). The tract is located in the northwesterly portion of the Borough and fronts upon West Front Street.

This plan establishes permitted land uses, bulk and area requirements, and design standards for any proposed development within the area governed by this plan.



Figure 1: Aerial View of area governed by Redevelopment Plan (Source: NJ GeoWeb)

Purpose of and Statutory Basis for the Redevelopment Plan

This plan and the provisions herein have been prepared pursuant to Section 7 of the LRHL (N.J.S.A. 40A:12A-7), which provides that “no redevelopment project shall be undertaken or carried out except in accordance with a Redevelopment Plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or rehabilitation...according to criteria set forth in section 5 or section 14...as appropriate.” Pursuant to the requirements of the LRHL, the Redevelopment Plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the area governed by this plan sufficient to indicate:

- Its relationship to definitive local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational, community facilities, and other public improvements.
- Proposed land uses and building requirements in the project area.
- Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent safe and sanitary dwelling units, affordable to displaced residents will be available to them in the existing local housing market.
- An identification of any property within the project area proposed to be acquired in accordance with the Redevelopment Plan;
- Any significant relationship of the Redevelopment Plan to:
 - The Master Plans of contiguous municipalities;
 - The Master Plan of the County in which the municipality is located, and;
 - The State Development and Redevelopment Plan (the “SDRP”) adopted pursuant to the “State Planning Act,” P.L. 1985, c.398 (C.52:18A-196 et al.).

The LRHL provides that “a Redevelopment Plan may include the provision of affordable housing in accordance with the “Fair Housing Act,” P.L. 1985, c.222 (C.52:27D-301 et al.) and the housing element of the municipal master plan.” Finally, the plan is required to describe its relationship to pertinent municipal development regulations, and must note whether the provisions of the plan supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district.

Description of Project Area

The area governed by this Redevelopment Plan (the “project area”) is approximately 8.5 acres in area and is comprised of the following properties:

- Block 22, Lot 12.01
- Block 22, Lot 19
- Block 22, Lot 20

The tract is located along West Front Street near the confluence of Luppatatong Creek and Keyport Harbor (Raritan Bay), Borough of Keyport. The project area is located within walking distance of the Borough’s downtown area, Keyport Waterfront Park, municipal boat ramp, and other downtown amenities.

The area governed by this plan is developed with one existing single-family residence and associated site improvements on Lot 12.01 and an existing detached frame structure and circular gravel driveway that provide access to and around Lots 19 and 20. The residential structure and use remains on Lot 12.01 and the remainder of the property is vacant.

Area Boundaries and Locational Context

The project area is located in the northwesterly part of the Borough and is bound by West Front Street to the north, Luppatatong Creek and associated wetland and riparian areas to the east, and developed areas comprised predominantly of residential uses that front upon West First Street and Broadway to the south and west. The project area, which is comprised of approximately 8.5 acres, can be accessed from West Front Street. Approximately 6.5 acres of the site consists of wetland and riparian areas and associated buffers, while the remainder of the site consists of upland areas. The full extent of the Redevelopment Plan Area is illustrated on the aerial image represented as **Figure 1**.

Existing Conditions

As noted above, the site is developed with residential and commercial uses. Block 22, Lot 12.01 is a “flag lot” developed with a one-story residence and associated improvements including a pool and driveway that provides access from West Front Street. Block 22, Lots 19 and 20 are developed with one-story wood frame structure and a stone driveway and parking area. At present, Lot 12.01 continues to be used for residential purposes.

In general, the tract consists of disturbed and improved upland areas to the north and west (Lots 12.01 and 19). To the south and east, the property is undeveloped and consists of wetland and riparian areas associated with Luppatatong Creek (Lot 20). The portion of the tract formerly used as the marina spoils area is located at the northeasterly portion of the site (Lot 20). The redevelopment area has been listed on NJDEP's Brownfield Development Area (BDA) and the redeveloper shall meet all applicable NJDEP requirements related to the BDA designation. The designated redeveloper shall meet all applicable environmental laws with respect to the site.

