

Upper Deerfield

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VI. REDEVELOPMENT PLAN

A. GENERAL PLAN

A Land Use Plan is envisioned to take advantage of existing and potential opportunities in the Area and to achieve the goals and objectives of the Plan. Essentially, given the proposed concept of an Eco-Agribusiness or Eco-Industrial Park (EIP), the primary land use as recommended is industrial / commercial in nature with varying degrees of intensity proposed.

The plan calls for the creation of three primary zones of development: the Town Center zone in the southern portion, the Office Park concept in the mid-portion (and to the east of Route 77), the Eco-Industrial / Agricultural concept in the northern section of the Redevelopment Area, as well as a small Neighborhood – Commercial area/zone to service existing and proposed residential development in the area northeast of the Redevelopment Area.

The concept of an Eco-Industrial Park (EIP) catering to the agri-business industry within Cumberland County, New Jersey and the region beyond is a somewhat unique idea. In fact, eco-industrial parks have not been utilized in the northeast United States as much as they have begun to develop and expand within the Midwest and Western states.

There appears to be some confusion with regard to what exactly an EIP is defined as. According to the United States Environmental Protection Agency (EPA) Office of Policy Development, the Eco-Industrial Park (EIP) concept is one that encompasses both the economy and the environment by bringing together different sectors of industry to work toward an environmentally sound industrial park. In cooperative efforts, firms save energy, reduce industrial waste, and increase resource efficiency, thereby aiding the environment and reducing costs in the long run.

The Township of Upper Deerfield has within the Zoning Ordinance a classification for General Industry (GI) that is generally appropriate for this Redevelopment Area, subject to modifications. Specifically, the intent of the Redevelopment Plan is to take into account the existing land use patterns that illustrate that the majority of commercial development has occurred in the southern section of the Redevelopment Area (south of Love Lane to Cornwell Drive) and it is recommended that this pattern continue. Given this scenario, the more intensive industrial development is recommended within the northern sections of the Redevelopment Area. Accordingly, the Redevelopment Area should realize less intensive uses (commercial and office park) in the southern portions with a gradual increase in land use intensity (eco-industrial / agricultural) as one moves north. Exhibit F illustrates a Zoning Plan for the Redevelopment Area.

1. Examples of Successful EIPs

One of the best examples of an Eco-Industrial Park (EIP) lies along the coast of Denmark, in an industrial region called Kalundborg. There, a complex web of waste and energy exchanges has developed among the city, a power plant, a refinery, a fish farm, a pharmaceutical plant, a chemical manufacturer, and a wallboard maker. The exchange works something like the following:

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The power company pipes residual steam to the refinery and, in exchange, receives refinery gas (which used to be flared as waste). The power plant burns the refinery gas to generate electricity and steam. It also sends excess steam to a fish farm, the city, and a biotechnology plant that makes pharmaceuticals. Sludge from the fish farm and pharmaceutical processes becomes fertilizer for nearby farms. Surplus yeast from the biotechnology plant's production of insulin is shipped to farmers for pig food. Further, a cement company uses fly ash from the power plant, while gypsum produced by the power plant's desulphurization process goes to a company that produces gypsum wallboard. Finally, sulfur generated by the refinery's desulphurization process is used by a sulfuric acid manufacturer (Urban Land, 1996).

While this example appears to be idealistic, it is worth noting that it functions extremely well and serves as a “perfect” model in many ways. In this case, the EIP functions as a self-supporting entity and such is determined by the types of industries that have located there. While this extent of inter-connectedness may not always be possible, the concept of sharing services, expenses, etc. is noteworthy.

A second case example is in Virginia, the Port of Cape Charles, which has developed a unique type of Eco-Industrial Park, the zero-emissions Eco-Industrial Park. The zero emissions, also called closed-loop manufacturing, design is the most ambitious type of Eco-Industrial Park (EIP), having as its goal the total elimination of emissions. Other stakeholders involved with the EIP receive a certain level of resource efficiency through cooperative buying, waste exchange, and so forth.

