

## **N.J.A.C. 19:66-4.1**

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 4. DEVELOPMENT APPLICATION PROCEDURES***

### **§ 19:66-4.1 Purpose**

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The purpose of this subchapter is to establish the administrative procedures for the development, redevelopment, and management of properties in the Tourism District.

Annotations

### **Notes**

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## **N.J.A.C. 19:66-4.2**

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### **§ 19:66-4.2 Certificates of Land Use Compliance (CLUC)**

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(a) Unless and until a CLUC is obtained from the Authority in accordance with the provisions of this chapter:

1. No construction, moving, remodeling, or reconstruction of any structure or addition thereto shall be commenced, except for building demolition and maintenance;
2. No use shall be commenced or changed;
3. No site work, including the improvement of land, site preparation, and the placement of fill, shall be commenced; and
4. No change in occupancy shall be permitted.

(b) No CLUC shall be issued until such time as any required waiver, exception, or variance has been granted pursuant to this chapter.

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## **N.J.A.C. 19:66-4.3**

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### **§ 19:66-4.3 Changes in occupancy--CLUC requirements**

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- (a) No structure, building, or addition thereto shall be occupied or used for any purpose; no vacant land shall be used for any purpose; no use of land, structure, or building shall be reoccupied or changed to any other permitted use; and no occupancy, except in the case of one- and two-family residential dwelling units, shall be changed, unless a CLUC shall first have been obtained from the land use regulation enforcement officer certifying that the proposed use or occupancy complies with the applicable provisions of this chapter.
- (b) The Authority shall be notified of any change of property owner upon transfer of ownership. A change in property ownership shall not require new occupancy certification, unless a change in occupancy is proposed. In such cases, new CLUC, site plan, or subdivision approval from the Authority, as appropriate, shall be required.
- (c) Any existing tenant having a valid CLUC issued by the Authority that proposes to change the tenant name only shall first obtain an amended CLUC from the Authority acknowledging the tenant name change, provided that the previously approved use and tenant leased area remain the same.

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## N.J.A.C. 19:66-4.4

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### **§ 19:66-4.4 Application for CLUC; administrative completeness**

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- (a) The Division shall promulgate applicable forms and checklists for the CLUC application submittal requirements.
- (b) The submittal requirements promulgated by the Division may be waived by the Division upon written request in accordance with the following:
  - 1. A request for a waiver shall specify the provision(s) from which the waiver is requested and the reason(s) for the request.
  - 2. The land use administrator may grant waivers from the submittal requirements, in writing, upon finding that conformance with such requirements may be determined without the specific submittal(s).
  - 3. Upon a substantive change of an application or unforeseen circumstance, the land use administrator reserves the right to require the submittal of a waived requirement when deemed necessary by the land use administrator to determine conformance with this chapter.
- (c) Upon receipt of a CLUC application, the submittals shall be reviewed for administrative completeness to determine that the essential elements of the application have been submitted.
- (d) If the CLUC application is deemed administratively complete, the Authority shall review the application for compliance with the applicable requirements of this chapter.
- (e) A determination on a CLUC application will be made within 10 business days after it is deemed complete. If the CLUC application is incomplete, the land use administrator shall deny the certificate and advise the applicant, in writing, of the deficiencies within 10 business days.
- (f) The approved CLUC shall be sent to the applicant with a copy to the City construction official, City Licensing and Inspections Department, City Police Department, City Clerk, City Tax Assessor's Office, City Planning Department, and City Engineer's Office.

Annotations

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## **N.J.A.C. 19:66-4.5**

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### **§ 19:66-4.5 Pre-application conference**

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- (a) Any prospective applicant may meet informally with the Division for the purpose of presenting a concept for potential development, reviewing the Authority's requirements and approval process, or discussing questions or issues involving the potential development.
- (b) Any statements or recommendations made by any representative of the Authority in the context of a pre-application conference shall be considered non-binding on the prospective applicant and the Authority, and shall confer no legal rights.