Redevelopment Plan Objectives and Relationship to Local Objectives

The Redevelopment Plan provides for the transformation of parcels within the project area from vacant and undeveloped to economically and socially productive uses that will contribute to the general welfare of the Borough via increased tax ratables, increased foot traffic in the downtown area, and improvements to aesthetics and the Borough's "sense of place." The plan envisions that residential uses permitted by the plan will be incorporated into the surrounding area in a manner that is sensitive to surrounding uses while capitalizing on the area's location and proximity to the downtown area and waterfront.

The objectives of the Redevelopment Plan are as follows:

- Create land use requirements specific to the project area that are consistent with the Borough's vision for the tract and effectuate the timely redevelopment of the project area in a manner that is sensitive to existing neighborhoods and land uses;
- Provide an opportunity for the development of additional residential uses to increase density near Keyport's Downtown;
- Encourage redevelopment to increase tax ratables within the Borough of Keyport;
- Protect and enhance wetlands, riparian areas and other environmentally sensitive areas of the project area while facilitating the area's redevelopment;
- Provide for improvements to the West Front Street streetscape to enhance public space and provide for an aesthetically pleasing frontage that is consistent with the Borough's downtown streetscape standards;
- Mitigate potential flood-related impacts associated with the site's redevelopment to the maximum extent possible; and

- Institute land use and building controls to promote the redevelopment of the project area remaining sensitive to the existing environmental conditions, stormwater management policies, and parking requirements of the community.

Land Use Plan

Relationship to Zoning and Land Development Regulations

In order to implement the Plan consistent with the objectives herein, the area governed by this Redevelopment Plan shall be redeveloped in accordance with the standards detailed in this plan. This plan supersedes the underlying use, bulk, and design standards of the Borough Land Use Ordinance as they relate to the area governed by this Redevelopment Plan except where otherwise noted. The applicable provisions and definitions of the Borough of Keyport Land Use Ordinance shall apply except as otherwise noted herein. The permitted principal and accessory uses are only applicable to the upland portion of the Redevelopment Area. No uses or structures are permitted in the riparian portion.

Land Use and Building Requirements

Permitted Principal Uses

1. Townhouses at a maximum density of 10.6 units per acre assuming a subdivision of the redevelopment area between the residential portion and wetlands portion of the redevelopment area.

Required Accessory Uses

1. Off-street parking in accordance with the standards herein.

Permitted Accessory Uses and Structures

1. Patios, decks, terraces, balconies or other accessory structure customarily associated with private residences.
2. Common open space elements and associated structures, subject to the approval of the Planning Board.
3. Common parking areas.
4. Internal and access roads and driveways.
5. Fences.
6. Retaining Walls.

Permitted Conditional Uses

1. None.

Lot and Building Requirements

The lot and building requirements established herein are provided based upon a contemplated subdivision of the project area into two (2) lots—an “upland” lot that will be developed in accordance with the provisions of this plan, and a “riparian” lot that will remain largely undeveloped, but for which vehicular access is permitted. The lot and building requirements detailed below are intended to guide the redevelopment of the project area in a manner consistent with the contemplated subdivision of land.

Standard	Upland Lot Requirement	Riparian Lot Requirement
Minimum Lot Area (sq. ft.)	105,000	
Minimum Lot Width (ft.)	200	30
Minimum Principal Building Setbacks		
Front Yard (ft.)	20	0
Side Yard (to Block 22, Lots 12.02 and 12.03)	6	0
Side Yard (to Riparian Lot)	10	0
Rear Yard (to Block 22, Lots 13-18 and 19.01)	20	0
Accessory Building and Structure Setbacks		
Side Yard Setback (to any lot)	6	0*
Rear Yard Setback	6	0
Maximum Building Coverage	35%	0%
Maximum Impervious Coverage	60%	0%
Building Standards		
Minimum Number of Units per Building	3	0
Maximum Number of Buildings	5	0
Maximum Building Height (stories/ft.)	3/35	0
Minimum Building Spacing (ft.)^	15	0

*An access gate may be permitted to regulate access to the Riparian Lot and shall be regulated as an accessory structure.

