concerning the representation of public employees in units appropriate for collective negotiations with their public employers.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules are designed to resolve questions concerning the representation of public employees in units appropriate for collective negotiations with their public employers.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 19:11.

Full text of the proposed amendments follows (additions listed in bold **thus;** deletions in brackets [thus]):

SUBCHAPTER 1. REPRESENTATION PETITIONS

19:11-1.2 Contents of petition for certification

(a) A petition for certification of public employee representative filed by a public employee, a group of public employees, any individual, or an employee organization shall contain:

1. The name, address, **e-mail address,** and telephone number of the public employer and the name and title of the person to contact, if known;

2.-6. (No change.)

7. The name, address, **e-mail address,** title, and telephone number of the petitioner's representative;

8.-9. (No change.)

10. A petition for certification of public employee representative shall state whether the petitioner seeks certification**:**

i. Through a secret ballot election conducted in accordance with N.J.A.C. 19:11-10.1 through 10.7; or

ii. Without an election in accordance with N.J.S.A. 34:13A-5.3, as amended by P.L. 2005, c. 161, on the basis of its having submitted authorization cards signed by a majority of employees in the unit alleged to be appropriate and there being no other employee organization seeking to be the majority representative. The petitioner shall submit the authorization cards upon which it is relying. **The name of the employee organization listed on the petition and on the authorization cards must be identical.**

19:11-1.3 Contents of petition for decertification

(a) A petition for decertification of public employee representative shall contain:

1. (No change.)

2. The information required by N.J.A.C. 19:11-1.2**,** [(]Contents of petition for certification[)], except paragraph**s** (a)9 **and 10**;

3. (No change.)

19:11-1.4 Petition for certification filed by a public employer

(a) (No change.)

(b) A petition for certification of representative filed by a public employer shall include all of the information set forth in N.J.A.C. 19:11-1.2, except paragraph**s** (a)9 **and 10.**

SUBCHAPTER 2. PROCESSING OF PETITIONS

19:11-2.1 Validity **and confidentiality** of showing of interest

The showing of interest**, including authorization cards where a petitioner seeks certification by card check, shall be confidential and** shall not be furnished to any of the parties. The Director of Representation shall determine the adequacy of the showing of interest and such decision shall not be subject to collateral attack. Neither the nature nor the size of the showing of interest shall be divulged. The showing shall be returned to the petitioner once the case is closed.

19:11-2.4 Posting of notice of petition

(a) (No change.)

(b) Such notices shall set forth:

1.-2. (No change.)

3. [In appropriate cases,] **Where a petitioner seeks certification by election, a statement that the petitioner is seeking an election to become certified as the majority representative for the petitioned-for employees. Where the petitioner seeks certification by authorization cards,** a statement that the petitioner is seeking certification as the majority representative without an election on the basis of its claim that a majority of employees in the unit have signed authorization cards and no other employee organization is seeking to be the majority representative; and

4. (No change.)

19:11-2.6 Investigation of petition; disposition

(a) (No change.)

(b) Where the petitioner is seeking to be certified as the majority representative of an appropriate unit on the basis of authorization cards and no other employee organization is seeking to be the majority representative, the Director of Representation shall determine whether a majority of employees in the unit have signed valid authorization cards. **Absent the submission of substantial, reliable evidence that raises a legitimate and substantial doubt, executed authorization cards are presumed valid.**

SUBCHAPTER 7. HEARING OFFICER'S REPORT[;]**,** TRANSFER OF CASE TO THE COMMISSION, AND ACTION BY THE COMMISSION

19:11-7.4 Action by the Commission; consolidation or severance of proceedings; decision in the absence of exceptions

(a)-(b) (No change.)

(c) If no exceptions are filed, the recommended decision shall become a final decision unless the [Chairman] **Chair** or such other Commission designee notifies the parties within 45 days after receipt of the recommended decision that the Commission will consider the matter further.

SUBCHAPTER 8. REQUEST FOR COMMISSION REVIEW

19:11-8.2 Grounds for granting a request for review

(a) The [Chairman] **Chair** may grant a request for review. A request for review will be granted only for one or more of these compelling reasons:

1.-4. (No change.)

19:11-8.3 Contents of request for review; timely presentment of facts

(a) A request for review must be a self-contained document enabling the Commission or [Chairman] **Chair** to rule on the basis of its contents.

(b)-(d) (No change.)

(a)

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

Casino Reinvestment Development Authority Tourism District Land Development Rules

Proposed New Rules: N.J.A.C. 19:66

Authorized By: Casino Reinvestment Development Authority, Christopher M. Howard, Executive Director/Board of Directors.

Authority: N.J.S.A. 5:12-161.f and 5:12-218 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-236.

Two **public hearings** on the proposed new rules will be held on the following dates at the following location:

Wednesday, October 4, 2017 at 10:00 A.M.
Tuesday, October 10, 2017 at 6:00 P.M.
Atlantic City Convention Center
One Convention Boulevard

Atlantic City, New Jersey 08401

Submit comments by November 17, 2017, to:

Paul G. Weiss, Esq., General Counsel
Casino Reinvestment Development Authority
15 South Pennsylvania Avenue
Atlantic City, NJ 08401
E-mail: rules@njcrda.com

Interested persons may obtain a copy of this notice of proposal from the Casino Reinvestment Development Authority website, www.njcrda.com. The notice of proposal may also be inspected during normal office hours at the Casino Reinvestment Development Authority's offices located at 15 South Pennsylvania Avenue, Atlantic City, NJ 08401.

The agency proposal follows:

Summary

The proposed rules establish zoning and land use rules for the Tourism District in the city of Atlantic City.

On February 1, 2011, P.L. 2011, c. 18, the Tourism District Act, codified at N.J.S.A. 5:12-218, et seq., was enacted. The purpose of the Tourism District Act is to revitalize the gaming and tourism industry in Atlantic City, to stabilize Atlantic City's finances, and to spur economic growth and job creation in Atlantic City and the surrounding region.

The Tourism District Act mandated that the Casino Reinvestment Development Authority (the Authority) establish the Atlantic City Tourism District (Tourism District) and granted the Authority broad and extensive powers to redevelop and manage the Tourism District. Pursuant to the Tourism District Act, the Authority took necessary and appropriate steps to develop and implement a Tourism District Master Plan and commenced exclusive land use and zoning jurisdiction over the Tourism District.

Pursuant to N.J.S.A. 5:12-220, the Authority is authorized to adopt land use regulations for the Tourism District. In accordance with N.J.S.A. 5:12-220 and with its general rulemaking authority, N.J.S.A. 5:12-161.f, the Authority proposes new N.J.A.C. 19:66, Casino Reinvestment Development Authority Tourism District Land Development Rules, which establish and implement regulatory powers to the ends that the general health, safety, and welfare of the Tourism District are promoted; that the taxable value of land and buildings throughout the city of Atlantic City may be conserved and enhanced; and that development occurs in appropriate locations based on the neighborhood context and overall environment.

The proposed rules are likely to affect current and future residents of, and businesses located in, the Tourism District. The proposed rules are anticipated to be adopted and take effect following the comment period.

A summary of the proposed new rules follows:

Subchapter 1, Tourism District Goals and Objectives, establishes the chapter title as "Casino Reinvestment Development Authority Tourism District Land Development Regulations" and states the general purpose and intent of the chapter.

Subchapter 2, Definitions, is the definitions section for the chapter.

Subchapter 3, Tourism District Land Use Regulation and Enforcement, permits the establishment of the Land Use Regulation and Enforcement Division (Division) within the Authority and governs the Division's authority and responsibilities, including the Division's responsibilities with respect to all applications submitted pursuant to this chapter.

Subchapter 4, Development Application Procedures, establishes and sets forth the administrative procedures for the development, redevelopment, and management of properties in the Tourism District.

Subchapter 5, Zone District Use Standards, establishes 15 zoning districts in the Tourism District and sets forth the zoning rules applicable to all zoning districts and individual zoning districts, and regulates the issuance of a Certificate of Land Use Compliance for the purpose of erecting, enlarging, expanding, altering, or relocating a sign, and sets forth the standards governing all signs.

Subchapter 6, Condition Use Standards, governs the procedures, standards, and rules by which the Authority shall review and approve or disapprove applications for conditional use approval in the Tourism District.

Subchapter 7, Site Plan Design Standards, sets forth site plan standards for the Tourism District including rules that govern parking, loading, line-of-sight triangles, drainage, and drainage systems plant standards for landscaping and landscaping plans, fences and screening walls, retaining walls, sidewalks, lighting and site illumination, and residential and non-residential design standards. In Subchapter 7, the Authority is incorporating by reference, as amended and supplemented, the following documents, which do the following:

1. The American Association of State Highway and Transportation Officials' (AASHTO) Manual, "A Policy on Geometric Design of Highways and Streets," Sixth Edition, 2011. This manual provides guidance to highway engineers and designers and is intended as a comprehensive reference manual to assist in administrative, planning, and educational efforts pertaining to design formulation. This manual includes design guidelines for freeways, arterials, collectors, and local roads, in both urban and rural locations paralleling the functional classification used in highway planning;

2. The Urban Land Institute's (ULI) Shared Parking Manual, Second Edition, 2005, by Mary Smith, Urban Land Institute, 2001 L Street NW, Suite 200, Washington, DC 20036. This manual contains the information needed to accurately estimate the number and size of parking stalls for mixed-use centers;

3. The American Standard for Nursery Stock, (ANSI Z60.1-2014), published April 14, 2014, by the American Horticulture Industry Association d/b/a AmericanHort, an ANSI-accredited Standards Developing Organization, 2130 Stella Court, Columbus, OH 43215. This standard provides buyers and sellers with a common terminology in order to facilitate transactions involving nursery stock. For example, this standard establishes common techniques for measuring plants, specifying and stating the size of plants, determining the proper relationship between height and caliper, or height and width, and determining whether a root ball or container is large enough for a particular size plant. This standard further defines terms and numerical relationships among tree parts;

4. The United States Department of Agriculture (USDA) Plant Hardiness Zone Map, January 25, 2012, U.S. Department of Agriculture, 1400 Independence Ave., S.W. Washington, DC 20250. This map is the standard by which gardeners and growers can determine which plants are most likely to thrive at a location. This map is based on the average annual minimum winter temperature, divided into 10-degree F zones; and

5. The Illuminating Engineering Society (IES) Lighting Handbook, 10th Edition, IES, 120 Wall Street, New York, NY 10005-4001. The IES is the recognized technical authority on illumination and publishes nearly 100 varied publications including recommended practices on a variety of applications, design guides, technical memoranda, and publications on energy management and lighting measurement, many of which follow the ANSI standards process. This handbook is the recognized as the authoritative reference on the science and application of lighting.

Subchapter 8, Subdivision Design Standards, governs the procedures, engineering and planning standards, and rules by which the Authority shall review and approve or disapprove applications for the subdivision of land within the Tourism District.

Subchapter 9, Consent to Atlantic City Redevelopment Actions, governs the Authority's ability to consent to a request of Atlantic City to either designate an area in the Tourism District in need of redevelopment or adopt a redevelopment plan for any area within the Tourism District.

Subchapter 10, Coordination with Atlantic County Planning and State Land Use Agencies, governs the provision of required permits and approvals to the Authority in relation to applications submitted pursuant to this chapter.

Subchapter 11, Zoning Map, incorporates and governs the interpretation of the Casino Reinvestment Development Authority Tourism District Zoning District Map, which sets forth the boundaries of all zoning districts.

Subchapter 12, Non-Conforming Use Certifications, governs and regulates all nonconforming lots, uses, and structures in the Tourism District.

Subchapter 13, Relief from Bulk, Use, Conditional Use, Site Plan, Subdivision, and Signage Standards, provides that all applications for exceptions, variances, and waivers shall be determined in accordance with the Municipal Land Use Law (MLUL).

Subchapter 14, Conduct of Hearings, sets forth the provisions governing hearings related to submitted applications, administrative appeals related to any decision, determination, interpretation, order, failure to act or refusal based on, or made in, the administration or enforcement by the Authority, and requests for reconsideration.

Subchapter 15, Post-Approval Compliance, governs the conditions of all development approvals and development plan amendment.

Subchapter 16, Inspection and Enforcement Action, sets forth the provisions governing the Authority's mandatory inspection of all constructed improvements.

Subchapter 17, Miscellaneous Provisions, provides that the approvals granted under the authority of this chapter shall be subject to compliance with all other applicable laws, rules, codes, and ordinances, and that the rules in this chapter are separable.

The members of the Authority and the Executive Director of the Authority will bear responsibility for implementing the proposed rules.

As the Authority has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for the Casino Reinvestment Development Authority Tourism District Land Development Rules are expected to have an overall positive social impact on the residents and businesses in the Tourism District and the Atlantic City area. The proposed rules are anticipated to further the purposes of the Tourism District Act by utilizing practical and flexible controls to help spur development and attract new capital into the Atlantic City economy. The proposed rules are enacted to:

- Create zoning controls that will enhance the boardwalk, beach, and nearby streets through extensive entertainment and event programming; create an improved street-level experience on major thoroughfares; offer new and dynamic retail offerings; increase cleanliness and safety; take advantage of the Tourism District's frontage on the ocean, inlet, and back bay; and provide for a variety of mixed uses;
- Capitalize on and protect the Tourism District's unique natural resources;
- Encourage innovative land uses and public-private partnerships to stimulate new markets and strengthen and diversify the Tourism District's economic base;
- Guide future commercial growth in a coordinated and managed approach and provide for logical transitional uses between residential and non-residential areas of the Tourism District;
- Spur market-friendly development and future growth that promotes a desirable visual environment and protect from natural forces; and
- Promote practicable, sustainable green buildings and development.

The proposed rules are unlikely to have any differential impact of different segments on the population of the Tourism District. The proposed rules apply uniformly in the zone district and, regulate, generally land uses and the development of real estate and do not regulate persons or groups of persons.

Economic Impact

The proposed new rules are anticipated to present a minimal cost, if any, to the State. The cost of the Authority's operations will be paid out of application fees and administrative fees to be borne by applicants. The proposed new rules present no new or additional costs or regulatory burden to the segments of the public proposed to be regulated. The proposed new rules shall only impact property owners in the Tourism District seeking development approval from the Authority. The proposed rules shall supersede the existing requirements of the Atlantic City Land Use Ordinance, Chapter 163, which were previously administered by Atlantic City pursuant to the MLUL, and which currently regulate property owners in the Tourism District seeking development approval from the Authority. The proposed rules present no new or additional costs or regulatory burden to a property owner in the Tourism District seeking development approval than has already existed under the Atlantic City Land Use Ordinance, Chapter 163. The proposed new rules are anticipated to have a positive economic impact on the Tourism District, as the establishment of a land use regulation and enforcement division, as well as land use application and hearing procedures are two measures specifically set forth in the Tourism District Act for the purpose of stabilizing the Atlantic City's finances, creating jobs in the Atlantic City, making Atlantic City a premier gaming and tourism destination, and stimulating the economy of the casino industry, Atlantic City, and the State.

Federal Standards Statement

No Federal standards analysis is applicable because the proposed rules are not being proposed under the authority of, or in order to implement, comply with, or participate in, any program established under Federal law or under a State statute that incorporates or refers to a Federal law, standard, or requirements.

Jobs Impact

No jobs will be lost as a result of the adoption of the proposed rules. The proposed new rules are anticipated to have a positive impact on the creation of jobs in the Tourism District, as well as the surrounding region, as the establishment of a land use regulation and enforcement division, as well as land use application and hearing procedures, are two measures specifically set forth in the Tourism District Act for the purpose of stabilizing the Atlantic City's finances, creating jobs in the Atlantic City, making Atlantic City a premier gaming and tourism destination, and stimulating the economy of the casino industry, Atlantic City, and the State.

Agriculture Industry Impact

No impact on the agriculture industry is anticipated as a result of the adoption of the proposed new rules.