2. Smart Growth / Planning

The aforementioned can be implemented utilizing the strategies of Smart Growth – mixing different uses, preserving the environment, striving for sustainable development, maintaining the unique character of an area rather than realizing “cookie-cutter” development that is not representative of the local area. As part of this Redevelopment Plan is a separate document entitled the Upper Deerfield Redevelopment Area Design Guidelines. Adherence to this document is mandatory for any development within the Redevelopment Area.

B. PROPOSED REDEVELOPMENT ACTIONS

The proposed redevelopment actions are being initiated to:

- Improve the Township’s economic position and to establish an eco-agribusiness / industrial park in the center of the County’s agri-business economy.
- Possibly create an area within the County that provides an opportunity for the Township to take advantage of an inter-municipal effort combining the resources and incentives of the surrounding municipalities to attract appropriate industries into a planned business park.
- Provide the highest quality agri-business park in terms of design and development standards as well as promoting state of the art environmental

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building and operating practices including but not limited to solar, wind and other energy initiatives.

- Preserve open space and environmentally sensitive areas located not only in the Redevelopment Area but also within the geographic boundaries of future host communities that invest in the redevelopment area park.

1. Acquisition

There are 52 parcels reported on the tax roles for this Redevelopment Area that occupy 1060.11 acres (see Exhibit D, Tax Block and Lot Profile Table), almost all of which are privately owned. Although acquisition of real property is an option that the Township may exercise in accordance with the Local Redevelopment and Housing Law, the Township's priority will be to collaborate with private landowners to initiate public / private partnerships which will allow the business park to develop.

As required pursuant to N.J.S.A. 40A:12A-8b & c, upon adoption of this Redevelopment Plan, the Township shall be statutorily permitted to acquire real property either through good-faith negotiations with the private property owner or, upon failure of said good-faith negotiations, through the condemnation (eminent domain) process pursuant to N.J.S.A. 20:3-a et seq. to effectuate the Plan, if it so chooses.

As a matter of policy, the Township reserves the right that, upon adoption of this Redevelopment Plan and the designation of a Developer, it may initiate a partial or full acquisition program within the Redevelopment Area to implement public / private partnerships. Details related thereto shall be determined within the context of the Developer's Agreement to be negotiated between the Township and the Developer.

2. Consolidation

The Township may propose the consolidation / subdivision of any number of the lots. In addition, the Township may vacate, realign or improve public rights-of-way pursuant to the requirements and purposes of the Plan.

3. Designation and Conveyance

Upon adoption of this Redevelopment Plan, the Township shall be statutorily permitted to designate a Developer for a Development Parcel within the Redevelopment Area and to negotiate and enter into a Developer's Agreement with said Developer. This Developer's Agreement shall include provisions for the conveyance of the Development Parcel(s) acquired by the Redevelopment Entity that are required for the Redevelopment Project.

4. Actions Subsequent to Conveyance

- a. Subject to the provisions of the negotiated Developer's Agreement, the Township may agree to provide tax abatement, an arrangement for Payment In Lieu of Taxes [P.I.L.O.T.] (consistent with the law), and / or other financial

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assistance should a particular Redevelopment Project merit and require such assistance.

C. LAND USE PLAN

1. General

- a. The following regulations, controls and restrictions provide standards for the physical development of the Redevelopment Area in accordance with the Statement of Purpose and Intent of this Redevelopment Plan. They are intended to provide parameters within which the Developer and its professionals are encouraged to generate detailed plans in cooperation with the Township's staff, to produce a Redevelopment Project of outstanding design capable of competing in a regional commercial market.
- b. These controls and design standards have been generated to encourage the innovative planning and design within a unifying framework to ensure an efficient and integrated Redevelopment Project reflective of "good civic design and arrangements" (New Jersey M.L.U.L. 40:55d-2).
- c. The development concepts and general design plan for undertaking the proposal will be reviewed as part of a pre-approval design review process where the Redevelopment Entity, through its professional staff, shall discuss and review the intent, purpose and anticipated outcome of the architecture and design. Ultimate approval of this process will be by the Redevelopment Entity as part of the Developer's Agreement to be negotiated between the Township and the Developer. A report defining compliance with the pre-approval design process shall be submitted to the Planning Board as part of the site plan review process.
- d. The above notwithstanding, pursuant to N.J.S.A. 40A:12A-13, all projects within the Redevelopment Area shall be submitted to the Planning Board for review and approval in accordance with the requirements for review and approval of subdivisions and site plans as set forth by ordinance and adopted pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).
- e. Consistent with its responsibility pursuant to N.J.S.A. 40A:12A-13, the Planning Board shall retain the right, at time of Site Plan Review and Approval, to require such off-site improvements as may be necessary for the effective implementation of this Redevelopment Plan.