^ Applies only to buildings not separated by interior driveways

Off-Street Parking and Circulation Requirements

Off-street parking, including the required number of parking stalls, size of parking stalls, and sizes and dimensions of required driveways and internal circulation aisles shall be provided in accordance with the Residential Site Improvement Standards, N.J.A.C. 5:21 (RSIS).

Design Standards

The redevelopment of the tract shall comply with the following design standards:

1. Vehicular access to redevelopment project. Vehicular access to any redevelopment project shall be provided via one full movement driveway from West Front Street. Such driveway shall be constructed of the typical brick pavers identified in the Borough's Municipal Streetscape Project for a depth of eight (8) feet as measured from the West Front Street right-of-way line. The remainder of the entrance driveway may be constructed of bituminous in accordance with applicable requirements.
2. Streetscape improvements. Any redevelopment project shall incorporate curbing, sidewalk, pavers, street lighting, benches, trash receptacles, trees, landscaping, and other related improvements along the project area's frontage on West Front Street. The required streetscape improvements shall be designed in accordance with the Borough's West Front Street streetscape standards and shall include directional, safety and identification signage as required in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).
3. Pedestrian amenities. Any redevelopment project shall incorporate sidewalks and crosswalks to provide for safe pedestrian access to, from, and within the site. Sidewalks located within the project area shall be designed and constructed of concrete in accordance with applicable Borough design standards or subject to the review and approval of the Borough Engineer. Sidewalk improvements constructed along the project area's frontage shall be constructed in accordance with the Borough's Municipal Streetscape Project as required herein.
4. Orientation of buildings. All buildings shall be oriented such that the principal building entrance for each unit fronts on a public street or internal circulation driveway. A minimum of one building shall be oriented on West Front Street and shall be designed in a manner that provides for a porch, stoop, or other design feature typical of a principal building entrance along West Front Street to enhance the public streetscape.

5. Vehicular access to individual units. Vehicular access to private garages and driveways shall be permitted only from internal circulation driveways. Private driveways shall be constructed of bituminous pavement in accordance with Borough standards.
6. Building finishes. Each building shall be finished with high quality, durable architectural materials such as brick, brick veneer, pre-cast stone, fiber cement siding, manufactured stone veneer vinyl siding, glass, or other similar material. Exterior Insulation Finishing Systems (EIFS) and stucco shall be prohibited.
7. Façade appearance. Building façades shall be finished with a complementary color palette that utilizes neutral shades. Façade appearances may incorporate accent colors provided that such accent colors are compatible with primary finishes and other color selections. Architectural treatments. Architectural treatments shall be provided along all building façades to provide a visually interesting design aesthetic. Architectural treatments may include:
 - a. Porticos
 - b. Window sills, lintels, or decorative headers
 - c. Gables and dormers
 - d. Wall breaks along building facades
 - e. Changes in finish materials provided that “heavier” finish materials (e.g., brick and stone) are located below “lighter” finish materials (e.g. siding).
8. Variety and differentiation in units and buildings. Building façades shall incorporate the above color, finish, and architectural treatment recommendations to provide for a complementary, cohesive aesthetic that results in visual interest and limits repetitive or monotonous appearances. Identical or substantially similar unit-specific façades may be repeated within the development provided that residential units immediately adjacent to another cannot be the same architecturally.
9. Storage and collection of trash and recyclables. All trash, recyclables, and other refuse shall be stored within an enclosure that is a minimum six (6) feet in height. Such enclosure shall be centrally located and cannot be within any required yard setback area. Any proposed enclosure shall be constructed of materials consistent with the finishes of principal buildings. The proposed outdoor enclosure shall be finished on three (3) sides with brick or masonry and shall provide access for removal via a solid decorative gate constructed of the same material utilized for on-site fencing. No materials shall be

deposited so they can be transferred off the lot, directly or indirectly, by natural forces, such as precipitation, surface water, evaporation, or wind. The redeveloper will be responsible for hiring a private entity for trash removal, which shall be eligible for reimbursement as a qualified private community under the Municipal Services Act.