Regulatory Flexibility Analysis

The proposed new rules shall regulate and govern all land development, design, and land use in the Tourism District. Regulated entities may include small businesses, as the term is defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The costs to small businesses to comply with the proposed rules for adoption are not burdensome and are discussed in the Economic Impact above. The proposed new rules are purposely designed to be both practical and flexible in order to facilitate market-friendly development and diversification of the Tourism District's economic base. This practicality and flexibility will positively impact and ease the regulatory process for all future applicants, including small businesses. Any costs associated with applications submitted pursuant to the proposed rules are limited to reasonable and standard application and processing related fees, and potential escrow deposits and bonds, which are also standard. As with any land use or zoning-related application, applications submitted under the proposed rules may require the professional legal, architectural, engineering, or construction related services.

Housing Affordability Impact Analysis

The proposed new rules would impose an insignificant impact on housing affordability and it is unlikely that the rules would evoke a change in the average costs associated with housing. The express purpose of the land use rules is to guide future commercial development of the Tourism District, with limited residential growth opportunities.

Smart Growth Development Impact Analysis

The proposed new rules follow smart growth principles and encourage redevelopment and economic growth in the Atlantic City area by establishing practical and flexible land use regulations that will foster innovative land uses and public-private partnerships while preserving and enhancing the Tourism District, which in turn shall spur market-friendly development, stimulate new markets, and strengthen and diversify the economic base of the Tourism District in Atlantic City. The proposed rules are intended to aid in the coordination and management of future non-residential growth, with limited residential growth opportunities. Accordingly, the rules would not have a negative impact on housing production in Planning Areas 1 or 2, or within designated centers under the State Development and Redevelopment Plan.

Full text of the proposed new rules follows:

CHAPTER 66
CASINO REINVESTMENT DEVELOPMENT AUTHORITY
TOURISM DISTRICT LAND DEVELOPMENT RULES

SUBCHAPTER 1. TOURISM DISTRICT GOALS AND OBJECTIVES

19:66-1.1 Short title

This chapter shall be known as and may be referred to as the "Casino Reinvestment Development Authority Tourism District Land Development Rules."

19:66-1.2 General purpose and intent

(a) This chapter establishes and implements regulatory powers to the ends that the general health, safety, and welfare of the Tourism District established pursuant to P.L. 2011, c. 18, are promoted; that the taxable value of Land and Buildings throughout the city of Atlantic City may be conserved and enhanced; that congestion in the public streets may be lessened or avoided; and that Development occurs in appropriate locations based on the neighboring context and overall environment. To these ends, this chapter is enacted to:

1. Advance the purposes of the P.L. 2011, c. 18 (N.J.S.A. 5:12-218 et seq.), the Atlantic City Tourism District Act;

2. Provide a zoning scheme generally consistent with the P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.), the Municipal Land Use Law, that will catalyze appropriate, highly functional, exciting, and ratable-producing Development in an orderly and safe manner within the Tourism District;

3. Create zoning controls that will enhance the boardwalk, beach, and nearby streets through extensive entertainment and event programming, create an improved street-level experience on major thoroughfares, offer new and dynamic retail offerings, increase cleanliness and safety, take advantage of the Tourism District's frontage on the ocean, inlet, and back bay, and provide for a variety of mixed uses;

4. Capitalize on and protect the Tourism District's unique natural resources;

5. Encourage innovative land uses and public-private partnerships to stimulate new markets and strengthen and diversify the Tourism District's economic base;

6. Guide future residential and non-residential growth in a coordinated and managed approach and to provide for logical transitional uses between residential and non-residential areas of the Tourism District;

7. Continue to use practical and flexible development controls to spur market-friendly development that promotes a desirable visual environment and protects from natural forces;

8. Consider potential future growth in relationship to the Tourism District's infrastructure;

9. Collaborate with the city of Atlantic City, as it implements its fair share low and moderate income housing and seeks to improve the existing housing stock; and

10. Promote, where practicable, sustainable green building practices in accordance with U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) guidelines.

SUBCHAPTER 2. DEFINITIONS

19:66-2.1 Definitions

The following words and terms, as used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Accessory use or structure" means a structure or use that:

1. Is subordinate to and serves a principal building or a principal use;

2. Is subordinate in area, extent, and purpose to the principal structure or principal use served;

3. Contributes to the comfort, convenience, or necessity of the occupants, business, or industry of the principal structure or principal use served; or

4. Is located on the same lot as the principal structure or principal use served, except as otherwise expressly authorized by the provisions of this chapter.

"Act" means and refers to the act providing for the establishment of the Atlantic City Tourism District, P.L. 2011, c. 18 (N.J.S.A. 5:12-218 et seq.).

"Administrative appeal" means a method for obtaining review of a decision, determination, interpretation, order, failure, or refusal to act, pursuant to the terms of this chapter as expressly authorized by the provisions of N.J.A.C. 19:66-14.3.

"Alley" means a thoroughfare not more than 20 feet wide that affords only a secondary means to access to abutting property.

"Amusements" means an indoor or outdoor place that is maintained or operated for the amusement, patronage, or recreation of the public to include any coin-controlled amusement devices, including motorized rides, water slides, miniature golf, batting cages, pinball, pool tables, miniature golf course, driving ranges, and similar uses. Amusements includes devices that carry or convey passengers along, around, or over a fixed area for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. Amusements also includes booths for the sale of items, food, and drink.

"Apartment" means a room or suite of rooms used as a single dwelling unit and located in a building in which there are two or more such rooms or suites offered for rent.

"Apartment building" means either:

1. Low-rise: A residential structure of no more than three stories;

2. Mid-rise: A residential structure of four to seven stories; or

3. High-rise: A residential structure of eight or more stories.

"Appeal" means a means for obtaining judicial review of a final agency action.

"Applicant" means a person, including any corporate entity, submitting an application for development, or otherwise seeking an interpretation or relief under this chapter.

"Application" or "application for development" means the application form and all accompanying documents submitted by an applicant or otherwise required by the provisions of this chapter for approval of a Certificate of Land Use Compliance (CLUC), subdivision plat, site plan, development, conditional use, variance, or waiver from the strict application of this chapter, request for reconsideration, or appeal.

"Arcade" means a continuous area parallel and open to the street or to an urban open space, which is accessible to the public at all times and conforms to the following requirements:

1. It shall adjoin a front lot line or urban open space boundary, extend for the full length of or a minimum of 100 feet along such front lot line or urban open space boundary, and at no point be above the level of adjoining public sidewalk or urban open space;

2. It shall be covered by a permanent canopy or part of a building allowing at least 12 feet of headroom; and

3. It shall have a minimum depth of eight feet and a maximum depth of 20 feet, measured perpendicular to the front lot line or urban open space boundary.

Portions of an arcade that are obstructed by columns, building services, or similar features do not qualify as an arcade area, but landscaping or works of art may occupy qualified arcade area, provided that a minimum clear width of six feet remains for pedestrian circulation along the length of the arcade and that public access from the street or urban open space is nowhere obstructed for a length of more than 20 feet or for an aggregate length of more than 65 percent of the arcade's total length within the lot. Access openings between obstructions shall not be less than six feet in width.

"Arterial street or road" means any street serving major traffic movements designed primarily as a traffic carrier that is part of a network of through streets and that provides service and access to abutting properties only as a secondary function.

"Attic" means that part of a building which is immediately below and, wholly or partly, within the roof framing.

"Authority" means the Casino Reinvestment Development Authority.

"Automobile repair" means general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers.

"Automobile service station" means any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automobile fuels, which activity may be accompanied by accessory uses, such as sales of lubricants, tires,

accessories, or supplies, minor repairing of automobiles, or a single-bay auto wash; provided, however, that automobile wrecking, major repairing of automobiles, parking, or storing of automobiles for hire and the operation of more than one towing vehicle shall not be deemed permissible accessory uses of an automobile service station.

"Bar" means a place of business duly licensed by the Alcoholic Beverage Control governing body for the sale and on-premises consumption of alcoholic beverages by the drink as the principal or primary use, whether or not food service is served.

"Beach bar" means a place of business duly licensed by the Alcoholic Beverage Control and the city of Atlantic City for the sale and on-premises consumption of alcoholic beverages by the drink situated on the beachfront.

"Block" means a tract of land bounded by streets, or by a combination of streets, public land, railroad rights-of-way, waterways, or other barrier to the continuity of development.

"Boardinghouse" may a building, other than a motel or hotel, where, for compensation and by prearrangement for definite periods, meals or lodging are provided for three or more persons.

"Boardwalk" means an elevated public pedestrian walkway constructed as a public right-of-way (ROW) along the oceanfront within the Tourism District of Atlantic City.

"Buffer" means an area within a property or site, generally adjacent to, and parallel with, the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to continuously limit view of and/or sound from the site to adjacent sites or properties.

"Building" means a structure enclosed with exterior walls or fire walls, erected and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind. A building may have a temporary or a permanent foundation.

"Building Code" means the Uniform Construction Code of New Jersey, as from time-to-time adopted, readopted, and amended.

"Building front" means the exterior wall of a building facing the front line of the lot.

"Bulkhead" means a vertical shore protection structure installed to withstand the forces of waves and currents. A bulkhead is not a "revetment" or a "gabion."

"CAFRA Area" means the "coastal area" defined in the New Jersey Coastal Area Facility Review Act (CAFRA) at N.J.S.A. 13:19-4.

"Cash for gold store" means an establishment whose business includes buying and selling precious stones, gold, silver, platinum or other precious metals, jewelry, coins, or similar goods and licensed by the State of New Jersey Office of Weights and Measures.

"Casino" means as defined pursuant to the provisions of P.L. 1977, c. 110 (as amended), the New Jersey Casino Control Act.

"Casino hotel" means a single building under one ownership, located within the limits of the city of Atlantic City as the limits were defined as of November 2, 1976, and containing not fewer than 500 sleeping units, each of at least 325 square feet measured to the center of perimeter walls, including bathroom and closet space and excluding hallways, balconies, and lounges; each containing private bathroom facilities; and each held available and used regularly for the lodging of tourists and convention guests and conforming in all respects to the facilities requirements contained in the New Jersey Casino Control Act. For the purpose of exceeding the maximum casino size specified in the Casino Control Act, an approved casino hotel may, by means of physical connection, annex additional buildings or facilities. "Physical connection," for the purposes of this definition, means an enclosed permanent pedestrian passageway. In no event shall the main entrance or only access to an approved casino hotel be through a casino.

"Catering services" means an establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

"Cellar" means a portion of a building located partly or wholly underground, having 1/2 or more of its clear floor-to-ceiling height below grade.

"Certificate of Land Use Compliance" (CLUC) means the document signed and sealed by the Land Use Regulation enforcement officer, as a condition precedent to the commencement of a use or the alteration, conversion, construction, erection, installation, reconstruction, rehabilitation, or restoration, of a structure or building, evidencing that such use, structure, or building complies with the provisions of this chapter.

"City" means the city of Atlantic City.

"Classification" or "zoning classification" means the zoning district into which a parcel of land is placed and the body of rules to which it is subjected by this chapter and the Tourism District Zoning Map.

"Clinic" means a facility for examining and treating persons with medical problems on an outpatient basis, including ambulatory care, urgent care, or similar medical services that generally require a stay of less than 24 hours. A clinic shall not be considered a treatment facility for narcotic, psychiatric, or alcohol rehabilitation.

"Coastal wetlands" means the Coastal Wetlands designated by the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq., and the Coastal Zone Management Rules, N.J.A.C. 7:7.

"Collector street or road" means any street designed to gather traffic from local streets and connect with arterial streets.

"Commercial building" means a building, the principal use of which is a commercial use.

"Concert hall" means a large public building designed for the performance of concerts. The building may have stage fixed or removable seating.

"Conditional use" means any use specifically listed as a conditional use in the rules applicable to the zoning district in which it is to be located.

"Condotel" means a building containing condominium units, rooms, or suites of rooms, with or without culinary facilities and subject to a timeshare plan.

"Craft breweries and distilleries" means an establishment that brews ales, beers, meads, and/or similar beverages on the premises, which conducts the retail sale of beer (malt beverages with alcohol content as defined by Federal law). Such establishments may also include restaurants as an accessory use.

"Curb level" means the permanently established grade of the street in front of a lot.

"Custom crafts" means articles for sale of artistic quality or effect or handmade workmanship. Examples include candle making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and similar associated activities.

"Dedication" means the transfer of property from private to public ownership for a public purpose.

"Density" means the permitted number of dwelling units per gross area of land to be developed.

"Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

"Development" means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure; or any use or change in the use of any building or other structure or land; or any extension of use of land for which permission may be required pursuant to this chapter. For purposes of complying with CAFRA, "development" means the construction, relocation, or enlargement of the footprint of development of any building or structure and all site preparation therefor, the grading, excavation, or filling on beaches and dunes, and shall include residential development, commercial development, industrial development, and public development, provided, however, that development does not include repairs or maintenance, such as replacing siding, windows, or roofs, unless such repairs or maintenance are associated with enlargements that are not exempt under CAFRA pursuant to N.J.A.C. 7:7-2.2(c)4.

"Development regulation" means this chapter and any other code or regulation applicable to the use and development of land or any amendment thereto adopted and filed pursuant to the provisions of all applicable State statute and rules.

"District" means a portion of the territory of the City known as the Atlantic City Tourism District, or any part thereof, established pursuant

to the Act within which certain rules and requirements or various combinations thereof apply pursuant to the provisions of this chapter.

"District boundary line" means the lines enclosing a distinct zoning district as shown on the zoning map of the Tourism District.

"District boundary lot" means any lot or parcel of land, any lot line of which coincides with a district boundary line or which is contiguous to any public or private ROW containing a district boundary line.

"Division" or "LURE" means the Authority's Land Use Regulation and Enforcement Division.

"Drainage" means the removal of surface water or groundwater from land by drains, grading, or other means and includes control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

"Dwelling" means any structure or portion thereof that is designed or used for residential purposes, including:

1. Duplex dwelling. A dwelling designed for and occupied by not more than two families in separate dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall.

2. Multiple-family dwelling. A dwelling designed for or occupied by more than two families.

3. Single-family detached dwelling. A dwelling designed for and intended to be occupied by not more than one family and surrounded by open space or yards and having no roof, wall, or floor in common with any other dwelling unit.

4. Townhouse dwelling. A row of four or more adjoining dwelling units, each of which is separated from the others by one or more unpierced walls extending from ground to roof.

5. Single-family attached dwelling. Two or three adjoining dwelling units, each of which is separated from the other(s) by one or more unpierced walls extending from ground to roof.

"Dwelling unit" means any room or group of rooms located within a dwelling forming a single habitable unit, with facilities that are used or intended to be used for living, sleeping, cooking, eating, and sanitation by one family.

"Educational use" means public, parochial, and private elementary and secondary schools duly licensed by the State of New Jersey, attendance at which is in sufficient compliance with the compulsory education requirements of the State. This definition shall be deemed to include all activities secondary or subordinate to the main activity of such institution, which activities are a part of the normal operation of the school or institution as set forth in its charter.

"Educational college/instructional uses" means any building or group of buildings, the use of which meets State requirements for primary, secondary, or higher education. A public, parochial, or private institution that provides educational instruction to students.

"Enlargement" means an addition to the floor area of an existing building, an increase in the size of any other existing structure or an increase in that portion of a tract of land occupied by an existing use.

"Entertainment and entertainment facilities" means any establishment (indoors or outdoors) where entertainment, either passive or active, is provided for the pleasure of the patrons, either independent or in conjunction with any other use. Such entertainment includes, but is not limited to, theaters, carnivals, nightclubs, vocal and instrumental music, dancing, karaoke, comedy, acting, and similar activities.

"Exception" means permission to depart from the design standards of this chapter.

"Existing grade" means the existing undisturbed elevation of land, ground, and topography preexisting or existing on a lot, parcel, or tract of land at the time of the adoption of this chapter.

"Existing ocean pier" means the existing ocean piers are limited to the footprint of the following five piers, as depicted on the New Jersey Department of Environmental Protection's 1995-1997 National Aerial Photographic Program imagery (GIS): Garden Pier; Steel Pier; Steeplechase Pier, except that Steeplechase Pier may be connected to the boardwalk provided the connecting portion of the pier does not exceed the width of the existing Steeplechase Pier; Central Pier; and Million Dollar Pier also known as "Ocean One" (See N.J.A.C. 7:7-9.47(c)).

"Expressway" means a divided highway of four lanes or more that provides a high degree of service to through traffic and is designed with no direct access to individual uses on abutting properties.