2. Permitted Uses within the Upper Deerfield Redevelopment Area (see Exhibit E for a matrix illustrating the following uses and recommended Area & Bulk Regulations).

The noted matrices and the Upper Deerfield Redevelopment Area Design Guidelines (separate document) indicate permitted types of uses and the development standards required for such uses. Exhibit F indicates the land use pattern proposed for the Redevelopment Area with increasing intensity levels in each of the four (4) primary zones.

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- a. It should be noted that an Entertainment District Overlay Zone has been incorporated within the Redevelopment Area as well, in an effort to concentrate this type of development in the southeasterly portion of the Town Center zone, creating much needed critical mass.

3. Supplemental Land Use Provisions

a. Preamble

The entire Redevelopment Area shall be governed by the Land Use Provisions contained herein. These Provisions are intended to establish standards that will architecturally define industrial, and commercial to be located on the subject redevelopment parcel. Therefore, the Developer and its professional staff are encouraged to exercise maximum ingenuity, creativity and freedom of design consistent with the objectives of this Redevelopment Plan.

The Redevelopment Authority recognizes that a variety of factors will influence the final design of the Redevelopment Project and has not attempted, in these and other controls of this Redevelopment Plan, to anticipate every possible design solution or use. Rather, the controls and regulations governing structural form and architectural character within the Redevelopment Area are designed to promote a unifying framework for the Redevelopment Area in accordance with the following areas:

- (1) Development of an overall conceptual architectural theme for the structures, signs and landscaping of the area. Any plan, building or proposal submitted for the Redevelopment Area, specifically within the Town Center Zone, shall follow the Conceptual Plan as depicted in Exhibit G and adhere to the general Phasing Plan as noted in Exhibit H.
- (2) In addition to (1) above, it is the intent of the Land Use Provisions of the Redevelopment Plan to require upgraded standards within the:
 - (a) Vehicular and Pedestrian (& Bicycle) Circulation Plan;
 - (b) Public transportation linkages;
 - (c) Security Plan;
 - (d) Overall thematic signage package;
 - (e) Façade treatment both front and rear;
 - (f) Building orientation plan incorporating views, vistas, identification points, and nodes, etc. that recognize the relationships between buildings as well as the edge conditions defined along the perimeter of the redevelopment boundary;

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- (g) Landscape Plan that defines ornamental as well as buffer plantings;
- (h) Parking Plan that defines vehicular parking and truck delivery;
- (i) Lighting Plan, both security and ornamental; and
- (j) Other elements defined by the Redevelopment Design Review process and the Planning Board.

4. Easement Plan

- a. The Redevelopment Entity shall have the right to develop and devise an easement plan in order to provide a cohesive circulation and an access plan to maximize efficiency in land utilization and traffic management. Such plan may extend both to the designated Redevelopment Area and on boundary streets between the Redevelopment Area and the balance of the Township.
- b. All pre-existing rights-of-way and known easements within the Redevelopment Area are depicted on the Redevelopment Boundary Area Map (Exhibit B), or will be recorded as part of any final engineering survey of the site.
- c. A Final Easement Plan, including existing and proposed utility easements, municipal dedications vacations and / or the granting of air or subsurface rights, as well as issues related to improved traffic circulation both to and from the Redevelopment Area and internal to the Area shall be more fully addressed. The Township Engineer, in concert with the Developer's Engineer, hereinafter referred to as the Engineering Team, shall refine the concept for the contemplated improvements.

(1) Vacations

To the extent necessary to effectuate this Redevelopment Plan, the rights-of-way within the Redevelopment Area, along with all air rights and subsurface rights attendant thereto, shall be vacated to allow for an assemblage of land area for purposes defined herein.