10. Landscaping. The redevelopment of the project area shall include a comprehensive landscape plan that provides for a variety of trees, shrubs, flowering plants, and ground cover. The redeveloper shall provide a landscaping plan and planting schedule at the time of development application submission for review and approval by the Planning Board.
11. Buffering and screening. Buffering and screening shall be provided where determined to be necessary in the final site plan in consultation with the Borough's engineer. If it is determined that it is necessary for any buffering and screening to include a landscaping element, then the landscaping should consist of a variety of hearty, salt tolerant plant species. If it is determined that it is necessary for any buffering and screening to include fencing element in order to enhance privacy and complement any planted buffers, then the fencing shall be constructed of wood, vinyl, or other material acceptable to the Planning Board.
12. Fences and Walls. Retaining Walls are permitted with a maximum height of ten feet. Ornamental fencing is permitted with a maximum height of six feet. Black PVC chain link fencing is only permitted behind proposed Buildings "C" and "D" on top of retaining walls for safety purposes. The remainder of the redevelopment area is prohibited to have chain link fencing. Ornamental fencing is preferred for the balance of the redevelopment area.
13. Lighting. Site lighting shall be designed to provide for adequate lighting levels throughout the interior of the redevelopment project while minimizing spillage onto adjacent properties. The lighting objective is to provide safety, security, and minimize undesirable effects. LED lights are preferable. No lighting source shall shine or reflect into windows. No lighting shall be a beam or a rotating, pulsating, or other intermittent frequency. The typical Jersey Central Power and Light (JCP&L) decorative fixture ("Ornate Colonial Post Top Luminaire-I") or other similar fixture deemed acceptable to the Planning Board shall be permitted. The Borough Engineer shall review any lighting plans for any redevelopment project within the project area.
14. Utilities. The redeveloper shall arrange with the servicing utility for the underground installation of the utility's distribution lines and service connections in accordance with

the provisions of the applicable Standard Terms and Conditions incorporated as a part of its tariff on file with the State of New Jersey Board of Public Utility Commissioners. Water, sewer, electricity, natural gas, and internet services shall be reliable and of the highest quality available at a reasonable cost. Underground installation of utilities shall be provided to the maximum extent possible. This includes underground installation of utilities on West Front Street if approved by the County. All mechanical equipment for the Townhomes must be installed above the floodplain.

15. Any site plan submitted to the Borough Planning Board to develop the Redevelopment Area shall submit stormwater documentation for review by the Borough Engineer. Stormwater best management practices (BMPs), including bio-swales, rain gardens, permeable pavement, tree cover, or other suitable alternatives are encouraged.
16. Compliance with FEMA Special Flood Hazard Area requirements. Any redevelopment project within the project area shall comply with FEMA Special Flood Hazard Area requirements. Compliance with these requirements shall be completed at the discretion of the redeveloper(s). Additionally, the project must be constructed above the FEMA flood elevation in alignment with the Borough's flood damage prevention ordinance.
17. The redeveloper shall work with the County to the maximum extent possible on safety standards for West Front Street. This may include a crosswalk, signage to increase awareness and safety, speed limits, and proper sight triangles for ingress and egress to the site. Any safety standards to be implemented will require County approval.

Planning Relationship

Keyport Borough Master Plan

This Redevelopment Plan is consistent with Keyport Borough's objectives regarding appropriate land uses, density of population, traffic, public utilities, and recreational or community facilities. Additionally, the permitted uses of this plan are not anticipated to have any negative effects upon municipal services or traffic. Keyport Borough prepared a Master Plan Reexamination, adopted on December 20, 2012, notes that the entirety of the Borough was declared an "Area in Need of Rehabilitation" and discusses the importance of redevelopment in the Borough. While the reexamination report does not discuss the area governed by this Redevelopment Plan in terms of redevelopment, it acknowledges the importance of redevelopment in enhancing the Borough as noted by the other incorporated redevelopment plans.