"Extension" means an increase in the amount of existing floor area within an existing Building.

"Exterior wall" means any wall that defines the exterior boundaries of a building or its courts or of a structure.

"Family" means a group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit. For purposes of this definition, "family" does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

"Filling" means the depositing on land, whether submerged or not, of sand, gravel, earth, or other materials of any composition whatsoever.

"Final plat" means the final map of all or a portion of a subdivision meeting the requirements of this chapter.

"Finish elevations" means the proposed elevations of the land surface of a site after completion of all site preparation work related to the proposed use for which approval under or pursuant to this chapter is required.

"Finished grade" means the completed surface of lawns, walks, and roads brought to grade(s) as shown on official plans, or designs relating thereto, or as existing if no plans or designs have been approved.

"Flood hazard area" means as defined in N.J.A.C. 7:13, Flood Hazard Area Control Act Rules.

"Floodplain" means as defined in N.J.A.C. 7:13, Flood Hazard Area Control Act Rules.

"Floodway" means as defined in N.J.A.C. 7:13, Flood Hazard Area Control Act Rules.

"Floor area" means the sum of the gross horizontal areas of several floors of a building measured from the exterior faces of the exterior walls or from the center-line of a wall separating two buildings. The floor area of a building shall include all floors at or above the finished grade. The floor area shall include attic floor area only to the extent that such floor area meets the dimensional standards for habitable floor area.

"Floor Area Ratio" or "FAR" means the floor area of the building or buildings on any lot divided by the lot area of such lot. When used in this chapter, the floor area ratio multiplied by the lot area in question produces the maximum amount of floor area that may be constructed on such lot.

"Freshwater wetlands" means the Freshwater Wetlands designated by the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq., and the Coastal Zone Management Rules, N.J.A.C. 7:7.

"Garage" means a deck or building, or part thereof, used or intended to be used for the parking and storage of vehicles at one or more level, including:

1. A private garage. An accessory building or structure or portion of a main building or structure for the parking of passenger motor vehicles and in which no occupation, business, or services for profit are conducted.

2. A public garage. A garage, other than an accessory garage, which is open to the public with or without a fee for the hourly, daily, or monthly parking of motor vehicles.

"Gas station and convenience center" means a gasoline station and convenience store located on the same lot and planned and operated and maintained as an integrated planned development. The term may include an accessory on the premise where consumption of food and beverage is sold on-site.

"Government uses" means a building or structure owned, operated, or occupied by a municipal, county, State, or Federal governmental agency to provide a governmental service to the public.

"Habitable floor area" means the floor area in a habitable room (any room or enclosed space used or intended to be used for sleeping, living, cooking or dining purposes, excluding, however, kitchens having less than 70 square feet of floor area and further excluding such enclosed places, as utility rooms, closets, pantries, bath or toilet rooms, hallways, cellars, storage spaces, garages, and similar spaces), which has a clear floor-to-ceiling height of not less than seven and one-half feet over an

area having no horizontal dimension of less than seven feet; provided, however, that no floor area where the ceiling height over such floor area is less than five feet shall be considered habitable floor area.

"Hearing" means the Authority's Land Use Regulation and Enforcement Division quasi-Judicial Hearing publically held with such frequency and on such dates and times, as duly noticed in accordance with applicable law.

"Hearing officer" means as defined at land use regulation hearing officer.

"Height of building" means the vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

"Height of sign" means the vertical distance measured between grade and the highest point of the highest element of the sign excluding any incidental structural element, such as uplift cable for a projecting sign.

"Home occupation" means a business, profession, occupation, or trade conducted for gain or support entirely within a residential building or a structure accessory thereto, which use is incidental and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

"Hospital" means an institution regulated in accordance with N.J.A.C. 8:43G-1.3.

"Hotel" means a building or group of buildings used or intended to be used for lodging of a transient clientele for compensation, at least 75 percent of the rooms of which have their principal entrance from an interior hallway common to more than two rooms and in which common dining and recreation rooms, shops, and service establishments may be provided as accessory uses.

"House of worship" means a building or structure, or group of buildings or structures, that is/are: used primarily by groups of persons organized as a nonprofit organization recognized by the Federal Internal Revenue Service as a 501c(3) organization; and used primarily for organized religious services and the accessory uses associated therewith. This definition shall include, but not be limited to: chapels, churches, congregations, temples, mosques, shrines, and similar structures.

"Institutional" means public and public/private group use of a nonprofit nature, typically engaged in public service (for example, houses of worship, nonprofit cultural centers, charitable organizations).

"Land" means improvements and fixtures on, above, or below the surface.

"Land use administrator" means, unless otherwise designated by resolution of the Authority, any Authority employee or retained consultant authorized by the Executive Director to administer and enforce any provisions of this chapter.

"Land Use Regulation and Enforcement Division" means the administrative body within the CRDA that administers land use regulation and enforcement and otherwise enforces this chapter and the land use provisions of the Act.

"Land use regulation enforcement officer" means the individual designated by the Authority to serve as land use regulation enforcement officer, who shall administer the day-to-day review of applications, issue Certificates of Land Use Compliance, and otherwise enforce this chapter and the land use provisions of the Act and who may serve as land use administrator.

"Land use regulation hearing officer" means the individual designated by the Authority to conduct hearings in accordance with the Act and this chapter, and who may serve as the land use administrator.

"Live/work studio" means a single unit (for example, studio, loft, or one bedroom) consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit may be the primary dwelling of the occupant.

"Loading space" means an unobstructed, hard-surfaced area, no part of which is located in any street or public ROW, and the principal use of which is for the standing, loading, or unloading of trucks and trailers.

"Local street" means any street designed to provide access to abutting property and carry local traffic.

"Lot" means a designated parcel, tract, or area of land established by a plat or otherwise, as permitted by law and to be used, developed, or built upon as a unit, including:

1. Corner lot shall mean a lot abutting upon two or more streets at their intersection or junction, or a lot bounded on two sides by a curving street where it is possible to draw two intersecting tangents, one commencing at each of the two points of intersection of the lot lines and street line, which intersect with each other to form an interior angle of less than 135 degrees. Any portion of a "corner lot" whose nearest frontage measured along the front lot line is more than 50 feet from the point of intersection of the two street lines or of the two tangents shall be subject to the rules applicable to an interior lot.

2. Double frontage lot means a lot having frontage on two nonintersecting streets.

3. Interior lot means a lot other than a corner lot.

"Lot area" means the total horizontal area included within the lot lines, including:

1. Lot area per dwelling unit, which means that portion of the lot area required by the applicable provisions of this chapter for each dwelling unit located on a lot.

2. Minimum area of lot, which means the smallest lot on which a particular use or structure may be located in a particular zoning district.

"Lot coverage" means the percentage of lot area occupied by the principal and accessory buildings on such lot at grade level or above, excluding roof overhangs.

"Lot depth" means the mean horizontal distance from the front lot line to the rear lot line, measured perpendicular to the front lot line.

"Lot line" means a line bounding a lot that divides one lot from another or from a street or any other public space or a private road including:

1. Front lot line, which means, in the case of an interior lot abutting upon only one street, the street line separating such lot from such street; or in the case of a double frontage lot or corner lot, each street line separating such lot from a street shall be considered a front lot line.

2. Rear lot line, which means that lot line that is parallel to and most distant from the front lot line of the lot; provided, however, that in the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front line shall be considered to be the rear lot line.

3. Side lot line, which means any lot line other than a front or rear lot line.

"Lot width" means the mean horizontal distance between side lot lines, measured at right angles to the depth; provided, however, that lot width measured along the front lot line shall not be less than 80 percent of the required minimum lot width.

"Lounge" means a public room, as in a hotel, theater, or club, in which to sit and relax.

"Maintenance guaranty" or "guaranty" means any security, other than cash, which may be accepted by the Authority for the maintenance of any improvement required by this chapter.

"Major site plan" means a development plan, not considered as a minor site plan, of one or more lots on which is shown:

1. The existing and proposed conditions of the lot including, but not necessarily limited to, topography, vegetation, drainage, floodplains, marshes, and waterways; and

2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, and screening devices; and

3. Any other information that may be reasonably required in order to make an informed determination pursuant to the provisions of this chapter.

"Major subdivision" means any subdivision not classified as a minor subdivision or major subdivision.

"Marina" means facilities for the docking, anchoring, mooring, launching, storing, fueling, sales, rental, and service of commercial, pleasure, and recreational boats and related boating materials, equipment, and structures, whether land- or water-based and having five or more boat slips.

"Marine sciences and technology use" means a research facility relating to naval architecture, marine engineering, and ocean engineering to marine-related research in the fields of environmental science and

technology, oceanography, computational mechanics research, and information technology.

"Massage parlor" means any establishment where, for any form of consideration, massage or other manipulation of the human body is offered as a service, and where all practitioners are licensed by the State of New Jersey Department of Law and Public Safety, Division of Consumer Affairs, New Jersey Board of Nursing as certified massage therapists. This does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or any service or treatment provided by a licensed medical doctor or chiropractor, where massage is offered as an incidental or accessory service.

"Master Plan" means the Tourism District Master Plan, as adopted by the Authority pursuant to Resolution 12-14 dated February 1, 2012, as readopted pursuant to Resolution 12-23 dated February 21, 2012, as amended by Resolution 17-47 dated April 18, 2017, and as may be amended by the Authority from time to time.

"Medical office, clinic, or lab" means office space used by health care professionals for the examination and/or treatment of patients on an outpatient basis, with no overnight stays by patients. A medical office may include a medical lab and/or clinic that is a facility offering diagnostic or pathological testing and analysis of blood, blood fluids, pathological specimens, DNA sampling and analysis, and any other diagnostic test generally recognized in the healthcare industry. A medical office, clinic, or lab shall not be considered a treatment facility for narcotic, psychiatric, or alcohol rehabilitation.

"Minor site plan" means an application for non-residential development that:

1. Does not exceed parcels of one acre in size;
2. Consists of a maximum building gross floor area of 10,000 square feet;
3. Consists of a maximum of three stories;
4. Based on the parking requirements, would require no more than 25 parking spaces; and
5. Contains the information reasonably required in order to make an informed determination as to whether the requirements established by this chapter for approval of a minor site plan have been met.

"Minor subdivision" means a subdivision of land that does not involve any of the following: the creation of no more than three lots, a planned development pursuant to this chapter, the laying out of any new street or the extension of any off-tract improvement.

"Mixed use" means the development of a tract of land or building or structure with two or more different uses, such as, but not limited to, residential, office, retail, public, or entertainment, in a compact urban form.

"Motel" means a building or group of buildings used or intended to be used for lodging of a transient clientele for compensation and which has individual entrances from the outside of the building for more than 25 percent of the dwelling or rooming units located therein.

"Municipal Land Use Law" or "MLUL" means the Municipal Land Use Law, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.).

"Nonconforming lot" means a lot that does not comply with the lot requirements for any permitted use in the zoning district in which it is located.

"Nonconforming sign" mean any sign lawfully existing as of (the effective date of this chapter), or any amendment to it rendering such sign nonconforming, which does not comply with this chapter.

"Nonconforming structure" means a structure the size, dimension, or location of which was lawful prior to the adoption, revision, or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision, or amendment.

"Nonconforming use" means any use lawfully being made of any land, building, or structure, other than a sign, as of (the effective date of this chapter), rendering such use nonconforming, which does not comply with this chapter governing use for the zoning district in which such land, building, or structure is located.

"Non-point source impacts" means impacts to water quality generated from diffuse sources within an urbanized environment that may, cumulatively, cause degradation of surface and/or groundwater quality from pollutants.

"Off site" means anything located outside the lot lines of the lot in question but within the property (of which the lot is a part), which is the subject of an application or on a contiguous portion of a street or ROW.

"On-site" means located on the lot in question.

"Open porch" means a roofed open structure projecting from the exterior wall of a building and having at least 70 percent of the total area of the vertical planes forming its perimeter unobstructed in any manner between floor and ceiling except by insect screening.

"Open space" means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets, and off-street parking and other improvements that are designed to be incidental to the natural openness of the land or support its use for recreation and conservation purposes.

"Parks" means a noncommercial, not-for profit facility designed to serve the recreation needs of the residents of the community. Such facilities include subdivision recreation facilities (neighborhood parks), community parks, regional parks, and special use facilities, all as may be described in the recreation and open space element of the Master Plan. Such facilities may also include, ballfields, football fields, and soccer fields, and similar activities.

"Parking area" means any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, private driveways, and legally designated public streets.

"Parking lot" means any land area used or intended to be used for the parking of more than three vehicles, including an accessory parking lot (a parking lot that may or may not be on the same lot as another use and for which it provides parking) and a freestanding parking lot (a parking lot that is not accessory to a particular use but which is itself the primary use).

"Parking space" means a space for the parking of a motor-driven vehicle within a public or private parking area.

"Pawn shop" means an establishment whose business includes selling, buying, or receiving any tangible personal property, or equipment previously owned, such as antiques, precious stones, gold, silver, platinum, or other precious metals, jewelry, coins, any tools, television sets, radios, record or stereo sets, electronic devices, musical instruments, sporting goods, automotive equipment, collectibles, and other electronically recorded material, firearms, cameras and camera equipment, video equipment, bric-a-brac, luxury clothing, furs, purses, watches, desktops, laptops, tablets, computers, portable GPS units, cell phones, gaming systems and video game consoles, or similar goods, and is licensed by the State of New Jersey, Department of Banking and Insurance, Licensing Services Bureau-Banking to loan money on the collateral of secondhand goods.

"Person" means an individual, corporation, governmental unit (excluding the Authority), or other similar entity engaged in activities subject to this chapter.

"Personal services" means an act by which the skills of one person are utilized for the benefit of another, provided no function involves manufacture, cleaning, storage, or distribution of products or goods, except for cleaning and repairing of clothing and similar personal accessories. Personal services include, but are not limited to, dry cleaning and pressing service, linen supply, barber shops, beauty shops, diaper service, shoe repair, funeral services, indoor recreation, health and fitness clubs/spas, steam baths, massage parlors, reducing salons, gyms, clothing rental, locker rental, porter services, nail salons, secondhand goods shops, pet hotels, pet grooming, pawn shops, cash or gold stores, and similar uses.

"Pet hotel" means boarding for dogs and other domesticated animals for overnight or daily stays, and may include pet grooming and training.

"Pier" means any structure extending into navigable waters from the shore of such navigable waters that is either built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from the watercraft (may include a temporary boat hoist without roof or walls) or carries various structures and amusement facilities.

"Plat" means a map or maps of a subdivision or site plan.

"Pop-up uses" means uses established on vacant land, lots, or parking lots that are not an extension of the same uses contained and functioning within an adjacent structure, intended to operate on a seasonal or similar type temporary basis. In addition, such uses are generally characterized by the need to establish booths, stalls, tables, or other similar temporary devices for the sale of goods or by the sale of goods from vans, trailers, food carts, station wagons, or other similar type vehicles.

"Preliminary plat" means the preliminary map indicating the proposed layout of the subdivision.

"Premises" means a lot, or parcel of land, together with the buildings and structures thereon.

"Principal building" means a building in which is conducted the main or principal use of the lot on which the building is situated.

"Private club, lodge, or grounds" means a building and related facilities, owned or operated by a corporation, association, or group of persons, for social, educational, or recreational purposes for members regularly paying dues, but not primarily for profit nor to render a service that is customarily carried on as a business.

A building or related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit, and whose members meet certain prescribed qualifications for membership and pay dues.

"Professional office" means the office of a member of a recognized profession maintained for the conduct of that profession. It includes, but is not limited to, an office for the use of accountants, doctors, attorneys, architects, real estate agents, insurance brokers, dentists, engineers, or similar professionals.

"Public areas" means areas dedicated to any governmental agency for use as public parks, playgrounds, trails, paths, and other recreational areas; other public open spaces; scenic and historic sites; and sites for schools and other public buildings and structures.