Annotations

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## N.J.A.C. 19:66-4.6

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### **§ 19:66-4.6 Administrative review of fully conforming minor site plan and minor subdivision plat applications**

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- (a) Any application submission for minor site plan and/or minor subdivision approval that an applicant certifies as fully conforming to all administrative and technical provisions of the applicable site plan and subdivision plat approval checklists and this chapter without need for any exception, variance, or waiver shall be reviewed administratively (and without the need for a hearing under N.J.A.C. 19:66-14.1), by the land use administrator.
- (b) An application shall be deemed complete or incomplete within 45 calendar days of submission. If the application is deemed incomplete, the land use administrator shall so notify the applicant and the 45-calendar day completeness review period shall be reset. If the application is deemed complete, the land use administrator shall so notify the applicant and forward the application submission to the Authority consulting engineer and planner for technical review.
- (c) If the application is determined by the Authority's consulting engineer and planner to not be fully conforming to all administrative and technical provisions of the applicable site plan and subdivision approval checklists and this chapter without need for any exception, variance, or waiver, the land use administrator shall process the application as otherwise provided in this chapter.
- (d) If the application is determined by the Authority's land use administrator, in consultation with the Authority's consulting engineer and planner to be fully conforming to all administrative and technical provisions of the applicable minor site plan and subdivision approval checklists, as the case may be, and this chapter without need for any exception, variance, or waiver, the land use administrator shall grant administrative approval of the application within 45 calendar days of the application being deemed complete. The land use administrator shall publish a Notice of Decision in a newspaper of general circulation within the City and on the Authority's website, which notice shall summarize the development proposal that is the subject of the application and the action taken by Authority thereon. Any person aggrieved by such action may file a notice of appeal of the action within 20 calendar days of the publication of the Notice of Decision as provided in the appeal procedures set forth at N.J.A.C. 19:66-14.3.

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## **N.J.A.C. 19:66-4.7**

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### **§ 19:66-4.7 Application submission for preliminary major site plan/subdivision plat approval**

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- (a) Applications for approval for a preliminary major site plan or preliminary major subdivision shall be submitted to the Authority in such number of duplicate copies may from time to time be required. A nonrefundable application fee and, where required, an escrow fee, as established pursuant to the provisions of this chapter, shall accompany each application.
- (b) The application shall be in the form, and with checklist(s), as promulgated by the Authority, and shall contain such information and documentation as shall be prescribed from time to time by the land use administrator, with the current revision of such checklists, information, and documentation (as amended from time to time).

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## N.J.A.C. 19:66-4.8

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### **§ 19:66-4.8 Application submission for final major site plan/subdivision plat approval**

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- (a) Upon approval of the preliminary major site plan or preliminary major subdivision and within the time limits established in the MLUL, the applicant may submit an Application for Final Site Plan or Final Subdivision approval.
- (b) Applications for approval of a final site plan/subdivision shall be submitted to the Division in such number of duplicate copies as may from time to time be required. A nonrefundable application fee and, when required, an escrow fee, as established pursuant to the provisions of this chapter shall accompany each application.
- (c) The application may include the entire area included in the approved preliminary plan or subdivision or one or more phases or units thereof in accordance with a phasing plan approved as part of the preliminary major site plan or major subdivision application. The application shall add necessary detail to and put in final form the information contained in the approved preliminary plan or plat, and shall conform to the approved preliminary major site plan or preliminary major subdivision and all conditions imposed on such approval in all respects.
- (d) The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the land use administrator on the applicable checklists and forms promulgated by the Authority with the current revision of such checklists, information, and documentation (as amended from time to time).

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## **N.J.A.C. 19:66-4.9**

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### **§ 19:66-4.9 Application; when hearing is required**

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Whenever it is determined by the land use administrator charged with reviewing an application that the applicable standards established pursuant to this chapter have not been met, or when the applicant has requested that the applicable standards established pursuant to this chapter should be excepted, varied, or waived, a hearing shall be required in accordance with N.J.A.C. 19:66-14.1.