The Borough Master Plan, adopted in 1989 and reexamined in 2001, also recognizes that Keyport is a “Bayfront community of intensive suburban development.” Therefore, this plan and the provisions herein are consistent with the Borough Master Plan and Reexamination Reports.

Contiguous Municipalities

The project area governed by this plan is located within Keyport Borough and is not within 200 feet of a contiguous municipality. Therefore, the redevelopment of the project area will not adversely impact any nearby municipality.

Bayshore Regional Strategic Plan and Monmouth County Master Plan

The Bayshore Regional Strategic Plan was adopted by the Monmouth County Planning Board in May of 2006. As part of the plan’s preparation, the Borough was asked to complete a questionnaire, which included a question regarding the top three planning issues facing the Borough. In response to this question, the Borough identified waterfront development and downtown revitalization as two of the three top planning issues facing the Borough. This Redevelopment Plan provides for the development of a portion of the Borough’s waterfront in close proximity to the Borough’s downtown. The plan envisions that residents within the project area will patronize downtown businesses and take advantage of the area’s proximity to the Borough’s waterfront amenities, thereby furthering the vision of the Bayshore Regional Strategic Plan.

It should also be noted that the Monmouth County Planning Board is currently updating the Monmouth County Master Plan. Recent drafts of the Master Plan include a goal to promote beneficial redevelopment that continues to support Monmouth County as highly desirable to live, work, play, and stay through the best use of undeveloped land resources. This Redevelopment Plan and the provisions herein are consistent with this County Plan goal.

State Development and Redevelopment Plan

The State Plan Policy Map classifies the project area as both Metropolitan Planning Area 1 (PA-1) and Environmentally Sensitive Planning Area 5 (PA-5). A CAFRA permit has been issued for the redevelopment area that changes the boundaries between PA-1 and PA-5. The altered Planning Area delineations are shown in **Figure 2** below. All of Lot 12.01 is located within PA-1, while significant portions of Lot 19 and Lot 20 are located within PA-1. The remainder of the project area is located within the Environmentally Sensitive Planning Area (PA-5).

The Metropolitan Planning Area is the target for the majority of the State's future growth and redevelopment according to the New Jersey State Development and Redevelopment Plan (SDRP). The primary objective of the SDRP is to guide development to areas where infrastructure is available or can be readily extended, such as along existing transportation corridors, in developed or developing suburbs, and in urban areas. The State Plan's intentions for this area are to provide for much of the state's future development, promote growth in cities, and other compact forms, protect the character of existing stable communities, protect natural resources, redesign areas of sprawl, reverse the trend toward further sprawl, and revitalize cities and towns.

