

N.J.A.C. 19:66-3.1

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 50 No. 1, January 2, 2018

New Jersey Administrative Code > TITLE 19K. CASINO CONTROL COMMISSION/CASINO REINVESTMENT DEVELOPMENT AUTHORITY > CHAPTER 66. CASINO REINVESTMENT DEVELOPMENT AUTHORITY TOURISM DISTRICT LAND DEVELOPMENT RULES > SUBCHAPTER 3. TOURISM DISTRICT LAND USE REGULATION AND ENFORCEMENT

§ 19:66-3.1 Land Use Regulation and Enforcement Division

- (a) The Authority may establish by resolution or in accordance with its by-laws (as amended and supplemented from time to time) a Land Use Regulation and Enforcement Division within the Authority.
- (b) The responsibilities of the Division shall include:
1. The initial preparation and periodic revision of the Atlantic City Tourism District Master Plan and any elements required or authorized by the Act and the MLUL;
 2. The preparation of planning studies of demographic, economic, environmental, and building and land development conditions within the Tourism District when so directed by the members of the Authority;
 3. The initial preparation and periodic revision of the zoning map of the Tourism District;
 4. Recommendations on the enactment and amendment to land use rules (including, procedures, zoning, site plan, subdivision, signage, building design, and historic preservation);
 5. Development of checklists, documents, forms, processes, and application materials necessary for the efficient operation of the Division, and the Authority's processing, consideration, and decision of land use applications or other requests by property owners or interested parties subject to this chapter;
 6. Provision of technical review with the opinions of planners, engineers, architects, landscape architects, surveyors, environmentalists, zoning compliance officers, and other experts of development plans and applications;
 7. Coordination of public participation, including facilitating the review, as necessary, by other government agencies of development rules, applications, and development plans, maps, and studies prepared or received by the Division;
 8. Provision of advice to the Authority on the administration, interpretation, and enforcement of development rules within the Tourism District;
 9. Collecting, disbursing, and accounting for all fees, charges, assessments, and escrows associated with development rules within the Tourism District;
 10. Retention of consultants, subject to the appropriations by the Authority, in order to administer, regulate, interpret, plan, and enforce development rules within the Tourism District;
 11. Maintenance of records of all plans, applications, decisions, rules, interpretations, and appeals regarding development matters and decisions within the Tourism District;
 12. Promotion of the orderly, certain, and efficient physical development of the Tourism District; and
 13. All things necessary and proper to administer, plan, interpret, and enforce the development rules within the Atlantic City Tourism District.

Annotations

Notes

Chapter Notes

NEW JERSEY ADMINISTRATIVE CODE
Copyright © 2018 by the New Jersey Office of Administrative Law

End of Document

N.J.A.C. 19:66-3.2

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 50 No. 1, January 2, 2018

New Jersey Administrative Code > TITLE 19K. CASINO CONTROL COMMISSION/CASINO REINVESTMENT DEVELOPMENT AUTHORITY > CHAPTER 66. CASINO REINVESTMENT DEVELOPMENT AUTHORITY TOURISM DISTRICT LAND DEVELOPMENT RULES > SUBCHAPTER 3. TOURISM DISTRICT LAND USE REGULATION AND ENFORCEMENT

§ 19:66-3.2 Land Use Regulation and Enforcement Division; personnel and process

- (a) Appointment of personnel. The Authority may create, from time to time, positions within the Division, including a land use hearing officer, land use regulation and enforcement officer, and land use administrator, as it believes necessary for the proper operation of the Division and implementation of this chapter.
- (b) Engagement of experts. In addition to Division staff, the Authority may employ such consultants and other experts as determined by the Authority.
- (c) Process and procedures. Consistent with the express requirements, purposes, and intent of this chapter, the Division may promulgate such procedures and forms as are necessary to the effective administration and enforcement of the provisions of this chapter. Without limiting the foregoing, the land use administrator shall:
 - 1. Schedule hearings as required by this chapter;
 - 2. Prepare agenda for such hearings;
 - 3. Keep verbatim recordings of the proceedings of hearing by either stenographic, mechanical, or electronic means;
 - 4. Maintain all of the following:
 - i. Permanent and current records of this chapter, including all maps; amendments; conditional use, development, subdivision plat and site plan approvals and denials; interpretations; and decisions rendered by the Authority, together with relevant background files and materials;
 - ii. Duplicate copies of all CLUCs, numbered sequentially and showing the fee charged therefor, issued or denied pursuant to this chapter, together with such portions of the applications therefor as necessary to the proper administration of this chapter;
 - iii. A current file of all certificates, permits, or authorizations issued pursuant to this chapter, and all notices of violation, discontinuance, or removal issued by the Division for such time as necessary to ensure continuous compliance with the provisions of this chapter;
 - iv. A current file of all use interpretations issued pursuant to this chapter;
 - v. Current maps locating all applications for amendment, site plan/subdivision approvals, conditional uses, planned developments, variances, and appeals and indicating the disposition thereof; and
 - vi. Permanent and current records of all Authority meetings and hearings and minutes and transcripts taken therein.
- (d) Applications shall be accepted and processed as follows:

1. Receipt and processing. The land use administrator shall receive all applications required to be filed pursuant to this chapter and such other documents as the regulations of the Authority may from time to time require. Applications shall be reviewed for completeness, and if any deficiencies are found, the applicant shall be notified of such deficiencies, in writing, within 45 calendar days following the filing of the application. In the alternative, if no such deficiencies exist, a notice of hearing shall be provided within the same 45-calendar-day period. After a determination that the application is complete, the land use administrator shall arrange for the application to be scheduled for a hearing on the next available hearing date.
2. Notice of hearing. The applicant shall be responsible for publishing the notice of hearing during which its application will be reviewed in accordance with the provisions of this chapter.
3. Investigation. The land use administrator may conduct, or cause to be conducted, such surveys, investigations, and field studies and photographs, charts, and exhibits as shall be necessary or convenient to the processing of any application filed with the Authority.
4. Plan review and CLUC. Pursuant to the provisions of this chapter, the land use administrator shall review all applications for CLUC and approve or disapprove such applications and issue or refuse to issue such certificates based on compliance or noncompliance with the provisions of this chapter. The CLUC will be issued or denied within 10 business days.
5. Acceptance of guaranties. The Authority shall accept performance and maintenance guaranties required to be paid pursuant to the provisions of this chapter.
6. Interpretations. Pursuant to the provisions of this chapter, upon written request of an applicant or as otherwise deemed necessary by the Authority, the land use administrator shall issue written interpretation of the meaning and applicability of specific provisions of this chapter. Any interpretation of this chapter rendered by the Authority shall be kept on file and become a public record open to inspection by interested parties at reasonable times and upon reasonable notice. Appeals of the land use administrator's determinations shall be decided in accordance with N.J.A.C. 19:66-14.3.
7. Notice of decision. Pursuant to the provisions of this chapter, the Division shall give or cause to be given notices of actions of the Authority taken pursuant to the provisions of this chapter.
8. Inspection and enforcement of this chapter shall be as follows:
 - i. In furtherance of the enforcement of this chapter, the land use administrator, as assigned, shall undertake such regular and continuing programs of inspection of work approved and under way and of existing structures and uses as may be feasible and proper within the limits of staff and funds; and shall receive from any person complaints alleging, with particularity, a violation of this chapter and, when appropriate, shall cause such investigations and inspections as may be warranted by such complaints. Upon finding the existence of any violation of this chapter, the land use administrator, as assigned, shall proceed as provided in accordance with the provisions of this chapter.
 - ii. The land use administrator shall cooperate with city building inspection and code enforcement officials to coordinate enforcement and inspection activities under this chapter with those conducted pursuant to the authority vested in such city personnel to achieve the greatest efficiency and avoid unnecessary duplication of efforts.
 - iii. Nothing in this section shall be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this chapter from bringing an appropriate action to secure such relief.

Annotations

Notes

Chapter Notes

NEW JERSEY ADMINISTRATIVE CODE

Copyright © 2018 by the New Jersey Office of Administrative Law

End of Document

N.J.A.C. 19:66-3.3

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 50 No. 1, January 2, 2018

New Jersey Administrative Code > TITLE 19K. CASINO CONTROL COMMISSION/CASINO REINVESTMENT DEVELOPMENT AUTHORITY > CHAPTER 66. CASINO REINVESTMENT DEVELOPMENT AUTHORITY TOURISM DISTRICT LAND DEVELOPMENT RULES > SUBCHAPTER 3. TOURISM DISTRICT LAND USE REGULATION AND ENFORCEMENT

§ 19:66-3.3 Prohibition against improper influence

A person shall not, with respect to any application made to the Authority, whether or not such application requires a decision by the Authority, attempt to contact any member of the Authority staff or of the Authority governing body in an effort to improperly influence them with respect to their decision regarding the subject application. This prohibition shall also apply to rulemaking. Any Authority personnel or member of the Authority governing body who has been contacted by an applicant (or related party) seeking to influence an application shall immediately report such contact to the General Counsel of the Authority, who shall take any necessary and appropriate action.