"Public improvement" means any improvement, facility, or service, together with its associated public site or ROW, necessary to provide transportation, drainage, utility, energy, or similar essential services, including, but not limited to, streets, drives, sidewalks, walkways, and other vehicular and pedestrian circulation systems, together with customary improvements and appurtenances, such as signaling, signage, curbs, and gutters, shade trees, and landscaped buffers or parkways, and street furniture; facilities incidental to a public transportation system, such as loading zones, turnarounds, passenger waiting areas protected from inclement weather, and pedestrian linkages between loading areas and activity areas; storm sewers and appurtenances, drainage-ways, culverts, flood control basins and devices, retention and detention basins or areas to control storm runoff, erosion and sediment control structures and devices, and other drainage structures, devices, and facilities; water supply and distribution facilities and appurtenances both for domestic use and for fire protection; sanitary sewage disposal and treatment facilities and appurtenances; public utility facilities and appurtenances for gas, electric, and telephone service; and facilities and appurtenances for the production, conversion, distribution, and storage of energy necessary for essential residential, resort, commercial, and industrial uses permitted by this chapter.

"Public site" means an area devoted to or planned for use as a public park; a public school; a Federal, State, county, or City building or facility site; another public use or facility; or easement for a street transportation corridor, utility corridor, waterway, or drainage-way owned or to be owned by a government agency.

"Public utility station" means a structure that is owned and/or operated by a utility provider that provides utility service to the general public for a fee. The structure may include, without limitation, an electrical transfer station, switching station, or pump station and all equipment that is ancillary and incidental to the primary operation, but excludes, recycling, and solid waste transfer stations.

"Recreation" means one or more of the following:

1. "Indoor recreation" means a commercial recreational land use conducted entirely within a building that may include an arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court, and similar uses.

2. "Outdoor recreation" means predominantly participant uses conducted in open or partially enclosed or screened facilities. May include driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, motorized model airplane flying facilities, water features, and fields used for active recreational activities, paintball, laser tag, orienteering, golf driving ranges, water parks, amusements, and similar uses.

3. "Passive recreation" means activities that involve relatively inactive or less energetic pursuits, such as engaging in board or table games, picnicking, sitting, and walking.

"Rectories" means the place of residence of the staff of a place of worship.

"Restaurant" means any establishment, however designated, at which food is sold for consumption on the premises, normally to patrons seated within an enclosed building. Uses with outdoor seating shall also be considered restaurants. A drive-thru facility may or may not be included as part of a restaurant.

"Retail sales" means establishments engaged in the selling or rental of goods or merchandise (usually to the general public for personal use or household consumption, although they may also serve business and institutional clients) and rendering services incidental to the sale of such goods. It includes, but is not limited to, apparel, apparel accessories, groceries, foodstuffs, bakeries, drugstores, packaged liquor sales, gift shops, hardware stores, florists, arts and crafts stores, bookstores, and arts and crafts.

"Right-of-way" or "ROW" means a City, county, or State right-of-way.

"Riparian license" means see "tidelands instrument."

"Secondhand goods" means new or used items not owned by the original manufacturer, retailer, or wholesaler.

"Secondhand goods shop" means an establishment whose business includes selling, buying, or receiving any tangible personal property, or equipment previously owned, such as antiques, precious stones, gold, silver, platinum or other precious metals, jewelry, coins, any tools, television sets, radios, record or stereo sets, electronic devices, musical instruments, sporting goods, automotive equipment, collectibles, and other electronically recorded material, firearms, cameras and camera equipment, video equipment, bric-a-brac, luxury clothing, furs, purses, watches, desktops, laptops, tablets, computers, portable GPS units, cell phones, gaming systems and video game consoles, or similar goods.

"Sedimentation" means the deposition of soil that has been transported from its site or origin by water, ice, wind, gravity, or other natural means as a product of erosion.

"Sign" means any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, the City, or any fraternal, religious, or civic organizations; merchandise pictures or models of products or services incorporated in a window display, works of art which in no way identify a product; graffiti; running, flashing, or phasing lights, which are integral to or serve to accent a principal structure or specific architectural components thereof; or scoreboards located on athletic fields. Particular functional and structural types of signs follows.

1. "Advertising sign" means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located;

2. "Animated or moving sign" means any sign, or part thereof, which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation. Animated signs include the following types:

(a) "Electrically energized animated sign" means illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are of two types:

i. "Animated electrically energized flashing signs," which means illuminated signs exhibiting a pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) varies with the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100 percent (on) during the programmed cycle; and

ii. "Animated electrically energized illusionary movement signs," which means illuminated signs exhibiting the illusion of movement by means of a preprogrammed repetitious sequential switching action in which illuminated elements of the sign and are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns;

(b) "Mechanically energized animated sign" means signs manifesting a repetitious pre- programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives; and

(c) "Naturally energized animated sign" means signs whose motion is activated by wind or other atmospheric impingement. Wind driven signs include flags, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.

3. "Awning, canopy, or marquee sign" means a sign that is mounted or painted on or attached to an awning, canopy, or marquee that is otherwise permitted by this chapter. No such sign shall project above, below, or beyond the physical dimensions of such awning, canopy, or marquee.

4. "Bulletin board sign" means a sign that identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the name or names of the person or persons connected with it, and greetings, announcements of events, or activities occurring at the institution or similar messages.

5. "Business sign" means a sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

6. "Construction sign" means a temporary sign erected on premises on which construction is taking place during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, and similar artisans and the owners, financial supporters, sponsors, and similar persons or firms having a role or interest with respect to the structure or project.

7. "Electronic billboard sign" means a sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs may include, but are not limited to, displays using incandescent lamps and light-emitting diodes (LED).

8. "Governmental sign" means a sign erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance, or governmental regulation.

9. "Ground sign" means any sign, other than a pole sign, placed upon or supported by the ground independently of any other structure.

10. "Historical or architectural designation sign" means a sign designed to provide information on the architectural or historical qualities of a structure, building, or site.

11. "Holiday decorations" means temporary signs in the nature of decorations, clearly incidental to, and customarily and commonly associated with, any national, local, or religious holiday. Any other provision of this chapter to the contrary notwithstanding, such signs may be of any type, number, area, height, location, illumination, or animation.

12. "Home occupation sign" means a sign containing only the name and occupation of a permitted home occupation.

13. "Identification sign" means a sign giving the name, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

14. "Illuminated sign" means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

15. "Joint-identification sign" means a sign that serves as common or collective identification for two or more commercial, resort, or industrial uses sharing an office plaza, shopping center, industrial park, or the like and which is located on such premises. Such sign shall be limited in content to identification of the plaza, center, or park shared by such uses, and shall not contain any reference to the individual uses sharing the plaza, center, or park.

16. "Memorial sign" means a sign or tablet memorializing a person, event, or structure.

17. "Nameplate sign" means a sign giving the name or address, or both, of the owner or occupant of a building or premises on which it is located.

18. "On-site informational sign" means a sign commonly associated with and limited to information and directions necessary or convenient for persons coming on the property, including signs marking entrances and exits, parking areas, one-way drives, restrooms, pickup and delivery areas, and the like.

19. "Pole sign" means a sign that is mounted on a freestanding pole or other supports, so that the bottom edge of the sign face is six feet or more above grade.

20. "Political sign" means a temporary sign announcing or supporting political candidates or issues in connection with any national, State, or local election.

21. "Portable sign" means a sign that is not permanently affixed to a building, a structure, or the ground.

22. "Private sale or event sign" means a temporary sign advertising private sales of personal property at house sales, garage sales, rummage sales, and the like, or private, not-for-profit events such as picnics, carnivals, bazaars, game nights, art fairs, craft shows, and Christmas tree sales.

23. "Projecting sign" means a sign that is, wholly or partly, dependent upon a building for support and which projects more than 12 inches from such building.

24. "Real estate sign" means a sign pertaining to the sale or lease of the premises or a portion of the premises on which the sign is located, excluding sold-by signs.

25. "Roof sign" means a sign that is mounted upon the roof of a building or which is wholly dependent upon a building for support and which projects more than six inches above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

26. "Temporary sign" means a banner, sign, or advertising display constructed of durable material, such as, cloth, canvas, fabric, paper, plywood, or other light material, either portable or stationary, used to display information relating to a land use or event of limited duration, for example, sales, promotions, discounts, new services, new ownership, grand openings, and special events.

27. "Wall sign" means a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and that does not project more than 12 inches from such building or structure.

28. "Warning sign" means a sign limited to messages of warning, danger, or caution.

29. "Wayfinding sign" means signs, landmarks, or other visual graphic communication that are part of a government sponsored and coordinated program for the purpose of directing pedestrian and vehicular traffic to local destinations. Typical wayfinding signs include: gateways, vehicular directional, destination, parking lot identification, parking trailblazer, pedestrian directional, vehicular directional, and pedestrian kiosk.

30. "Window sign" means a sign that is applied or attached to the exterior or interior of a window or located within three feet of the interior of a window and which can be seen from the exterior of the structure.

"Sign face" means the area made available by a sign structure for the purpose of displaying the message.

"Site" means the lot or lots upon which a proposed development is to be constructed.

"Site preparation" means physical activity that is an integral part of a continuous process of land development or redevelopment for a particular development, which must occur before actual construction of

that development, but does not include the taking of soil borings, performing percolation tests, or driving of less than three test pilings.

"Sketch plat" means the sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling next above it and including basements used for the principal use.

"Street" means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way that is an existing State, county, or municipal roadway; or which is shown upon a plat heretofore approved pursuant to law; or which is approved by official action as provided in the MLUL or which is shown on a plat that was duly filed and recorded in the office of the Atlantic County Recorder prior to the appointment of the Authority and the grant thereto of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines. The boardwalk shall not be considered a street.

"Street line" means the dividing line between a lot and a street or a private road or way over which two or more dominant estates have the ROW or the boardwalk.

"Structural alteration" means any change in either the supporting members of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

"Structure" means a combination of materials to form a construction for occupancy, use, or ornamentation, whether installed on, above, or below the surface of a parcel of land, but excluding any structure, as defined by the CAFRA rules that are or may be constructed over water.

"Subdivision" means the division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale or development. The following shall not be considered subdivisions, if no new streets are created: divisions of land found by the Authority to be for agricultural purposes where all resulting parcels are five acres or larger in size; divisions of property by testamentary or intestate provisions; division of property upon court order, including, but not limited to, judgments of foreclosure; consolidation of existing lots by deed or other recorded instrument; and the conveyance of one or more adjoining lots, tracts, or parcels of land, owned by the same person or persons, and all of which are found and certified by the Authority to conform to the requirements of this chapter and are shown as separate lots, tracts, or parcels on the Tax Map of the City. The term subdivision shall also include the term "resubdivision."

"Tattoo parlors" means an establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

1. Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; and/or

2. Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

"Tax map" means the then current Tax Map promulgated by the City.

"Temporary uses" means uses established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent building or structure. No use expressly permitted or permissible as a permanent or temporary use in any zoning district pursuant to the provisions of this chapter shall be allowed as a temporary use in any other zoning district.

"Terrace" means a level plane or surfaced patio, directly adjacent to a principal building at or within three feet of grade and not covered by any permanent structure.

"Theater" means a building used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received.

"Tidelands instrument" means a written document conveying, leasing, or licensing lands owned or claimed to be owned as present or formerly flowed tidelands by the State of New Jersey to public entities or private interests pursuant to N.J.S.A. 12:3-1 et seq., and 13:1B-13 et seq. Tidelands instruments include licenses, long-term leases, conveyances (often called grants), and management agreements. These documents are recorded in the office of the clerk of the county or registrar of deeds and mortgages of the county in which the property is located. This definition shall remain consistent with any future updates to the Coastal Zone Management Rules.

"Tourism District" means the area established within the City by resolution of the Authority in accordance with the Act. See also "District" defined in this section.

"Variance" means permission to depart from the literal requirements of this chapter.

"Waiver" means permission to depart from the document or information submission requirements of this chapter.

"Warehousing" means a building used primarily for the storage of goods and materials.

"Waterfront development permit" means any legal instrument issued by the State of New Jersey pursuant to N.J.S.A. 12:5-3, prior to the development or improvement of the waterfront.

"Water supply system" means any installation or structure designed to provide a potable water supply.

"Wetlands permit" means any legal instrument issued pursuant to N.J.S.A. 13:9A-1 et seq., and 13:9B-1 et seq., and N.J.A.C. 7:7 or 7:7A.

"Wholesale establishment" means a business engaged in the sale of commodities in quantity, usually for resale or business use, chiefly to retailers, other businesses, industries, and institutions.

"Wireless telecommunications towers and facilities" means a Federal Communications Commission-licensed facility, designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices and equipment.

1. "Wireless antennas" means typically a panel type antenna approximately six to 12 inches wide and three to six feet in height, but may also include whip antennas and satellite dish antennas and small/micro cell sites and Distributed Antenna System (DAS) units. Wireless antennas are mounted on existing or new buildings and can be flush or roof mounted; and

2. "Wireless towers" means a structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires) of either lattice or monopole construction.

"Yard" means:

1. A required open space on a lot between a lot line and a building or structure which is unoccupied and unobstructed from grade to the sky, except for the following permitted obstructions:

i. Statuary, arbors, trellises, and barbecue stoves;

ii. Awnings and canopies;

iii. Bay windows and balconies projecting not more than 36 inches from an exterior wall for a distance not more than 1/3 of the length of such wall, provided that such projections shall come entirely within planes drawn from the main corners of the building at an interior angle of 22 1/2 degrees with the wall in question;

iv. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like projecting not more than 36 inches from an exterior wall;

v. Fire escapes or outside stairways projecting from an exterior wall not more than 36 inches;

vi. Flagpoles;

vii. Non-mechanical laundry-drying equipment, except in a front yard;

viii. Off-street parking and loading, but only as expressly authorized in accordance with the provisions of this chapter;

ix. Terraces;

x. Recreational equipment, except in a front yard;

xi. HVAC equipment, except in a front yard;

xii. Handicap ramps; and

xiii. Steps/stoops a maximum of eight feet wide are permitted to encroach up to four feet into front and rear yard setback requirements.

2. Front Yard — A Yard extending the full width of the lot between the street line and the front yard line.

3. Rear Yard — A Yard extending the full width of the lot in the area between the rear lot line and the rear yard line.

4. Side Yard — A yard between a side lot line and a side yard line.

"Yard depth" means:

1. "Front yard depth" means the minimum distance between the front lot line to the front yard line.

2. "Rear yard depth" means the minimum distance between the rear lot line to the rear yard line.

"Yard line" means:

1. "Front yard line" means a line drawn parallel to a front lot line at a distance therefrom equal to the depth of the required front yard.

2. "Rear yard line" means a line drawn parallel to a rear lot line at a distance therefrom equal to the depth of the required rear yard.

3. "Side yard line" means a line drawn parallel to a side lot line at a distance therefrom equal to the depth of the required side yard.

"Yard requirements" means the rules of this chapter establishing minimum front, side, and rear yard requirements and setback requirements for various uses, structures, and districts.

"Zoning district" means as set forth in the definition of "district" as defined in this section.

"Zoning District Map" or "Zoning Map" means the map drawn and approved by the Authority that graphically shows all zoning district boundaries and zoning classifications within the Tourism District, and adopted as an element of the Authority Master Plan.

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.

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.

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.

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.

(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.

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.

SUBCHAPTER 4. DEVELOPMENT APPLICATION PROCEDURES

19:66-4.1 Purpose

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

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

(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.

19:66-4.3 Changes in occupancy—CLUC requirements

(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.

19:66-4.4 Application for CLUC; administrative completeness

(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.

19:66-4.5 Pre-application conference

(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.

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

(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 calendars 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.

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

(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).

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

(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).

19:66-4.9 Application; when hearing is required

(a) 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.

19:66-4.10 Phasing plan permitted

(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.

19:66-4.11 Phasing plan amendments

(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.

19:66-4.12 Administration

(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.

19:66-4.13 Minor subdivision procedure

(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.

19:66-4.14 Major subdivision procedure

(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.

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

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

SUBCHAPTER 5. ZONE DISTRICT USE STANDARDS

19:66-5.1 Establishment of zoning districts

(a) The Tourism District is divided into the following zoning districts:

1. Beach District (B);
2. Resort Commercial (RC);
3. Ducktown Arts (DA);
4. Central Business District (CBD);
5. Gateway (GWAY);
6. Marina (M);
7. Gardner's Basin (GB);
8. Bader Field (BADER);
9. Thorofare Waterfront (TW);
10. Lighthouse One (LH-1);
11. Lighthouse Two (LH-2);
12. Kentucky Avenue Renaissance (KAR);
13. Absecon Inlet (AI);
14. Open Space (OS); and
15. Beach Conservation (BC).