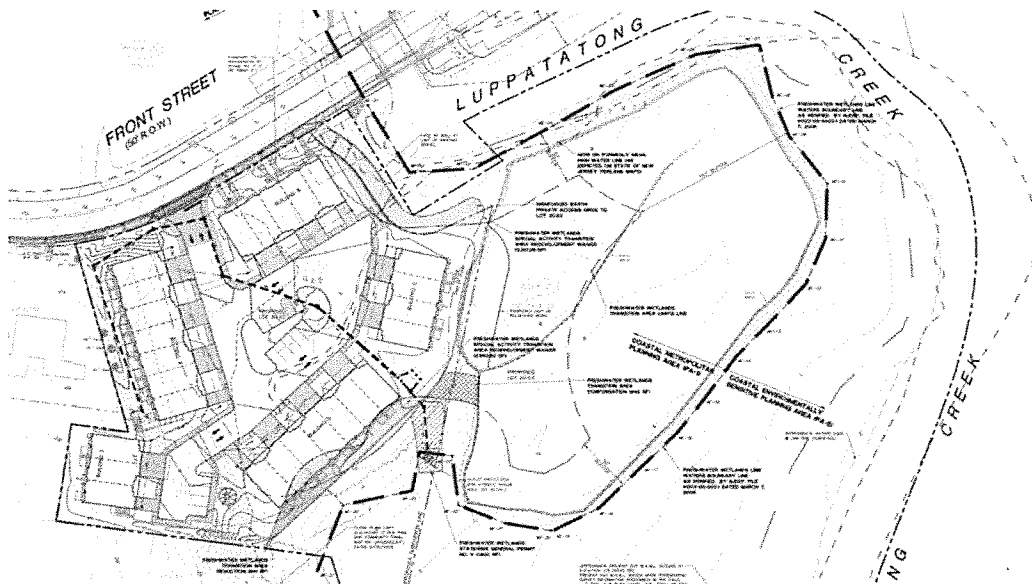


Figure 2: CAFRA Permit State Planning Areas in the vicinity of the project area.

This plan is consistent with the SDRP and State Plan Policy Map in that it provides for development upon upland portions of the project area, which is generally consistent with those areas of the project area located within the Metropolitan Planning Area.

Administrative and Procedural Requirements

Acquisition and Relocation

The area governed by this Redevelopment Plan is part of the Borough of Keyport's Borough-wide rehabilitation area. As such, the Borough is not permitted to acquire property via eminent domain. However, the Borough will provide all displaced residents and landowners with the appropriate relocation assistance pursuant to applicable State and Federal regulations if

relocation is necessary. The Borough contains an adequate supply of available housing to accommodate any residents requiring relocation.

Amending the Redevelopment Plan

Upon compliance with the requirements of applicable law, the Borough Council may amend, revise, or modify the Redevelopment Plan in general or for specific properties within the area governed by this plan as circumstances may make such changes appropriate. The review and approval of any proposed amendments shall be undertaken in accordance with the procedures set forth in the LRHL. However, any proposed changes in permitted uses, the land use plan, building height, or other core design concepts of this plan shall require notice and public hearings in a manner similar to the adoption of the original plan.

Redevelopment Powers

The Borough may also use any and all redevelopment powers granted to it pursuant to the LRHL to effectuate this plan, except that the use of eminent domain is prohibited. The Borough may enter into agreements with a designated redeveloper or redevelopers in connection with the construction of any aspect of the Redevelopment Plan, including off-site improvements.

Conveyance of Land

The Borough may sell, lease, or otherwise convey to a redeveloper for redevelopment, subject to restrictions, controls and requirements of the Redevelopment Plan, all or any of the properties designated in need of rehabilitation within the area governed by this Redevelopment Plan that it owns or may acquire via means other than eminent domain. The Borough may also use its redevelopment powers pursuant to the LRHL to enter into other agreements with a designated redeveloper or redevelopers in connection with the implementation of the Redevelopment Plan.

Duration of the Plan

The Redevelopment Plan, as it may be amended from time to time, shall be in full force and effect upon its adoption by ordinance by the Borough Council and shall be in effect until the redevelopment of the area governed by this plan is completed as evidenced by the issuance by the Borough of a certificate of project completion in accordance with the Redevelopment Plan.

Redeveloper Selection

Redevelopment under the terms of this Redevelopment Plan shall only be undertaken pursuant to a redevelopment agreement entered into between the Borough and a designated

redeveloper. The Borough intends to undertake a developer selection process that will provide a qualified redeveloper(s) to implement the Redevelopment Plan in a manner that is in the best interest of the Borough. The following restrictions and controls on redevelopment are hereby imposed in connection with the selection of a redeveloper(s) for any property or properties included in the Redevelopment Plan and shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations now or hereafter in force:

- The redeveloper will be obligated to carry out the specified improvements in accordance with the Redevelopment Plan and redevelopment agreement.
- The redeveloper, its successors or assignees shall develop the area governed by this plan in accordance with the uses and building requirements specified in the Redevelopment Plan.
- Until the required improvements are completed and a certificate of completion is issued, the redeveloper covenants provided for in N.J.S.A. 40A:12A-9 and imposed on any redevelopment agreement, lease, deed or other instruments shall remain in full force and effect.
- The redevelopment agreement(s) shall contain provisions to assure the timely construction of the redevelopment project, the qualifications, financial capability and financial guarantees of the redeveloper(s) and any other provisions necessary to assure the successful completion of the project.