Annotations

Notes

Chapter Notes

NEW JERSEY ADMINISTRATIVE CODE
Copyright © 2018 by the New Jersey Office of Administrative Law

End of Document

N.J.A.C. 19:66-3.5

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 50 No. 1, January 2, 2018

New Jersey Administrative Code > TITLE 19K. CASINO CONTROL COMMISSION/CASINO REINVESTMENT DEVELOPMENT AUTHORITY > CHAPTER 66. CASINO REINVESTMENT DEVELOPMENT AUTHORITY TOURISM DISTRICT LAND DEVELOPMENT RULES > SUBCHAPTER 3. TOURISM DISTRICT LAND USE REGULATION AND ENFORCEMENT

§ 19:66-3.5 Powers of the Authority and applicability

- (a) The Authority shall apply the provisions of this chapter in furtherance of the Act, and shall accordingly exercise its power in regard to:
1. The preparation of the Master Plan;
 2. Subdivision control and site plan review;
 3. The official Tourism District Zoning Map;
 4. The land use and zoning rules, including, conditional uses;
 5. Variances, waivers, and exceptions in conjunction with subdivision, site plan and conditional use approval; and
 6. Such other matters that rightly come to the Authority under this chapter.
- (b) The requirements of this chapter shall apply to all persons proposing activities regulated under this chapter, and the provisions of this chapter shall prevail over any conflict with any other law or rule.

Annotations

Notes

Chapter Notes

NEW JERSEY ADMINISTRATIVE CODE
Copyright © 2018 by the New Jersey Office of Administrative Law

End of Document

N.J.A.C. 19:66-3.4

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 50 No. 1, January 2, 2018

New Jersey Administrative Code > TITLE 19K. CASINO CONTROL COMMISSION/CASINO REINVESTMENT DEVELOPMENT AUTHORITY > CHAPTER 66. CASINO REINVESTMENT DEVELOPMENT AUTHORITY TOURISM DISTRICT LAND DEVELOPMENT RULES > SUBCHAPTER 3. TOURISM DISTRICT LAND USE REGULATION AND ENFORCEMENT

§ 19:66-3.4 Fees and escrow deposits

- (a) Any application shall be accompanied by such fees as specified in the then current Escrow and Fee Schedule promulgated by resolution of the Authority, and the Authority shall be entitled to collect from the applicant such costs and fees of professionals, including engineers, planners, and attorneys as may be engaged by the Authority to address the application.
- (b) A performance bond or letter of credit may be required for applications submitted and approved in an amount equal to an estimate of the site improvement costs, plus 10 percent. The cost estimate shall be signed and sealed by a New Jersey-licensed professional engineer and shall be subject to approval by the Authority. The security, which may be accepted by the Authority, includes, but is not limited to, surety bonds, letters of credit under the circumstances specified in section 16 of the MLUL, P.L. 1991, c. 256 (N.J.S.A. 40:55D-53.5), and cash.
- (c) Whenever conditions are imposed on an approval, a deposit in escrow, or other performance guarantee satisfactory to the Authority and sufficient to meet the cost of implementing such conditions, may be imposed on the applicant. If such conditions are not implemented in accordance with the approval in which the conditions were imposed, the escrow deposit or performance guarantee may be utilized by the Authority to implement the conditions. If the cost of such implementation exceeds the amount in the escrow deposit or other acceptable performance guarantee, the amount in excess shall be assessed against the property upon which the conditions were placed, at the time of implementing the conditions, and a notice of lien upon the subject property shall be filed in the Office of the Atlantic County Clerk. If the cost of implementation is less than the escrow deposit, the Authority shall refund the difference to the applicant. If the applicant implements the conditions within the time period specified by the Authority, the escrow deposit shall be returned to the applicant.

Annotations

Notes

Chapter Notes

NEW JERSEY ADMINISTRATIVE CODE
Copyright © 2018 by the New Jersey Office of Administrative Law