(2) Dedications and/or Realignment

Dedications related to boundary streets shall be effectuated as the Engineering Team refines the concept for the contemplated improvements.

(3) Access

Access to the Redevelopment Area shall be from proposed new streets and / or from existing streets with the necessary improvements.

5. Redevelopment Entity and Planning Board

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The Planning Board, at time of Site Plan Review and without formal amendment to this Redevelopment Plan, may approve minor modifications in or changes to Bulk, Height, Landscape, Signage and Parking requirements if deemed to be in the best interest of project implementation and if accordingly supported by the Board's professional planning staff.

A minor modification is defined as a standard with less than five (5) percent deviation from any original standard stipulated herein.

6. Utility Controls

A Utility Location and Access Plan shall be prepared and submitted showing at a minimum the following:

- a. The location of all utilities to the redevelopment site shall be underground. Access of utilities to the specific redevelopment sites shall be via rear locations;
- b. The Utility Plan shall be coordinated with the Landscape and Site Design Plan.
- c. Utilities penetrating defined buffer or preserved woodlands shall do so with the least amount of impact to mature trees.

7. Standards and Controls of General Applicability

a. Jurisdiction

The provisions of this Redevelopment Plan are those of the Upper Deerfield Township and, where applicable, with the Cumberland Development Corporation (CDC), and do not substitute for any law, code, rule or regulation established by any State or Federal agency.

b. Applicability of Other Standards

- (1) In addition to the standards set forth in this Redevelopment Plan, all development within the Redevelopment Area shall comply with the applicable laws, codes, rules and regulations established by any State or Federal agency.
- (2) The above notwithstanding, whenever local codes or regulations (other than those found in the N.J.S.A.40A:12A et seq.) contain comparable but less restrictive provisions or requirements than set forth in this Redevelopment Plan, the standards set forth herein shall govern.
- (3) The provisions of the N.J.S.A.40A:12A et seq., except as specifically provided for in this Redevelopment Plan, shall not apply to land or structures within the Redevelopment Area, such provisions being superseded hereby.

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- (4) The Township recognizes that certain environmental issues may exist within the Redevelopment Area, including, but not limited to significant amounts of wetlands on site, possible soils contamination, and / or the location of endangered species (flora and / or fauna) on site. Upon adoption of this Redevelopment Plan, the Developer shall provide proof to the Township that and Site proposed for development will not disturb existing wetlands on site, or have a negative impact upon any endangered species (flora and / or fauna). Additionally the developer must prove that the site is free of contamination prior to any construction on site. Responsibility for any clean-up or any environmental action shall be assigned between parties within the context of the Developer's Agreement.

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VII. EQUAL OPPORTUNITY

No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the Redevelopment Entity or by the Developer (or any successors in interest) whereby the land or improvements in the Redevelopment Area are restricted, either by the Redevelopment Entity or the Developer (or any successors in interest) upon the basis of race, creed, color, ancestry, sex, national origin, family status, disability or sexual preference in the sale, lease, use or occupancy thereof. The foregoing restrictions, as well as the provisions of N.J.S.A. 40A:12A-9 shall be implemented by appropriate covenants or other provisions in the Developer's Agreement and/or disposition instruments as covenants running with the land.

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VIII. PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS

A. "REDEVELOPMENT AREA" DESIGNATION

The Planning Board of the Upper Deerfield Township did, by Resolution No. 14-2001 (followed up by the Township Committee's Resolution No. 9012) determine the Redevelopment Area to be an "Area in Need of Redevelopment" pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.). "Redevelopment Area" designation is a prerequisite for the promulgation of a Redevelopment Plan and/or Redevelopment Project pursuant to N.J.S.A. 40a:12A-7.

Upon adoption by the Governing Body, this document shall constitute a "Redevelopment Plan" under the provisions of the Local Redevelopment and Housing Law. It includes an outline for the planning, development and redevelopment of the Redevelopment Area as follows:

B. RELATIONSHIP TO DEFINITE LOCAL OBJECTIVES [N.J.S.A. 40A:12A-7a(1)]

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

1. Other Public Improvements

- a. The Township may decide to implement public improvements that are in accordance with this Plan or further the goals and objectives of this Plan.

