

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 001-2021

**RE: AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR AN AREA
IN NEED OF REDEVELOPMENT WITHIN THE TOWNSHIP OF UPPER,
COUNTY OF CAPE MAY, STATE OF NEW JERSEY**

WHEREAS, in order to facilitate the development, redevelopment, and rehabilitation of the Township of Upper, County of Cape May, State of New Jersey (the “Township”), by way of Resolution No. 30-2021 adopted on January 11, 2021, the Mayor and Committee of the Township of Upper (the “Township Committee”) declared Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01 within the Township as a Condemnation Area in Need of Redevelopment (the “Redevelopment Area”) pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a Governing Body may adopt, revise or amend a redevelopment plan for an “area in need of redevelopment”; and

WHEREAS, in order to facilitate the redevelopment and rehabilitation of the Township, the Township has prepared the redevelopment plan entitled “Beesley’s Point Redevelopment Plan Block 479, Lot 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01” (the “Redevelopment Plan”), dated January 2021, for the Redevelopment Area; and

WHEREAS, the Redevelopment Plan provides a broad overview for the planning, development, redevelopment and rehabilitation of the Redevelopment Area for purposes of improving conditions within the Township; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to adopt the Redevelopment Plan to effectuate redevelopment and rehabilitation of the Redevelopment Area; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Township Committee adopted a Resolution referring the Redevelopment Plan to the Township of Upper Planning Board (the “Planning Board”) for review, comment and a finding of consistency with the Township Master Plan following introduction and first reading; and

WHEREAS, the Planning Board held a public hearing on January 21, 2021, and, finding the Redevelopment Plan to be consistent with the Township Master Plan, recommended that the

Redevelopment Plan be adopted, via Resolution No. 01-2021, which shall be considered the report of the Planning Board to the Township Committee as required by N.J.S.A. 40A:12A-7(e); and

WHEREAS, the Redevelopment Plan for the Redevelopment Area meets the requirements of N.J.S.A. 40A:12A-1, et seq., and is consistent with the Township's Master Plan.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee, in the Township of Upper, County of Cape May and State of New Jersey, as follows:

SECTION 1. The Township hereby adopts the Redevelopment Plan for the Township of Upper.

SECTION 2. The Mayor and Township Committee declare and determine that said Redevelopment Plan meets the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for the redevelopment and rehabilitation of the Township and is otherwise in conformance with N.J.S.A. 40A-12A-1, et seq.

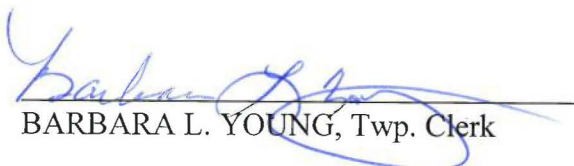
SECTION 3. The Governing Body of the Township of Upper shall have, be entitled to, and is hereby vested all power and authority granted by the aforementioned statutory provisions to effectuate the Redevelopment Plan.

SECTION 4. The Redevelopment Plan shall supersede any other local development regulation to the extent set forth in the Redevelopment Plan and the Township of Upper Zoning Map is hereby amended to conform with the provisions of the Redevelopment Plan.

SECTION 5. All ordinances or parts of ordinances which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. In the event any clause section or paragraph of this Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of this Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

SECTION 7. This Ordinance shall take effect after final adoption and publication according to law.


BARBARA L. YOUNG, Twp. Clerk


RICHARD PALOMBO, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 11th DAY OF JANUARY, 2021 AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD EXCLUSIVELY BY ELECTRONIC MEANS, ON THE 25th DAY OF JANUARY, 2021 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

Legislative History:

Introduced: January 11, 2021

Publication: January 15, 2021

Newspaper(s): Press of Atlantic City

Second Reading & Public Hearing: January 25, 2021

Final Adoption: January 25, 2021

Final Publication Date: February 1, 2021

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on January 25, 2021 and notice of adoption was thereafter published pursuant to law in Press of Atlantic City on February 1, 2021.


BARBARA L. YOUNG, Township Clerk