19:66-5.2 General provisions

(a) The following provisions shall apply to all zoning districts:

1. The design of all improvements shall comply with the provisions of this chapter.

2. Minimum lowest floor elevations for structures shall comply with the standards of the FHACA Rules at N.J.A.C. 7:13-12.5 and the Uniform Construction Code.

3. Renewable and/or sustainable energy systems, such as photovoltaic, wind energy, hydropower, or geothermal system installations, and other systems determined by the Authority engineer to be renewable and/or sustainable energy system installations, shall be subject to the following:

i. Such systems are permitted as principal uses in non-residential zoning districts only and as accessory uses in all zoning districts;

ii. Such systems mounted on or in a building located in zoning districts allowing residential uses shall be permitted as accessory uses. All other systems in zoning districts allowing residential uses shall require special exception approval;

iii. Any structure associated with such system(s) shall comply with all bulk requirements of the zoning districts, except that ground-mounted photovoltaic arrays installed over vehicular use areas may be permitted at a minimum setback of five feet from side and rear property lines in non-residential zoning districts; and

iv. All performance standards set forth in this chapter shall apply.

19:66-5.3 General use limitations

(a) Any use not expressly permitted in this subchapter shall be deemed prohibited in all zoning districts.

(b) There shall be no more than one principal building or use on any lot or parcel.

(c) The following use limitations shall apply:

1. No slaughtering of animals or boarding of livestock shall be permitted in any zoning district.

2. Except for restaurants, all operations, activities, and storage shall be conducted within completely enclosed buildings, with the exception of the following, when conforming to this chapter:

i. Public utility equipment and operations that cannot be located in an enclosed structure, including electric generating, transmission, and distribution equipment; and

ii. Outdoor storage areas must be screened with an opaque architectural screen or fence that substantially conforms to the color and building materials of the principal structure, and of a height not less than the height of the materials stored, or not higher than eight feet, whichever is less.

3. Sexually orientated businesses as defined in N.J.S.A. 2C:34-6 shall not be permitted in any zoning district established in accordance with this chapter.

19:66-5.4 Accessory uses

(a) Accessory uses are permitted in any zoning district in connection with any principal use that is permitted within such zoning district. No accessory use shall be constructed, moved, remodeled, established, altered, or enlarged unless it complies with the requirements of this subchapter.

(b) Accessory structures shall be subordinate in size and intensity to the principal structure.

(c) Accessory uses shall be customary and incidental to the principal use.

(d) No accessory use or structure shall be permitted in any required front yard.

19:66-5.5 Outdoor seating areas

(a) Accessory outdoor seating areas shall be permitted in every zoning district when provided in accordance with the following:

1. The outdoor seating area for restaurants shall not exceed the maximum interior seating capacity, not including bar and lounge seating.

2. The outdoor seating area for all other uses shall not exceed 15 percent of the floor area of the principal use.

3. Outdoor seating areas do not require compliance with any stipulated building setbacks, however, a minimum pedestrian accessway of five feet shall be maintained at all times.

4. Outdoor seating areas shall not be located in required parking and/or loading areas.

(b) Street furnishings, bus stops, and outdoor seating areas used for passive recreational purposes shall be exempt from this section.

19:66-5.6 Marinas

(a) Marinas shall meet the following minimum requirements:

1. Every marina shall be open to the public. A fee is optional.

2. Marinas shall provide a minimum of one docking berth for each 20 feet of water frontage in accordance with the following:

i. Docking berths shall be a minimum dimension of 12 feet by 28 feet; and

ii. Aisles between rows of berths shall be a minimum 35 feet wide.

3. Marinas shall provide areas for public boat launching, which shall include the following:

i. A ramp to the adjacent water body with a minimum width of 15 feet;

ii. Sufficient maneuvering space between the ramp and parking areas;

iii. Trailer parking spaces with a minimum dimension of 10 feet by 40 feet; and

iv. Restrooms shall be provided for marina patrons along with a waste pump out facility.

4. Marinas shall provide areas for public boat mooring in accordance with the following:

i. A minimum of one space per 100 feet of water frontage; and

ii. A minimum dimension of 12 feet by 28 feet with proper access.

5. Marinas shall provide parking, loading, and trailer parking in accordance with the provisions of this chapter.

19:66-5.7 Signs

(a) Purpose. The regulation of signs by this section is intended to promote and protect the public health, safety, and welfare of the Tourism District by creating a more attractive economic and business climate within the commercial, resort, and industrial areas of the Tourism District by enhancing and protecting the physical appearance of all areas of the Tourism District and by reducing the distractions, obstructions, and hazards to pedestrian and auto traffic caused by the indiscriminate placement and use of signs.

(b) Scope. This subchapter shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance, relocation, and removal of all signs within the Tourism District visible from any street, road, sidewalk, public, or private property. Any sign not expressly permitted by this section shall be prohibited. This section relates to the location of signs, by function and type, within zoning districts and shall be in addition to provisions of the City building code and the City electrical code applicable to the construction and maintenance of signs.

(c) A CLUC shall be required as follows:

1. Except as expressly provided in this section, no sign shall be erected, enlarged, expanded, altered, or relocated unless a CLUC evidencing the compliance of such work with the provisions of this subchapter and other applicable provisions of this chapter shall have first been issued, provided, however, that routine sign maintenance, changing of parts designed to be changed or changing the content of a sign in any manner, which does not change the functional classification of the sign shall not, standing alone, be considered an alteration of the sign requiring the issuance of a CLUC.

2. Every application for a CLUC for a sign shall be accompanied by a copy of plans and specifications showing the method of construction, illumination, and support of such sign and a sketch, drawn to scale, showing signs faces, exposed surfaces, and the proposed message and design accurately represented as to size, area, proportion, and color; by black and white photographs of the street sides of the property in question, showing all existing signs on the property; by a calculation of the total amount of sign area presently existing on the property; and by the applicant's attestation that the number of and the sum of the areas of the requested sign or signs and the existing signs do not exceed the maximum allowable by the provisions of this chapter.

3. Upon receipt of an application, the items submitted therewith shall be reviewed by the land use administrator to determine if the essential elements of the application have been satisfied. If the application is incomplete, the land use administrator shall deny the permit and advise the applicant of the deficiencies within 10 business days. An application for a CLUC shall be approved or disapproved within 10 working days after it is received by the land use administrator in accordance with the provisions of this chapter. The CLUC shall be sent to the applicant with a copy to the City construction official and City clerk.

4. Any non-compliant signage will require a variance application and a hearing, where the applicant must provide the statutory proofs in accordance with the applicable MLUL standards.

(d) General standards. The following general standards shall apply to all signs:

1. Illumination. A sign shall be illuminated internally with a translucent face or by a shielded or otherwise indirect, non-flashing light. In no event shall an illuminated sign be placed or directed in a manner that casts the beams and illumination onto other properties or roadways. No illuminated sign located on a lot adjacent to or across the street from any zoning district permitting residential uses and visible from such zoning district shall be illuminated between the hours of 11:00 P.M. and 7:00 A.M., unless the use to which the sign pertains is open for business.

2. Electrical elements. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the Atlantic City Electrical Code. An Underwriters' Laboratories label shall be affixed to every sign having any electrical component.

3. Structural elements. The construction and structural components of all signs shall be in accordance with the standards and regulations of the Atlantic City Building Code. In no case shall the structural elements of a pole sign extend above the top of the sign face. Any movable parts of a sign shall be securely fastened by screws or hinges.

4. Obstruction of accessways. No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door, window, or other required accessway. No sign of any kind shall be attached to a standpipe or fire escape.

5. Obstruction of light and air. No sign shall be erected or maintained within the zone of light obstruction for any window opening into any habitable room of any residential unit. The zone of light obstruction is a segment of a cone described horizontally by an arc drawn from the center line of the window, measured horizontally, extending to 70 degrees from the center line on either side of the center line, at a radius of 40 feet, and described vertically by the space between a plane extending horizontally from the windowsill and a plane extending from the top of the window at an angle of 160 degrees to the face of the building at a distance of 40 feet measured perpendicularly from the face of the building.

6. Obstruction of window surface. No sign shall project over, occupy, or obstruct any window surface required for light or ventilation by any applicable law, ordinance, or regulation.

7. Traffic safety. No sign shall be maintained at any location where, by reason of its position, size, shape, content, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic control sign, signal, or device or where it may interfere with, mislead, or confuse traffic.

i. No sign nor any part of a sign, other than a supporting pole or brace no greater than 18 inches in width or diameter, shall be installed in a manner inconsistent with the sight triangle requirements of this chapter.

8. Signs in ROW. No sign, except publicly owned signs, shall be placed in or extend into or over any public ROW.

9. Signs painted on walls. No sign shall be painted directly on a building wall except a sign pertaining to a use carried on within such building.

10. Sign maintenance. In the case of advertising signs, the owner of a sign and, in the case of all other signs, the owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including its illumination sources, in a neat and orderly condition and good working order at all times and to prevent the development of any rust, corrosion, rotting, or other deterioration in the physical appearance or safety of such sign.

i. Unsafe signs; unsightly, damaged, deteriorated signs; or signs in danger of falling shall be put in order or removed upon written notice. Immediate compliance is expected for the repair or removal of unsafe signs. If compliance is not achieved within the time period specified in such notice, the sign shall be repaired or removed by the Authority and the costs assessed to the property owner.

11. Sign measurement shall be as follows:

i. Area to be included. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign, unless such structure or bracing is made part of the message or face of the sign. Where a sign has two sign faces back to back, the area of only one face shall be included in determining the area of the sign. Where a sign has more than one sign face, the area of which can be viewed simultaneously from any location, that is, side-by-side sign faces, all faces that can be viewed simultaneously shall be included in determining the area of the sign.

ii. Area of signs with backing. The area of all signs with backing shall be measured by computing the area of the sign backing.

iii. Area of signs without backing. The area of all signs without backing shall be measured by computing the area of the smallest regular geometric figure that can encompass all words, letters, figures, emblems, and other elements of the sign message.

iv. Area of signs with and without backing. The area of all signs formed by a combination of elements with and without backing shall be measured by combining the area of such elements measured in accordance with the provisions of this subchapter.

v. Height of signs. Sign height shall be measured between grade and the highest point of the highest element of the sign, excluding any incidental structural element, such as uplift cable for a projecting sign.

12. Projecting signs. All projecting signs shall be supported from the wall or vertical support in accordance with the standards and regulations of the City Building Code, including the Electrical Code. No projecting sign shall extend more than four feet from the wall nor shall be nearer the curb-line more than two feet. Projecting signs shall project from the wall at an angle of 90 degrees and shall not project from any building corner. No part of any projecting sign shall extend lower than eight feet above grade.

13. Signs near landmarks and landmark sites. No ground, pole, roof, or projecting signs shall be located within 50 feet of any lot line of a designated landmark or landmark site if the sign or sign structure is visible from such lot line at a point five feet above ground level.

14. Sign materials. All signs shall have a surface or facing of incombustible material or be of approved combustible material. Any glass forming a part of any sign shall be safety glass, wired glass, or plate glass of a thickness in compliance with the City Building Code.

15. Electronic message sign brightness. Message center signs and digital displays are subject to the following brightness limits: during daylight hours between sunrise and sunset, luminance shall be no greater than 5,000 nits. At all other times, luminance shall be no greater than 250 nits. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.

(e) Signs shall be classified as either functional or structural as set forth in this subsection.

1. Functional signs shall be classified as follows:

i. Advertising sign;
ii. Advertising vehicle sign;
iii. Animated or moving sign;
iv. Bulletin board sign;
v. Business sign;
vi. Construction sign;
vii. Governmental signs;
viii. Historical or architectural designation signs;
ix. Holiday decorations;
x. Home occupation sign;
xi. Identification sign;
xii. Joint-identification sign;
xiii. Memorial sign;
xiv. Nameplate sign;
xv. On-site informational sign;
xvi. Political sign;
xvii. Private sale or event sign;
xviii. Real estate sign;
xix. Wayfinding signs; or
xx. Warning signs.

2. Structural signs shall be classified as follows, according to structure:

i. Awning, canopy, or marquee sign;
ii. Ground sign;
iii. Pole sign;
iv. Portable sign;
v. Projecting sign;
vi. Roof sign;
vii. Wall sign; or
viii. Window sign.

(f) A temporary sign is permitted subject to the following:

1. The sign must be of durable waterproof material.

2. The sign shall not be displayed for a period of more than 30 consecutive days per calendar quarter for a maximum of four times a year. There must be at least 30 days between the removal and the installation of any subsequent temporary sign. Notice must be given to the land use regulation enforcement officer upon each instance when a temporary sign is displayed.

3. Any temporary sign in any one retail use shall not exceed 10 percent of the total window area of that use.

4. The sign cannot be larger than the permitted sign and cannot exceed the total width of the display window(s).

5. The sign cannot cover the business sign and cannot cover key architectural features.

6. The sign must be placed on the property of the business it advertises.

7. Hand-written temporary signs are not permitted.

8. No other items may be affixed to store windows (including, without limitation, newspaper articles and product promotions).

9. Temporary signs require a CLUC. The applicant for a temporary sign must submit the following information to the land use administrator at least 14 days prior to installing the temporary sign:

i. The proposed date of installation and subsequent removal;
ii. The sizes and number of temporary signs;
iii. The location(s) and method of affixing or attachment;
iv. The proposed message or advertisement; and
v. The percentage area of the temporary sign in relation to the building elevation area.

10. The applicant shall print in one-inch numbers in the lower right front corner of the temporary sign, the date installed and the date to be removed, for example, “12/7/16-12/21/16.”

(g) Signs permitted in any zoning district without certificate or fee. Except as expressly prohibited in this subchapter and notwithstanding any other contrary provision of this chapter, the following signs may, subject to the conditions and limitations in this subsection, be erected and maintained in any zoning district without obtaining or paying the fee required for such certificate:

1. Governmental signs. Governmental signs, provided that the content and size of any such sign shall not exceed the requirements of the law, ordinance, or regulation pursuant to which such sign is erected.

2. Nameplate signs. Nameplate signs, provided that such signs are limited to no more than one wall, projecting, or ground sign per occupancy; are no more than one square foot in area and are illuminated only by an indirect source of light. No projecting sign shall extend more than six inches from the face of a wall. No ground sign shall be higher than three feet.

3. Warning signs. Warning signs, provided that such signs are limited to no more than two wall or ground signs per occupancy, are no more

than four square feet in area each, and illuminated only by an indirect source of light.

4. Memorial signs. Memorial signs, provided that such signs are limited to no more than one wall or ground sign per occupancy, made of durable materials, such as bronze, stone, or concrete, are no more than four square feet in area, and are illuminated only by an indirect source of light.

5. Historical or architectural designation signs. Historical or architectural designation signs, provided that such signs are limited to no more than one wall or ground sign per occupancy, are no more than six square feet in area, illuminated only by an indirect source of light, and contain no commercial advertising.

6. Holiday decorations. Holiday decorations, provided that such signs shall be displayed for a period of not more than 60 consecutive days nor more than 20 days following the holiday in connection with which they are displayed.

7. Construction signs. Construction signs, provided that such signs are limited to no more than one wall or ground sign per street frontage, no more than 60 square feet in area, illuminated only by an indirect source of light, and maintained for no more than 14 days following the conclusion of the construction in question.

8. Window signs. Temporary non-illuminated window signs advertising coming events, special sales, contests, promotional activities, and civic or political activities maintained for a period of no longer than 45 days before such event nor more than three days after such event and permanent non-illuminated window signs calling attention to compliance with standards, association with credit groups or premium stamp promotions and the like, provided that the aggregate area of all window signs shall not exceed 33 percent of the area of the window in which they are exhibited nor block any window area required for light, ventilation, or emergency exit by any applicable code.

9. Window signs are permitted in all commercial zoning districts. window signs for the purpose of identification of the business include lettering painted on glass, letter decals attached to glass, and neon lettering attached to interior and visible through the glass are permitted to identify the business establishment at the site provided that the area used for such purpose shall not exceed 25 percent of the total window (glass) area on which it is located.