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

The Land Use Provisions and related controls are outlined in the Land Use Plan, Easement Plan, Utility Controls and related sections of this Redevelopment Plan.

D. PROVISION FOR TEMPORARY AND PERMANENT RELOCATION [N.J.S.A. 40A:12A-7a(3)]

No Relocation Plan is anticipated given the fact that properties contemplated for redevelopment action are on vacant land or on properties not requiring any relocation action; therefore there is no relocation envisioned within this Redevelopment Area at this time.

E. IDENTIFICATION OF PROPERTY TO BE ACQUIRED [N.J.S.A. 40A:12A-7a(4)]

Any property to be acquired by the Township via eminent domain in the future to further the goals and objectives of this Plan, will be done so in accordance with all applicable regulations pursuant to New Jersey Local Redevelopment and Housing laws.

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

The Land Use components of this Redevelopment Plan do not materially differ from those in place prior to the adoption of this Redevelopment Plan. Accordingly, there is no change in the relationship between this Redevelopment Plan and (a) the Master Plans of the Township of Upper Deerfield and contiguous municipalities, (b) the Master Plan of the County and (c) the State Development and Redevelopment Plan (SDRP) beyond those relationships which existed prior to the adoption of this Redevelopment Plan. Said relationships have formally been addressed by the duly adopted Master Plan and subsequent updates of the Township and incorporated herewith.

The Redevelopment Area consists of the Highway 77 corridor from the village of Seabrook to Carlls Corner. The boundaries of the Study Area established by the Township are identified herein as Exhibit B entitled "Upper Deerfield Redevelopment Area Map". This figure defines the boundaries of the site as excerpted from the Township's Tax Maps (See Exhibit C). Essentially, the site, which is generally positioned along a north to south axis is bounded by Parsonage road (north), State Highway 77 (east), a line approximately 1500' north of and parallel to Cornwell Drive (south) and the Seabrook Branch (Winchester Western) Railroad right-of-way (west).

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

The relationship of this Redevelopment Plan to pertinent municipal development regulations is outlined in the Land Use Plan of this Redevelopment Plan.

H. PROPOSED ZONING CHANGES [N.J.S.A. 40A:12a7a(5)c]

1. At the time of adoption of this Redevelopment Plan, The Redevelopment Area incorporated the G-I General Industry Zone and includes areas of the B-1 and B-2 Business Zones as illustrated on the Township's Zoning Map, dated May 1998 (See Exhibit B-2, Upper Deerfield Zoning Map).
2. Any Ordinance adopting this Redevelopment Plan shall contain language indicating that this Redevelopment Plan is an explicit amendment to the Land Use Code of Upper Deerfield and related zoning district maps. The Township's existing Ordinance / Regulations remain in effect unless specifically changed herein.

I. CONSISTENCY WITH MUNICIPAL MASTER PLAN

This Redevelopment Plan is consistent with and is designed to effectuate the duly adopted Master Plan of Upper Deerfield Township

The 2002 and 2003 Master Plan Re-Examination for Upper Deerfield Township notes the following:

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The Township has adopted an extensive redevelopment area in the Highway 77 G-1 General Industry zone corridor. Current studies are underway to design and promote an agri-business industrial park in this area. The Planning Board should adopt the design standards being prepared as a Redevelopment Plan and incorporate the design standards into a Business Park Planned Unit Development (PUD) Ordinance.

This Plan proposes to create the necessary recommended plan for the Redevelopment Area as well as incorporate design / development standards.

The following table provides a comparison of age cohorts for the populations of the Township of Upper Deerfield, Cumberland County and the State of New Jersey. As is noted, the Township of Upper Deerfield maintains a significantly reduced percent of the population in the 20 to 44 age cohort – where Cumberland County's and the State of New Jersey's population has approximately 37% within the 20 to 44 age cohort, Upper Deerfield has only 30%. This age cohort is the most significant in terms of employment and economic activity, thus the opportunity to increase this age cohort will be a consideration of the Redevelopment Plan.