Establishment of Redevelopment Entity

The Borough Council shall act as the redevelopment entity responsible for implementing this Redevelopment Plan and may require the redeveloper to submit its proposed project to a Borough Technical Review Committee prior to the filing of a site plan application as required by this plan. The committee may recommend appropriate amendments to this Redevelopment Plan to the Borough Council if the committee determines that the redevelopment proposal under consideration deviates substantially from the provisions of this plan.

The committee review may also address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of the plan.

Affordable Housing

The redevelopment of the area governed by this plan does not envision or require any low or moderate income designated units. The Borough of Keyport will satisfy its affordable housing obligation through other unrelated projects.

Planning Board Review Process

Pursuant to N.J.S.A. 40A12A-13, all development applications for development of sites governed by this Redevelopment Plan shall be submitted to the Planning Board for review and approval. The following provisions shall govern review of any proposed redevelopment projects for the area governed by this plan:

- No building permit shall be issued by the construction or zoning official for any work resulting in a change of intensity of development or change of use for any properties or buildings within the area of the Redevelopment Plan without prior review and approval of the work by the Borough Council and the Planning Board.
- Regular maintenance and minor repair shall not require Planning Board review and approval.
- The Planning Board shall conduct site plan and subdivision review, if applicable, pursuant to N.J.S.A. 40:55D-1 et seq. and the Borough's Land Use Regulations and Development Ordinance.
- As part of site plan approval, the Planning Board may require the redeveloper to furnish performance guarantees pursuant to N.J.S.A. 40:55D-53 and as required in the Borough's Land Use Regulations and Development Ordinance. The performance guarantees shall be in favor of the Borough of Keyport, and the Borough Engineer shall determine the amount of any performance guarantees.
- Any subdivision of lots or parcels of land within the area governed by this plan shall be in compliance with the Redevelopment Plan and reviewed by the Planning Board pursuant to the LRHL and N.J.S.A. 40:55D-1 et seq.
- Once a property has been redeveloped in accordance with the Redevelopment Plan, it may not be converted to any use not expressly permitted in this Redevelopment Plan. No non-conforming use, building, or structure may be expanded or made more non-conforming in nature after adoption of this Redevelopment Plan. A use or structure not conforming to the requirements of this Redevelopment Plan may not be reconstructed in

the event of its destruction. The Borough construction official or Borough Engineer shall determine the issue of whether the non-conforming use or building structure has been "destroyed."

- The Planning Board may grant "C" variances, exceptions or waivers from design standards from the requirements for site plan or subdivision approval. The Board may also grant *de minimis* exceptions from Residential Site Improvement Standards (RSIS) in accordance with the provisions of N.J.A.C. 5:21 et seq. Any exceptions or waivers granted shall be reasonable within the general purposes and intent of the provisions for site plan review and/or subdivision approval within this Redevelopment Plan. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Redevelopment Plan or the Borough Master Plan.
- No deviations may be granted which will result in permitting a use that is not a permitted use within this Redevelopment Plan. Any deviation from standards of this Redevelopment Plan that results in a "D" variance pursuant to N.J.S.A. 40:55D-70d may only be addressed as an amendment to the Redevelopment Plan by the Borough Council rather than via variance relief through the Borough's Unified Planning Board. All development must be approved by the Planning Board and shall be submitted through the normal site plan and subdivision procedures as identified by N.J.S.A. 40:55D, et seq. Final adoption of this Redevelopment Plan by the Borough Council shall be considered an amendment to the Borough of Keyport Land Use Regulations, Development Ordinance, and Zoning Map. Unless otherwise defined in the Redevelopment Plan, terms used in this Redevelopment Plan shall have the same meaning as defined in the Borough's Land Use Regulations and Development Ordinance.
- The regulations and controls of this Redevelopment Plan shall be implemented, where applicable, by appropriate covenants, or other provisions and through agreements between the redeveloper and Borough pursuant to N.J.S.A. 40A:12A-8 and 40A:12A-9.
- A redevelopment agreement with the selected redeveloper and the Borough is required to be executed in order for any development to proceed within the redevelopment area.
- The extent of the redeveloper's responsibility for any installation or upgrade of infrastructure related to the development of the area governed by this plan, or contribution thereto, shall, whether on-site or off-site, be subject to a redevelopment agreement with the Borough of Keyport, as the municipal redevelopment agency.