10. Accessory window signs include “open” sign, “days and hours of operation” sign, or “site address” sign, affixed window signs limited to indicate membership in a retail or professional organization or credit card or credit association, to show manufacturers’ or required licenses, or advertisements referable to sales within, shall be permitted to be attached to windows on the interior of the business use, provided that the aggregate area used for the business identification listed above and accessory window signs shall not exceed 33 percent of the total window (glass) area on which it is located.

11. Real estate signs. Real estate signs, provided that residential property with structure(s) 40 feet or under in height and vacant land are limited to no more than one wall or ground sign and not more than eight square feet in area; residential property with structure(s) over 40 feet in height are limited to no more than two wall or ground signs not more than 24 square feet in area for each sign; and commercial property with or without structure(s) are limited to no more than two wall or ground signs not more than 32 square feet in area for each sign.

12. On-site informational signs. On-site informational signs, provided that each such sign is limited to a wall, window, or ground sign of not more than two square feet in area and not more than 12 feet in height above grade.

13. Flags and emblems. Flags or emblems of a government or of a political, civic, philanthropic, educational, or religious organization.

14. Private sale and event signs. Private sale and event signs, provided that much signs are no more than four square feet in area, located entirely on the premises where such sale or event is to be conducted or on other private property pursuant to the owner’s consent, are clearly marked with the name, address, and telephone number of the person responsible for the removal of such sign, are erected not more than 12 hours in advance of such sale or 45 hours in advance of such event, and are removed on the day following the conclusion of such sale or event.

15. Political signs. Political signs, provided that such signs are not more than 10 square feet in area if located in a commercial, resort, or industrial zoning district or four square feet in area if located in any other zoning district are limited to not more than one per lot, located entirely on private property pursuant to the owner’s consent, clearly marked with the name, address, and telephone number of the person responsible for the removal of such sign, erected not more than 45 days prior to such election, and are removed within 14 days following such election.

16. Home occupation signs. Home occupation signs, provided that such signs are limited to no more than one wall sign per occupancy, no more than one square foot in area, and are not lighted.

17. Advertising vehicle signs. Advertising vehicle signs, but only on public transportation vehicles.

18. Portable sandwich signs. Portable sandwich signs are permitted in the front of business establishments on private property and in the public pedestrian ROW (sidewalk or boardwalk) area subject to the following specifications:

i. Maximum sign width over public sidewalk-two feet six inches.

ii. Signs shall be placed in such a manner as to not block pedestrian access in the public pedestrian ROW. The land use regulation enforcement officer shall have the authority to remove signs from the public pedestrian ROW, if the official determines that it is blocking public access and may be a hazard to the public.

iii. Maximum height of a sign: four feet above the sidewalk surface;

iv. Maximum sign area: nine square feet;

v. Sign area (each side) is in addition to the permitted maximum sign area;

vi. Signs must be made of durable weatherproof material;

vii. Signs cannot be placed within 25 feet of another adjoining sandwich sign in the public pedestrian ROW;

viii. Signs shall only be placed in front of the commercial establishment in which it advertises;

ix. Owner must remove the sign at the closing of the establishment each day. No person shall erect or allow a projecting sign or sandwich sign that encroaches into the public pedestrian ROW area without having received a license from the City. A license is not required in the event the sign is located on private property; and

x. The structure and construction of the projecting sign shall comply with the New Jersey Uniform Construction Code, where applicable. The signage shall be maintained in good condition and repair. Any sign, which is not maintained shall, after notice and an opportunity to correct any deficiency, be required to be removed at the owner’s expense.

(h) Signs specifically prohibited in all zoning districts. The following signs are prohibited in all zoning districts and shall not be erected, maintained, or permitted to continue in any zoning districts:

1. Animated or moving signs. Animated or moving signs, except as expressly authorized by specific zoning district rules.

2. Advertising vehicle signs. Except as provided in this subchapter, no person shall operate or park any advertising vehicle on any street, on any public property or on any private property so as to be visible from any street.

3. Miscellaneous prohibited signs shall include:

i. Any sign on a tree or utility pole or painted on or otherwise directly affixed to any rock, ledge, or other natural feature, whether on public or private property; or

ii. Any sign, including advertising vehicle signs that advertises or promotes a use that is prohibited within the district.

(i) Sign rules for predominantly residential zoning districts. Signs shall be permitted in the LH-1, LH-2, DA, and OS districts as follows:

1. Functional types permitted:

i. All signs permitted in any zoning district without a CLUC or fee as provided in this subchapter;

ii. Bulletin board signs, when accessory to an institutional use in the zoning district;

iii. Identification signs, when accessory to an institutional use in the zoning district; and

iv. Business signs, when accessory to a commercial use in the zoning district;

2. Structural types permitted:

i. Ground signs;
ii. Wall signs; and
iii. Window signs, when accessory to a commercial use in the zoning district;
3. Number of signs permitted:
i. One wall sign or ground sign per street frontage when accessory to an institutional use in the zoning district; and
ii. One window sign per use when accessory to a commercial use in the zoning district;
4. Maximum gross surface area of signs permitted:
i. Ten square feet per face for a wall sign or ground sign. No ground sign shall have more than two faces; and
ii. Window signs accessory to commercial uses permitted by a conditional use approval in the zoning district shall not exceed 33 percent of the area of the window in which they are displayed nor block any window area required by any applicable code for light, ventilation, or emergency exit;
5. Maximum height of signs permitted:
i. Ground signs: three feet;
ii. Wall signs: 15 feet or no higher than the second floor windowsill, whichever is less; and
iii. Window signs: no higher than in a window on the level at which the principal use takes place;
6. Minimum setback required. For ground signs, five feet from all lot lines; and
7. Type of illumination permitted:
i. LED, LCD indirect, and internal illumination;
ii. Neon and other gas-type illumination; and
iii. No window sign installed in a window above the ground floor shall be illuminated.
(j) Sign rules for commercial and special purpose districts. Signs shall be permitted in the GWAY, RC, CBD, KAR, TWD, B, MARINA, GB, AI, and BADER zoning district as follows:
1. Functional types permitted:
i. All signs permitted in any zoning district without certificate or fee as provided in this subchapter;
ii. Bulletin board signs;
iii. Identification signs;
iv. Business signs;
v. Joint-identification signs; and
vi. Advertising signs, subject to the provisions of this subchapter;
2. Structural types permitted:
i. All structural types specified in (e) above, except roof signs; and
ii. Electronic billboard signs;
3. Number of signs permitted:
i. Two wall signs and either one ground sign or one pole sign per street frontage;
ii. One awning, canopy, or marquee sign;
iii. One projecting sign;
iv. One window sign per use when accessory to a commercial use in the zoning district; and
v. One electronic billboard sign;
4. Maximum gross surface area of signs permitted:
i. Total area for all signs, other than as specified in this subchapter, shall not exceed 25 percent of the total wall surface per elevation; and
ii. Six hundred and fifty square feet of display area for electronic billboard signs;
5. Maximum height of signs permitted:
i. Awning, canopy, or marquee signs: 20 feet or no higher than the second floor windowsill, whichever is less;
ii. Projecting signs: 20 feet or no higher than the second floor windowsill, whichever is less;
iii. Ground signs: five feet;
iv. Pole signs: 20 feet;
v. Wall signs: no higher than the roofline of the wall supporting the sign; and
vi. Electronic billboard signs: 40 feet;
6. Minimum setback required:
i. Wall, awning, canopy, marquee, projecting, and window signs: none; and
ii. Ground, pole, and electronic billboard signs: five feet from all lot lines; and
7. Type of illumination permitted:
i. LED, LCD indirect, and internal illumination; and
ii. Neon and other gas-type illumination.
(k) Special rules applicable to specified signs are as follows:
1. Automobile service station and gas station and convenience center signs. This paragraph, rather than (a) through (j) above, shall apply to signs accessory to automobile service stations and gas station and convenience centers located in a zoning district:
i. Functional types permitted. Any functional type sign is permitted in the zoning district.
ii. Structural types permitted. Any structural type sign listed in this subchapter, except projection and roof signs are permitted.
iii. Number of signs permitted. Two wall signs and one freestanding sign shall be permitted per roadway frontage.
iv. Maximum gross surface area of signs permitted is as follows:
(1) Total area for all signs, permanent and temporary, but not including signs permitted pursuant to this subchapter, shall not exceed two square feet per linear foot of building frontage facing any street line.
(2) Window signs shall not exceed 33 percent of the area of the window in which they are exhibited nor block any window area required by any applicable code for light, ventilation, or emergency exit.
(3) No ground or pole sign shall have more than two faces.
v. Maximum height of signs permitted:
(1) Wall, awning, canopy, pole, marquee, and projecting signs: 20 feet or no higher than the roof eave or second floor windowsill, whichever is less.
(2) Window signs: no higher than in windows on the ground floor, unless there is a separate and distinct use on any higher floor.
(3) Ground signs: five feet.
vi. Minimum setback required.
(1) Wall, awning, canopy, marquee, projecting, and window signs: none.
(2) Ground signs: five feet from any other lot line.
vii. Type of illumination permitted.
(1) LED, LCD indirect, or internal illumination.
(2) Neon and other gas-tube illumination.
(3) No sign installed above the second floor shall be illuminated.
viii. Revolving signs are prohibited.
2. Parking lot and parking garage signs. This paragraph, rather than (a) through (j) above, shall apply to signs accessory to parking lots and garages in the district:
i. Functional types permitted or required:
(1) Identification signs;
(2) Current rate signs;
(3) Tariff signs;
(4) Prohibitory (towing) signs; and
(5) Closed signs;
ii. Structural types permitted:
(1) Awning, canopy, or marquee sign;
(2) Ground sign;
(3) Projected sign;
(4) Wall sign; and
(5) Pole sign.
iii. Identification signs shall:
(1) Not exceed 16 square feet in size;
(2) Be not lower than four feet nor higher than 14 feet;
(3) Be placed where most desirable to fit the needs of the individual business; and
(4) Be the style and coloring in keeping with the operator's logo, trademark, or other identifying symbol;
iv. Current rate signs:
(1) Shall not exceed four by four feet;
(2) Shall be not lower than four feet nor higher than eight feet;
(3) Shall be parallel or perpendicular to street frontage; and
(4) The rates must be in accordance with (k)2v below and all rates must be the same size. The sign must show the period of time for which the vehicle is to be stored or parked and must show the initial fee and the subsequent, if that subsequent fee is different than the initial fee, above

the rate. The words "CURRENT RATE" in capital letters, four inches high, in Helvetica Medium letter style are required. The sign must indicate the parking rate in effect at the time that the sign is displayed. The current rate sign must have a white background, letters in six-inch Helvetica Medium letter style, black in color numerals in eight-inch minimum, 16-inch maximum, red in color; and interchangeable inserts of slots for fee and hour;

v. Tariff signs shall:

(1) Not exceed two by three feet;

(2) Be no higher than eight feet, nor lower than can be seen unobstructed from all entrances when the lot is full;

(3) Be posted prominently, in an unobstructed location, permanently affixed to the attendant's booth; and

(4) State the entire rate schedule of the parking facility that is on file with the City transportation department. All rates must be the same size, with white background, black lettering, red numerals. It shall have the name of the operator, mercantile license number, and the address. The specifications for lettering and numeral size provide that a full and maximum use is made of the surface area in a neat and clear manner;

vi. Public prohibitory (towing) signs shall be:

(1) Two feet by four feet;

(2) No higher than eight feet nor lower than four feet.

(3) Posted in a visible location at all entrances to the facility. If the entrance requirement is not sufficient due to the largeness of the facility, then posted in a visible location or locations, so that a sign is clearly visible to all entrances and parking places within the parking facility; and

(4) Posted with a sign reading "Unauthorized Vehicles Will Be Towed," the name of the towing company, the address and telephone number of the towing company, and the fee for the towing, individually boxed underneath the prohibitory reading;

vii. Private property prohibitory (towing) signs shall be as follows:

(1) Private property towing signs must be posted in an unobstructed location, reading "Private Property, No Parking, Tow Away Zone," the name of the towing company, the address and phone number of the towing company, and the fee for the towing.

(2) All prohibitory (towing) signs are to be white background, red letters and numerals, three-inch Helvetica Medium style lettering, company name boxed seven inches by 12 inches, address and telephone number boxed seven inches by 12 inches, and fit in a four-by-four-inch box lined area; and

viii. Closed signs:

(1) Should fit the slots in the current rate, of sufficient size to cover the fee portion of the current rate sign;

(2) Posted when warranted, across current rate sign when the lot is not open to the public;

(3) Posted at all entrances to the facility; and

(4) The lettering must be six-inch red letters, Helvetica Medium Bold, with a white background.

3. Time-and-temperature signs. On each lot, one pole, projecting or ground sign whereon the current time or temperature, or both, is indicated by intermittent lighting shall be permitted; provided, however, that not more than one such sign shall be permitted on any one frontage. Lighting changes on any such sign shall be limited to the numerals indicating the time or temperature and to not more frequent changes than once in every 15 seconds. No such sign shall be larger than 16 square feet per sign face nor shall have a height in excess of 20 feet. Every such sign shall be setback at least 10 feet from any street line and five feet from any other lot line.

4. Signs accessory to any nonconforming uses shall be subject to this subchapter.

5. Skyway bridge signs. Skyway bridges are those structures that are built over the City's streets and are primarily for the movement of people from one principal structure to another. A skyway bridge may also contain public space associated with the principal structures it connects. Skyway bridge signs are specified signs attached to these structures.

i. Functional types of skyway bridge signs permitted shall be as follows:

(1) Identification signs; and

(2) Business signs.

ii. Structural types of skyway bridge signs permitted shall be as follows:

(1) Wall signs; and

(2) Temporary signs.

iii. Number of skyway bridge signs permitted shall be as follows:

(1) One identification sign per side; maximum of two signs; and

(2) One temporary sign or wall sign with a temporary business message per side; maximum of two signs.

iv. The locations of signs on skyway bridges shall be subject to the following limitations:

(1) Signs cannot extend beyond the physical dimensions of the structure; and

(2) Signs cannot be placed over any transparent portion of the structure that allows light onto the pedestrian portion of the bridge or pedestrian views from the bridge.

v. Types of illumination for skyway bridge signs shall be as follows:

(1) LED, LCD, indirect, or internal illumination;

(2) Neon and other gas-type illumination; and

(3) Decorative bridge lighting, which is not part of a sign will be clear bulbs only. Said lighting can be stationary or moving but not flashing.

19:66-5.8 Onsite parking and loading requirements

(a) Residential parking shall follow the requirements of the New Jersey Residential Site Improvement Standards at N.J.A.C. 5:21.

(b) The following parking requirements shall apply for non-residential uses:

1. Retail uses: One space for each 300 square feet of floor area.

2. Personal service uses: One space for each 400 square feet of floor area.

3. Hotels, motels, and hotels-casinos: One space per hotel room for the first 500 rooms; one space per two hotel rooms beyond 500 rooms; and for non-hotel activities, 12 spaces per 1,000 square feet of gross floor area for non-hotel floor area for non-hotel space applied to the first 40,000 square feet, six spaces per 1,000 square feet for the next 60,000 square feet, and three spaces per 1,000 square feet for floor area over 100,000 square feet.

4. Restaurants and bars: One space for each customer based upon 30 percent of building capacity or 150 square feet of floor area, whichever is greater.

5. Banks without drive-through facilities: One space for each 400 square feet of floor area.

6. Banks with drive-through facilities: One space for each 500 square feet of floor area.

7. Medical offices and clinics: One space for each 1/6 of a doctor.

8. Professional offices: One space for each 400 square feet of floor area.

9. General warehousing and storage facilities: One space for each 500 square feet of floor area.

10. Instructional academies: One space for each six students.

11. Elementary and high schools, public, private, and parochial: One space for each four students over 16 years of age.

12. House of worship: One space per five seats in the sanctuary or equivalent worship space.

13. Nursery school or day care center: One space for every employee on duty during the largest shift plus one space for every seven children in attendance when the facility is operating at maximum capacity.

14. College or university: One space for every three employees plus one space for every 10 students residing on campus and one space for every five students not residing on campus.