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## **N.J.A.C. 19:66-4.10**

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### **§ 19:66-4.10 Phasing plan permitted**

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- (a) An application may include a phasing plan within its preliminary site plan submission that depicts the evolution of the overall development.
- (b) The phasing plan must be shown graphically on the site plan and a description of each sequential phase must be included within the required development application.

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## **N.J.A.C. 19:66-4.11**

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### **§ 19:66-4.11 Phasing plan amendments**

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- (a) An applicant may amend a phasing plan that has received preliminary and final site plan approval.
- (b) The amended phasing plan will be initially reviewed administratively in accordance with the provisions of this chapter.
- (c) Should the land use administrator determine that the proposed changes to the phasing plan would materially alter the development in a manner that would require technical review of the site plan standards of this chapter, the applicant shall file an amended application in accordance with the provisions of this chapter.

Annotations

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## N.J.A.C. 19:66-4.12

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### **§ 19:66-4.12 Administration**

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(a) The Authority shall administer the provisions of this chapter and shall:

1. Approve, approve conditionally, or disapprove minor subdivision plats;
2. Approve, approve conditionally, or disapprove preliminary subdivision plats;
3. Approve, approve conditionally, or disapprove final subdivision plats;
4. Approve, approve conditionally, or disapprove minor site plans;
5. Approve, approve conditionally, or disapprove preliminary and final site plans;
6. Transmit a report within 45 calendar days of the receipt of an application for final plat approval, which report shall indicate the action of the Authority with respect to the final plat. If the Authority and the applicant agree, the 45-calendar-day period may be extended for an additional 45-calendar-day period;
7. Set forth in writing and transmit to the applicant a copy of the reasons thereof in the event of withholding of approval, or the disapproval of, a subdivision application.

(b) In conjunction with the review of preliminary and final site plans and preliminary and final subdivision plats, except as otherwise provided for in this chapter, the Authority may hold a hearing, if deemed necessary. Notice and procedures of such hearing shall be governed by N.J.A.C. 19:66-14.1.

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## N.J.A.C. 19:66-4.13

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### **§ 19:66-4.13 Minor subdivision procedure**

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- (a) Within 45 calendar days after the receipt of the proposed minor subdivision plat, the Authority engineer shall review the plat for conformance with the development standards and the New Jersey Map Filing Law, N.J.S.A. 46:23-9.9 et seq., and either:
1. Notify the applicant in writing that the minor subdivision plat will be approved upon submission of the required minor subdivision fee, one original mylar, and 10 copies of the minor subdivision plat, and when prepared digitally, a digital copy of the plat in AutoCAD-compatible format; or
  2. Notify the applicant in writing of the reasons why the minor subdivision plat cannot be approved.
- (b) If the minor subdivision plat is approved, the land use administrator shall affix the seal of the Authority on the face of the plat.
- (c) A copy of the approved minor subdivision plat shall be forwarded to the City and to the applicant within 10 days of receipt of the plat;
- (d) No further approval of the Authority shall be required respecting the minor subdivision, provided that a deed description or plat map drawn in compliance with the New Jersey Map Filing Law, N.J.S.A. 46:23-9.9 et seq., shall be filed by the applicant in the Atlantic County Clerk's Office within the timeline established by the Authority.

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## **N.J.A.C. 19:66-4.14**

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### **§ 19:66-4.14 Major subdivision procedure**

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- (a) Upon classification of a proposed subdivision as a major subdivision, the applicant shall submit an application for preliminary major subdivision approval.
- (b) If preliminary plat approval is issued by the Authority, the applicant shall file an application for final plat approval with the Authority in accordance with the provisions of this chapter.

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### **§ 19:66-4.15 Authority land development rules or approved redevelopment plans**

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No subdivision or site plan shall conflict with this chapter or Authority approved redevelopment plan for the property in question.

Annotations

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