- Any and all definitions contained within this Redevelopment Plan shall prevail. In the absence of a definition, the definition found within the Borough Ordinance shall prevail. Any and all definitions inconsistent with N.J.S.A. 40A:12A-3 shall be considered invalid.
- A redeveloper shall be required to pay all applicable escrow fees and other required charges in accordance with applicable provisions of the Borough Ordinance and State law. Additionally, a redeveloper shall be required to pay their proportional share of the cost of any studies, plans, reports, or analysis prepared by the Borough or its designated redevelopment entity as part of this Redevelopment Plan. Any such payments required to reimburse the Borough shall be specified in the redevelopment agreement.

The above provisions are all subject to approval by ordinance and/or resolution according to law. If a court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed severable, and the remainder of the Redevelopment Plan and implementing ordinances shall remain in full force and effect.

Amendment to Zoning Map and Development Regulations

The Borough of Keyport Zoning Map is hereby amended to reference this Redevelopment Plan as a zoning district encompassing the area governed by this plan in its entirety. Additionally, the listing of zoning districts in the Borough of Keyport Land Use Regulations is hereby amended to include a reference to this Redevelopment Plan constituting such substitute zoning district.

Where specifically provided for herein, the development standards set forth in this Redevelopment Plan shall supersede the development regulations of the Borough of Keyport. In all other instances, the standards of the Borough shall remain in full force and effect.

Other Provisions

In accordance with N.J.S.A. 40A:12A-1 et seq., known as the Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities, and other public improvements. The plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this plan.

- The Redevelopment Plan lays out the proposed land uses and building requirements for the area governed by this plan.
- The Redevelopment Plan does not permit or require the acquisition of privately-owned property.
- The Redevelopment Plan is substantially consistent with the Master Plan of the Borough of Keyport. The plan is also consistent with the goals and objectives of the New Jersey State Development and Redevelopment Plan, Bayshore Regional Strategic Plan, and Monmouth County Master Plan.
- Waterfront access is not required within the redevelopment area as it is directly across the street from public access points with more significant and feasible recreational value, but may be addressed under CAFRA and DEP regulations.

Non-Discrimination Provisions

No covenant, lease, conveyance, or other instrument shall be affected or executed by the Borough Council or by a redeveloper or any of his successors or assignees, whereby land within the area governed by this plan is restricted by the Borough Council, or the redeveloper, upon the basis of race, creed, color, or national origin in the sale, lease, use, or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use on the basis of race, creed, color or national origin.

"A"
STREET CONDOMINIUM"
CK 39
ST 38



FLOOR PLAN

UNIT CONDOMINIUMS	CLUSTER	% OF INTEREST
1	1	10.00
2	1	10.00
3	1	10.00
4	1	10.00
5	1	10.00
6	1	10.00
7	1	10.00
8	1	10.00
9	1	10.00
10	1	10.00
11	1	10.00
12	1	10.00
13	1	10.00
14	1	10.00
15	1	10.00
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99	1	10.00
100	1	10.00