15. Art gallery: Three spaces for every 1,000 square feet of gross floor area of exhibit area or gallery space.

16. Theater, auditorium, or arena: One space for every three seats.

17. Sports club/health spa: Five spaces for every 1,000 square feet of gross floor area.

18. Automobile service station and gas station and convenience center fueling station: Three spaces for each service stall and one space for each employee on duty during largest shift.

19. Auto repair: Five spaces for every 1,000 square feet of gross floor area.

20. Hospital: One space for every two beds.
21. Commercial amusement: One space per 200 square feet.
22. Government office: One space for each 400 square feet of floor area.

(c) The following loading requirements shall apply for all commercial uses:
1. 10,000 to 99,999 square foot building: One;
2. 100,000 to 149,999 square foot building: Two;
3. 150,000 to 399,999 square foot building: Three;
4. 400,000 to 659,999 square foot building: Four;
5. 660,000 to 969,999 square foot building: Five;
6. 970,000 to 1,300,000 square foot building: Six; and
7. For each additional 350,000 square feet, one additional loading space shall be required.

19:66-5.9 Zoning district rules; Beach (B)

(a) Purpose. The purpose of the B Beach District is to capitalize on the unique land use attributes inherent of the proximity to the Atlantic Ocean through promotion and zoning controls that maximize the value of the zoning district.

1. The following shall apply in the B Beach District:
i. Permitted uses are as follows:
(1) Amusements;
(2) Temporary ground mounted amusement rides (that is, blow up water slides);
(3) Beach bars;
(4) Restaurants;
(5) Recreation;
(6) Seating and entertainment pavilions;
(7) Concerts and temporary entertainment venues including, but not limited to, stages; and
(8) Lifesaving/lifeguard huts and structures.
ii. Permitted accessory uses are as follows:
(1) Outdoor vending machines. A maximum of two machines within the front yard area;
(2) Wireless telecommunications antennas; and
(3) Any use that is customary and incidental to permitted principal uses.
iii. The area and bulk requirements in the B District are:
(1) Maximum height (measured from BFE or sea level): 35 feet (principal); 20 feet (accessory);
(2) Minimum lot area: 5,000 square feet;
(3) Minimum lot depth: 50 feet;
(4) Minimum lot width: 100 feet;
(5) Minimum lot frontage: 100 feet;
(6) Minimum building coverage: 30 percent;
(7) Minimum impervious coverage: 40 percent;
(8) Minimum front yard: 0 feet;
(9) Minimum side yard: 0 feet;
(10) Minimum rear yard: 20 feet;
(11) Floor area ratio: N/A;
(12) Open space: N/A; and
(13) Density: N/A.
iv. Signs are permitted in accordance with the provisions of this chapter.
v. Parking and loading is permitted in accordance with the provisions of this chapter.
vi. Fences are permitted in accordance with the provisions of this chapter.
vii. Performance standards. All uses established shall comply with the performance standards set forth in accordance with the provisions of this chapter.

19:66-5.10 Zoning district rules; resort commercial (RC)

(a) Purpose. The purpose of the RC Resort Commercial District is to provide an array of land uses that will capitalize on the zoning district's geographical advantages of the zoning district's proximity to the boardwalk and the Atlantic Ocean. The Resort Commercial District also offers the highest intensity residential offerings within the Tourism District with a variety of supportive commercial and services uses. The vision is to create an environment where residential and resort offerings seamlessly integrate.

1. The following shall apply in the RC Resort Commercial District:
i. Permitted uses are as follows:
(1) Hotels, including condotels;
(2) Casino hotels;
(3) Professional and medical offices, except narcotic/psychiatric/alcohol treatment facilities;
(4) General offices;
(5) Recreation;
(6) Retail sales;
(7) Indoor and outdoor restaurants, including sidewalk cafés;
(8) Bars and craft breweries and distilleries;
(9) Entertainment;
(10) Recreation;
(11) Amusement rides;
(12) Educational uses, college, and instructional uses;
(13) Institutional uses;
(14) Catering services;
(15) Hospitals;
(16) Parks;
(17) A combination of one or more of (a)1i(1) through (16) above;
(18) Personal services, except for secondhand goods shops, cash for gold stores, and pawn shops;
(19) Pop-up uses; and
(20) Multi-family residential mid-rises and high-rises.
ii. Permitted accessory uses:
(1) Public and private garages;
(2) Outdoor vending machines (a maximum of two machines within the front yard area);
(3) Other uses customarily incidental to the principal permitted uses and on the same lot; and
(4) Wireless telecommunications antennas mounted to existing or new buildings and existing towers.
iii. Uses requiring a conditional use approval, subject to the specific conditions set forth in this chapter are as follows:
(1) Automobile service station and gas station and convenience center;
(2) Automobile repair;
(3) House of worship;
(4) Food trucks/trailers;
(5) Public parks, playground, and community centers; and
(6) Public utility stations.
iv. The area and bulk requirements in the Resort Commercial Zone are:
(1) Maximum height (measured from BFE or sea level): 300 feet (principal); 35 feet (accessory);
(2) Minimum lot area: 7,500 square feet;
(3) Minimum lot depth: 150 feet;
(4) Minimum lot width: 50 feet;
(5) Minimum lot frontage: 50 feet;
(6) Minimum building coverage: 70 percent;
(7) Minimum impervious coverage: 80 percent;
(8) Minimum front yard: 0 feet up to 35 feet in height; 20 feet greater than 35 feet in height;
(9) Minimum side yard: 0 feet up to 35 feet in height; 20 feet greater than 35 feet in height;
(10) Minimum rear yard: 20 feet;
(11) Floor area ratio: N/A;
(12) Open space: N/A; and
(13) Maximum density (dwelling units per acre ("DU/A")): 50 DU/A for mid-rise and 75 DU/A for high rise.

19:66-5.11 Zoning district rules; Ducktown Arts (DA)

(a) Purpose. The purpose of the Ducktown Arts District is to capitalize on the area's dense, historic nature and the existing land use pattern and provide a multitude of opportunities for complementary land uses.

1. The following shall apply in the Ducktown Arts District:
i. Permitted uses are as follows:

(1) Multi-family, low-rise, and single-family attached;
(2) Live-work studios;
(3) Mixed use, commercial/retail on first and second floors, residential above;
(4) Pop-up uses;
(5) Restaurants;
(6) Bars and craft breweries and distilleries;
(7) Galleries;
(8) Art studios;
(9) Arts apartments with studio space;
(10) Performing arts centers;
(11) Retail sales;
(12) Personal services, except for secondhand goods shops, cash for gold shops, and pawn shops;
(13) Custom crafts;
(14) Home occupation;
(15) Professional office and medical offices;
(16) Food products;
(17) Freestanding parking lot;
(18) Educational uses, college, and instructional uses;
(19) Institutional uses; and
(20) Government uses.
ii. Permitted accessory uses are as follows:
(1) Public and private garages;
(2) Outdoor vending machines (a maximum of two machines within the front yard area);
(3) Other uses customarily incident to the principal permitted uses and on the same lot; and
(4) Wireless telecommunications antennas mounted to existing or new buildings and existing towers.
iii. Uses requiring a conditional use approval, subject to the specific conditions set forth in this chapter are as follows:
(1) Automobile service station and gas station and convenience center;
(2) Automobile repair;
(3) House of worship;
(4) Food trucks/trailer;
(5) Public parks, playground, and community centers; and
(6) Public utility stations.
iv. The area and bulk requirements in the Ducktown Arts Zone are:
(1) Maximum height (measured from BFE or sea level): 35 feet (principal); 15 feet (accessory);
(2) Minimum lot area: 5,000 square feet;
(3) Minimum lot depth: 100 feet;
(4) Minimum lot width: 50 feet;
(5) Minimum lot frontage: 50 feet;
(6) Minimum building coverage: 30 percent;
(7) Minimum impervious coverage: 40 percent;
(8) Minimum front yard: five feet;
(9) Minimum side yard: 0 feet;
(10) Minimum rear yard: 20 feet;
(11) Floor area ratio: N/A;
(12) Open space: N/A; and
(13) Maximum density (dwelling units per acre): 25 DU/A.

19:66-5.12 Zoning district rules; Central Business District (CBD)
(a) Purpose. The purpose of the CBD is to accommodate a mixture of land uses within an expansion area in generally the center of the Tourism District. The CBD contains the most intensive retail business uses within the Tourism District.
1. The following shall apply in the CBD:
i. Permitted uses are as follows:
(1) Multi-family, low-rise residential;
(2) Mixed-use;
(3) Retail sales;
(4) Wholesale establishments;
(5) Personal services;
(6) Restaurants;
(7) Bars and craft breweries and distilleries;
(8) Educational uses, college, and instructional uses;
(9) Big box stores;
(10) Supermarkets;
(11) Institutional uses;
(12) Government use;
(13) Business-to-business providers of goods and services, including, data processing and storage centers;
(14) Parks; and
(15) Pop-up uses.
ii. Permitted accessory uses are as follows:
(1) Public and private garages;
(2) Outdoor vending machines (a maximum of two machines within the front yard area);
(3) Other uses customarily incident to the principal permitted uses and on the same lot;
(4) Wireless telecommunications antennas mounted to existing or new buildings and existing towers.
iii. Uses requiring a conditional use approval, subject to the specific conditions set forth in this chapter:
(1) Automobile service station and gas station and convenience center;
(2) Automobile repair;
(3) House of worship;
(4) Food trucks/trailers;
(5) Light industrial, such as wholesale and retail warehouses;
(6) Public parks, playground, and community centers; and
(7) Public utility stations.
iv. The area and bulk requirements in the Central Business District are:
(1) Maximum height (measured from BFE or sea level): 65 feet (principal); 35 feet (accessory);
(2) Minimum lot area: 5,000 square feet;
(3) Minimum lot depth: 100 feet;
(4) Minimum lot width: 50 feet;
(5) Minimum lot frontage: 50 feet;
(6) Minimum building coverage: 30 percent;
(7) Minimum impervious coverage: 40 percent;
(8) Minimum front yard: five feet;
(9) Minimum side yard: 0 feet;
(10) Minimum rear yard: 20 feet;
(11) Floor area ratio: N/A;
(12) Open space: N/A; and
(13) Maximum density (dwelling units per acre): 25 DU/A.

19:66-5.13 Zoning district rules; Gateway (GWAY)
(a) The purpose of the GWAY District is to serve as a transitional gateway into the higher-intensity sections of the Tourism District. The GWAY District offers an attractive, lower-intensity introduction to the remainder of the Tourism District.
1. The following shall apply in the GWAY District:
i. Permitted uses are as follows:
(1) Multi-family, low-rise residential;
(2) Retail sales, except for liquor stores;
(3) Personal services, except for secondhand goods shops, cash for gold shops, and pawn shops;
(4) Restaurants;
(5) Bars;
(6) Parks;
(7) Educational uses, college, and instructional uses;
(8) Pop-up uses;
(9) Institutional uses;
(10) Professional office, business, publishing, and medical offices;
(11) Medical clinics;
(12) Medical and research laboratories;
(13) Student and faculty housing;
(14) Social and civic association meeting places;
(15) Conference and convention halls;
(16) Government uses;
(17) Public garage; and
(18) Telecommunications equipment.
ii. Permitted accessory uses are as follows:

(1) Public and private garages;
(2) Outdoor vending machines (a maximum of two machines within the front yard area);
(3) Other uses customarily incident to the principal permitted uses and on the same lot; and
(4) Wireless telecommunications antennas mounted to existing or new buildings and existing towers.
iii. Uses requiring a conditional use approval, subject to the specific conditions set forth in this chapter:
(1) Automobile service station and gas station and convenience center;
(2) Automobile repair;
(3) House of worship;
(4) Food trucks/trailers.
(5) Public parks, playground, and community centers; and
(6) Public utility stations.
iv. The area and bulk requirements in the Gateway District are:
(1) Maximum height (measured from BFE or sea level): 300 feet (principal); 35 feet (accessory);
(2) Minimum lot area: 7,500 square feet;
(3) Minimum lot depth: 150 feet;
(4) Minimum lot width: 50 feet;
(5) Minimum lot frontage: 50 feet;
(6) Minimum building coverage: 70 percent;
(7) Minimum impervious coverage: 80 percent;
(8) Minimum front yard: 0 feet up to 35 feet in height; 20 feet greater than 35 feet in height;
(9) Minimum side yard: 0 feet up to 35 feet in height; 20 feet greater than 35 feet in height;
(10) Minimum rear yard: 20 feet;
(11) Floor area ratio: N/A;
(12) Open space: N/A; and
(13) Maximum density (dwelling units per acre): 25 DU/A.

19:66-5.14 Zoning district rules; Marina (M)
(a) Purpose. The purpose of the Marina District is to support the existing casino and water-oriented land uses, and encourage new and appropriate land uses that will attract tourists and residents alike.
1. The following shall apply in the Marina District:
i. Permitted uses are as follows:
(1) Hotels;
(2) Casino hotels;
(3) Marinas;
(4) Retail sales;
(5) Theaters;
(6) Restaurants, bars, and lounges;
(7) Entertainment and recreation uses, including arenas, theme parks, water parks, golf courses, active and/or passive recreation facilities, cultural facilities, and any other like and similar attractions; and
(8) Public parking garage.
ii. Permitted accessory uses are as follows:
(1) Outdoor vending machines (a maximum of two machines within the front yard area);
(2) Other uses customarily incident to the principal permitted uses and on the same lot; and
(3) Wireless telecommunications antennas.
iii. Uses requiring a conditional use approval, subject to the specific conditions set forth in this chapter:
(1) Public parks, playground, and community centers; and
(2) Public utility stations.
iv. The area and bulk requirements in the Marina District are:
(1) Maximum height (measured from BFE or sea level): 300 feet (principal); 35 feet (accessory);
(2) Minimum lot area: 7,500 square feet;
(3) Minimum lot depth: 150 feet;
(4) Minimum lot width: 50 feet;
(5) Minimum lot frontage: 50 feet;
(6) Minimum building coverage: 70 percent;
(7) Minimum impervious coverage: 80 percent;
(8) Minimum front yard: 0 feet up to 35 feet in height; 20 feet greater than 35 feet in height;
(9) Minimum side yard: 0 feet up to 35 feet in height; 20 feet greater than 35 feet in height;
(10) Minimum rear yard: 20 feet;
(11) Floor area ratio: N/A;
(12) Open space: N/A; and
(13) Density: N/A.

19:66-5.15 Zoning district rules; Gardner's Basin (GB)
(a) Purpose. The purpose of the Gardner's Basin District is to support the historic marine environment of the area with a mixture of uses that will attract local residents and tourists alike.
1. The following shall apply in the Gardner's Basin District:
i. Permitted uses are as follows:
(1) Retail sales;
(2) Restaurants and bars;
(3) Recreation;
(4) Special event facilities;
(5) Cultural uses;
(6) Marinas;
(7) Aquariums;
(8) Charter boats; and
(9) Marine science and technology uses.
ii. Permitted accessory uses are as follows:
(1) Accessory garages;
(2) Outdoor vending machines (a maximum of two machines within the front yard area);
(3) Other uses customarily incident to the principal permitted uses and on the same lot; and
(4) Wireless telecommunications antennas mounted to existing or new buildings and existing towers.
iii. Uses requiring a conditional use approval, subject to the specific conditions set forth in this chapter:
(1) Public parks, playground, and community centers;
(2) Public utility stations; and
(3) New wireless telecommunications towers.
iv. The area and bulk requirements in the Gardner's Basin Zone are:
(1) Maximum height (measured from BFE or sea level): 40 feet (principal); 35 feet (accessory);
(2) Minimum lot area: 7,500 square feet;
(3) Minimum lot depth: 75 feet;
(4) Minimum lot width: 100 feet;
(5) Minimum lot frontage: 100 feet;
(6) Minimum building coverage: 30 percent;
(7) Minimum impervious coverage: 40 percent;
(8) Minimum front yard: 0 feet;
(9) Minimum side yard: 0 feet;
(10) Minimum rear yard: 20 feet;
(11) Floor area ratio: N/A;
(12) Open space: N/A; and
(13) Density: N/A.