Age Categories as Compared to Cumberland County and New Jersey

	<i>Upper Deerfield</i>		<i>Cumberland County</i>	<i>New Jersey</i>
<i>Age Group</i>	<i># of People</i>	<i>Percentage</i>	<i>Percentage</i>	<i>Percentage</i>
<i>0 to 4</i>	<i>519</i>	<i>6.9</i>	<i>6.3</i>	<i>6.7</i>
<i>5 to 9</i>	<i>606</i>	<i>8.0</i>	<i>7.4</i>	<i>7.2</i>
<i>10 to 19</i>	<i>1166</i>	<i>15.4</i>	<i>14.4</i>	<i>13.2</i>
<i>20 to 44</i>	<i>2297</i>	<i>30.4</i>	<i>37.2</i>	<i>36.9</i>
<i>45 to 64</i>	<i>1894</i>	<i>25.1</i>	<i>18</i>	<i>22.7</i>
<i>65 years and over</i>				
<i>65 to 74</i>	<i>1074</i>	<i>14.2</i>	<i>13</i>	<i>13.2</i>
<i>75 to 84</i>	<i>569</i>	<i>7.6</i>	<i>6.6</i>	<i>6.8</i>
<i>85+</i>	<i>388</i>	<i>5.1</i>	<i>4.8</i>	<i>4.8</i>
	<i>117</i>	<i>1.5</i>	<i>1.6</i>	<i>1.6</i>

*Source: Census 2000
Compiled by Karabashian Eddington Planning Group*

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IX. REDEVELOPMENT ENTITY AND PLAN INTERPRETATION

- A. Consistent with subsection VI. A.3. of this Redevelopment Plan, by entering into the negotiated Developer's Agreement, the Redevelopment Entity shall have approved the development concepts and general design plan for all undertakings proposed for the Redevelopment Area.
- B. Consistent with subsection VI. C.1.c. of this Redevelopment Plan, the Redevelopment Entity, or its designee, shall review and approve all plans related to the Redevelopment Project for the purpose of verifying consistence with the Developer's Agreement prior to the Developer's submission to the Planning Board for Site Plan Review and Approval.
- C. The above notwithstanding, pursuant to N.J.S.A. 40A:12A-13, the Planning Board shall have the sole responsibility to determine conformance of a Developer's concept and design with zoning controls set forth in subsection VI. C. 2. c. of this Redevelopment Plan.

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X. DURATION OF PROVISIONS AND EFFECTIVE DATE

- A. This Redevelopment Plan, as it may be amended from time to time, shall be in effect for a period of thirty (30) years from the date of adoption by the Governing Body.
- B. Upon completion of construction on a particular Development Parcel and the issuance by the Township of all permanent Certificate(s) of Occupancy for said Development Parcel, and at the request of the Developer, the Township shall issue the Developer a "Certificate of Completion and Compliance" for said Parcel, certifying that the Redevelopment Project was completed in accordance with this Redevelopment Plan and further certifying that the applicable provisions of the Developer's Agreement, including provisions related to N.J.S.A. 40A:12A-9a, have been satisfied.
- C. Upon the issuance of a Certificate of Completion and Compliance for all of the Redevelopment Projects in all of the Development Parcels, or at the expiration of this Redevelopment Plan pursuant to Section XI.A. herein, whichever shall occur first, the controls outlined in this Redevelopment Plan, with the exception of Section VI.C. (Land Use Plan) and Section VII. (Equal Opportunity), shall terminate and the Redevelopment Area shall revert to such Township Zoning as may be adopted by the Township at that time pursuant to N.J.S.A. 40:55D-1 et seq. Unless otherwise addressed by an affirmative action of the Township, the appropriate sections of the Township's Land Use Code shall hereby be amended to include the Land Use Provisions (Section VI.C.2.) of this Redevelopment Plan.

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XI. PROCEDURES FOR AMENDING THE APPROVED REDEVELOPMENT PLAN

- A. This Redevelopment Plan may be amended from time to time upon compliance with all applicable laws and statutes and upon approval of the Governing Body. In addition to any other requirements, including but not limited to those imposed by N.J.S.A. 40A:12a-13, mutual agreement between the Township and the Developer is required where a Developer's Agreement is in place and where an amendment would change the controls governing the use of land under said Agreement or otherwise modify obligations under the Developer's Agreement.