19:66-5.16 Zoning district rules; Bader Field (BADER)
(a) Purpose. The purpose of the Bader Field District is to reactivate Bader Field with a mixture of land uses that will eventually lead to the redevelopment of a mixture of land uses with linkages between the site and the City, particularly the Chelsea Heights neighborhood.
1. The following shall apply in the Bader Field District:
i. Permitted uses are as follows:
(1) Multi-family, low-rise, and mid-rise residential;
(2) Mixed-uses;
(3) Retail sales;
(4) Pop-up uses;
(5) Personal services, except for secondhand goods shops, cash for gold shops, and pawn shops;
(6) Restaurants and bars;
(7) Educational uses, college, and instructional uses;
(8) Institutional uses;
(9) Indoor and outdoor recreation facilities;
(10) Hotels;

(11) Freestanding parking lots and public garages;
(12) Special event facilities;
(13) Parks;
(14) Government uses; and
(15) Entertainment and entertainment facilities.
ii. Permitted accessory uses are as follows:
(1) Outdoor vending machines (a maximum of two machines within the front yard area);
(2) Other uses customarily incident to the principal permitted uses and on the same lot; and
(3) Wireless telecommunications antennas mounted to existing or new buildings and existing towers.
iii. Uses requiring a conditional use approval subject to the specific conditions set forth in this chapter:
(1) Public parks, playground, and community centers;
(2) Public utility stations; and
(3) New wireless telecommunications towers.
iv. The area and bulk requirements in the Bader Field Zone are:
(1) Maximum height (measured from BFE or sea level): 300 feet (principal); 35 feet (accessory);
(2) Minimum lot area: 7,500 square feet;
(3) Minimum lot depth: 150 feet;
(4) Minimum lot width: 50 feet;
(5) Minimum lot frontage: 50 feet;
(6) Minimum building coverage: 70 percent;
(7) Minimum impervious coverage: 80 percent;
(8) Minimum front yard: 0 feet up to 35 feet in height; 20 feet greater than 35 feet in height;
(9) Minimum side yard: 0 feet up to 35 feet in height; 20 feet greater than 35 feet in height;
(10) Minimum rear yard: 20 feet;
(11) Floor area ratio: N/A;
(12) Open space: N/A; and
(13) Maximum density (dwelling units per acre): 35 DU/A for low-rise and 50 DU/A for mid-rise.

19:66-5.17 Zoning district rules; Thorofare Waterfront District (TW)
(a) Purpose. The purpose of the Thorofare Waterfront District is to capitalize on the waterfront attributes the area affords by encouraging a mixture of residential development types, supportive commercial, educational, and institutional uses, as well as maximizing natural amenity attributes, including waterfront access and green space.
1. The following shall apply:
i. Permitted uses:
(1) Retail sales;
(2) Personal services, except for secondhand goods shops, cash for gold shops, and pawn shops;
(3) Restaurants;
(4) Bars;
(5) Craft breweries and distilleries;
(6) Parks;
(7) Institutional uses;
(8) Government uses; and
(9) Pop-up uses.
ii. Permitted accessory uses are as follows:
(1) Public and private garages;
(2) Outdoor vending machines (a maximum of two machines within the front yard area);
(3) Other uses customarily incident to the principal permitted uses and on the same lot; and
(4) Wireless telecommunications antennas mounted to existing or new buildings and existing towers.
iii. Uses requiring a conditional use approval, subject to the specific conditions set forth in this chapter:
(1) Automobile repair;
(2) Food trucks/trailers;
(3) Public parks, playground, and community centers; and
(4) Public utility stations.
iv. The area and bulk requirements in the Thorofare Waterfront District are:
(1) Maximum height (measured from BFE or sea level): 40 feet (principal); 15 feet (accessory);
(2) Minimum lot area: 5,000 square feet;
(3) Minimum lot depth: 100 feet;
(4) Minimum lot width: 50 feet;
(5) Minimum lot frontage: 50 feet;
(6) Minimum building coverage: 30 percent;
(7) Minimum impervious coverage: 40 percent;
(8) Minimum front yard: five feet;
(9) Minimum side yard: 0 feet;
(10) Minimum rear yard: 20 feet;
(11) Floor area ratio: N/A;
(12) Open space: N/A; and
(13) Density: N/A.

19:66-5.18 Zoning district rules; Lighthouse One (LH-1)
(a) Purpose. The purpose of the Lighthouse One District is to reinvent the area with the rehabilitation and redevelopment of several historic blocks, providing additional housing at higher intensity, commercial uses, and economic diversity.
1. The following shall apply in the Lighthouse One District:
i. Permitted uses are as follows:
(1) Multi-family, low-rise, mid-rise, and high-rise residential;
(2) Mixed-use;
(3) Retail sales,
(4) Pop-up uses;
(5) Restaurants;
(6) Parks;
(7) Educational uses, college, and instructional uses;
(8) Institutional uses;
(9) Government uses; and
(10) Personal services, except for secondhand goods shops, cash for gold shops, and pawn shops.
ii. Permitted accessory uses are as follows:
(1) Outdoor vending machines (a maximum of two machines within the front yard area);
(2) Other uses customarily incident to the principal permitted uses and on the same lot; and
(3) Wireless telecommunications antennas mounted to existing or new buildings and existing towers.
iii. Uses requiring a conditional use approval, subject to the specific conditions set forth in this chapter:
(1) Single-family detached dwellings:
(2) Public parks, playground, and community centers; and
(3) Public utility stations.
iv. The area and bulk requirements in the Lighthouse One District are:
(1) Maximum height (measured from BFE or sea level): 300 feet (principal); 35 feet (accessory);
(2) Minimum lot area: 7,500 square feet;
(3) Minimum lot depth: 150 feet;
(4) Minimum lot width: 50 feet;
(5) Minimum lot frontage: 50 feet;
(6) Minimum building coverage: 70 percent;
(7) Minimum impervious coverage: 80 percent;
(8) Minimum front yard: 0 feet up to 35 feet in height; 20 feet greater than 35 feet in height;
(9) Minimum side yard: 0 feet up to 35 feet in height; 20 feet greater than 35 feet in height;
(10) Minimum rear yard: 20 feet;
(11) Floor area ratio: N/A;
(12) Open space: N/A; and
(13) Maximum density (dwelling units per acre): 25 DU/A for low-rise, 50 DU/A for mid-rise, and 75 DU/A for high rise.

19:66-5.19 Zoning district rules; Lighthouse Two (LH-2)
(a) Purpose. The purpose of the Lighthouse Two District is to reinvent the area with the rehabilitation and redevelopment of several historic blocks, providing additional housing at lower intensity, commercial uses, and economic diversity.
1. The following shall apply in the Lighthouse Two District:
i. Permitted uses are as follows:

(1) Multi-family, low-rise, and mid-rise residential;
(2) Retail sales;
(3) Pop-up uses;
(4) Mixed-use;
(5) Restaurants and bars;
(6) Parks;
(7) Educational uses, college, and instructional uses;
(8) Institutional uses;
(9) Government uses;
(10) Personal services, except for secondhand goods shops, cash for gold shops, and pawn shops;
(11) Home occupation;
(12) Rectories; and
(13) Non-casino hotels, low-rise, and mid-rise.
ii. Permitted accessory uses are as follows:
(1) Outdoor vending machines (a maximum of two machines within the front yard area);
(2) Other uses customarily incident to the principal permitted uses and on the same lot as the principal use; and
(3) Wireless telecommunications antennas mounted to existing or new buildings and existing towers.
iii. Uses requiring a conditional use approval subject to the specific conditions set forth in this chapter:
(1) Public parks, playground, and community centers;
(2) Public utility stations; and
(3) Single-family detached dwellings.
iv. The area and bulk requirements in the Lighthouse Two Zone are:
(1) Maximum height (measured from BFE or sea level): 120 feet (principal); 35 feet (accessory);
(2) Minimum lot area: 7,500 square feet;
(3) Minimum lot depth: 150 feet;
(4) Minimum lot width: 50 feet;
(5) Minimum lot frontage: 50 feet;
(6) Minimum building coverage: 30 percent;
(7) Minimum impervious coverage: 40 percent;
(8) Minimum front yard: 15 feet up to 35 feet in height; 20 feet greater than 35 feet in height;
(9) Minimum side yard: 15 feet up to 35 feet in height; 20 feet greater than 35 feet in height;
(10) Minimum rear yard: 20 feet;
(11) Minimum density: 25 DU/A for low-rise and 50 DU/A for mid-rise;
(12) Floor area ratio: N/A; and
(13) Open space: N/A.

19:66-5.20 Zoning district rules; Kentucky Avenue Renaissance District (KAR)

(a) Purpose. The purpose of the Kentucky Avenue Renaissance District is to honor the deep music and entertainment history in the neighborhood and providing land use controls that seek to spur an economic engine for the area.
1. The following shall apply in the Kentucky Avenue Renaissance District:
i. Permitted uses are as follows:
(1) Hotels;
(2) Casino hotels;
(3) Professional office and medical office;
(4) General office;
(5) Recreation;
(6) Retail sales;
(7) Indoor and outdoor restaurants, including sidewalk cafés;
(8) Bars;
(9) Entertainment;
(10) Recreation;
(11) Amusement rides;
(12) Educational, college, and instructional uses;
(13) Institutional uses;
(14) Mixed-use;
(15) Catering services;
(16) Hospitals;
(17) Parks;
(18) Recording studios;
(19) Concert halls; and
(20) Personal services, except for secondhand goods shops, cash for gold shops, and pawn shops.
ii. Permitted accessory uses are as follows:
(1) Outdoor vending machines (a maximum of two machines within the front yard area);
(2) Other uses customarily incident to the principal permitted uses and on the same lot; and
(3) Wireless telecommunications antennas.
iii. Uses requiring a conditional use approval subject to the specific conditions set forth in this chapter:
(1) Automobile service station and gas station and convenience center;
(2) Automobile repair;
(3) House of worship;
(4) Food trucks/trailers;
(5) Public parks, playground, and community centers;
(6) Public utility stations;
(7) Freestanding parking lot; and
(8) Wireless telecommunication antennas mounted to existing or new buildings and existing towers.
iv. The area and bulk requirements in the Kentucky Avenue Renaissance Zone:
(1) Maximum height (measured from BFE or sea level): 300 feet (principal); 35 feet (accessory);
(2) Minimum lot area: 7,500 square feet;
(3) Minimum lot depth: 150 feet;
(4) Minimum lot width: 50 feet;
(5) Minimum lot frontage: 50 feet;
(6) Minimum building coverage: 70 percent;
(7) Minimum impervious coverage: 80 percent;
(8) Minimum front yard: 0 feet up to 35 feet in height; 20 feet greater than 35 feet in height;
(9) Minimum side yard: 0 feet up to 35 feet in height; 20 feet greater than 35 feet in height;
(10) Minimum rear yard: 20 feet;
(11) Floor area ratio: N/A;
(12) Open space: N/A; and
(13) Density: N/A.

19:66-5.21 Zoning district rules; Absecon Inlet (AI)

(a) Purpose. The purpose of the Absecon Inlet District is to capitalize on the unique land use attributes inherent of the proximity to the Absecon Inlet through promotion and zoning controls that maximize the value of the zoning district.
1. The following shall apply in the Absecon Inlet District:
i. Permitted uses are as follows:
(1) Multi-family, low-rise, and mid-rise residential;
(2) Retail sales;
(3) Pop-up uses;
(4) Mixed-use;
(5) Restaurants and bars;
(6) Parks;
(7) Peronal services, except for secondhand goods shops, cash for gold shops, and pawn shops;
(8) Home occupation; and
(9) Hotels, including condotels.
ii. Permitted accessory uses are as follows:
(1) Public and private garages;
(2) Outdoor vending machines (a maximum of two machines within the front yard area);
(3) Other uses customarily incident to the principal permitted uses and on the same lot; and
(4) Wireless telecommunications antennas mounted to existing or new buildings and existing towers.
iii. The area and bulk requirements in the Absecon Inlet Zone are:
(1) Maximum height (measured from BFE or sea level): 120 feet (principal); 35 feet (accessory);

(2) Minimum lot area: 7,500 square feet;
(3) Minimum lot depth: 150 feet;
(4) Minimum lot width: 50 feet;
(5) Minimum lot frontage: 50 feet;
(6) Minimum building coverage: 70 percent;
(7) Minimum impervious coverage: 80 percent;
(8) Minimum front yard: 0 feet up to 35 feet in height; 20 feet greater than 35 feet in height;
(9) Minimum side yard: 0 feet up to 35 feet in height; 20 feet greater than 35 feet in height;
(10) Minimum rear yard: 20 feet;
(11) Floor area ratio: N/A;
(12) Open space: N/A; and
(13) Maximum density (dwelling units per acre): 35 DU/A for low-rise and 50 DU/A for mid-rise.
iv. Use requiring a conditional use approval subject to the specific conditions set forth in this chapter:
(1) Food trucks/trailers;
(2) Public parks, playground, and community centers; and
(3) Public utility stations.

19:66-5.22 Zoning district rules; Open Space District (OS)
(a) Purpose. The purpose of the Open Space District is to provide space for relaxation, leisure, and passive recreation in a quiet portion of the Tourism District.
1. The following shall apply in the Open Space District:
i. Permitted uses are as follows:
(1) Historic tourist attractions;
(2) Lighthouse; and
(3) Passive recreation space.
ii. Permitted accessory uses are as follows:
(1) Outdoor vending machines. A maximum of two machines within the front yard area;
(2) Other uses customarily incident to the principal permitted uses and on the same lot; and
(3) Wireless telecommunications antennas.
iii. The area and bulk requirements in the Open Space Zone are:
(1) Maximum height (measured from BFE or sea level): 35 feet (principal); 15 feet (accessory);
(2) Minimum lot area: 5,000 square feet;
(3) Minimum lot depth: 100 feet;
(4) Minimum lot width: 50 feet;
(5) Minimum lot frontage: 50 feet;
(6) Minimum building coverage: 30 percent;
(7) Minimum impervious coverage: 40 percent;
(8) Minimum front yard: five feet;
(9) Minimum side yard: 0 feet;
(10) Minimum rear yard: 20 feet;
(11) Floor area ratio: N/A;
(12) Open space: N/A; and
(13) Density: N/A.
iv. Use requiring a conditional use approval subject to the specific conditions set forth in this chapter:
(1) Food trucks/trailers.

19:66-5.23 Zoning district rules; Beach Conservation (BC)
(a) Purpose. The purpose of the Beach Conservation District is to maximize the natural resources and quieter environment of the southern coastal portion of the Tourism District through appropriate zoning controls that limit intensive development.
1. The following shall apply in the Beach Conservation District:
i. Permitted uses are as follows:
(1) Lifesaving/lifeguard huts and structures;
(2) Recreation; and
(3) Seating and entertainment pavilions.
ii. Use requiring a conditional use approval subject to the specific conditions set forth in this chapter:
(1) Public parks, playground, and community centers.

SUBCHAPTER 6. CONDITIONAL USE STANDARDS

19:66-6.1 Conditional use standards
The Authority governing body shall, subject to the procedures, standards, and limitations set forth in this chapter, have authority to review and approve or disapprove the development of conditional uses as permitted by this chapter.

19:66-6.2 Purpose
Conditional uses are those uses having some special impact or uniqueness that require a careful review of their location, design, configuration, and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. They are uses which may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect, giving effect to the proposals of the developer for ameliorating any adverse impacts or effect through special site planning and development techniques and contributions to the provision of public improvements, sites, ROW, and services.

19:66-6.3 Conditional uses and applicable standards
(a) The following uses, and no others, may be allowed as conditional uses in the zoning districts set forth in this chapter:
1. Automobile service station and gas station and convenience center subject to the following requirements:
i. No outdoor storage of motor vehicles, automobile parts, or related accessories.
ii. There is adequate space to allow up to three cars to stack in a line at a pump without using any portion of the adjacent street.
iii. The visual impact of the use is minimized and screened from adjacent rights-of-way and properties through placement of buildings, screening, landscaping, and other site design techniques.
iv. Dispensing pumps are not located within 25 feet of a property line abutting a street.
v. A minimum landscaped side yard setback of 20 feet and a minimum rear yard landscaped setback of 25 feet are required where the use it abuts residential uses or zoning districts permitting residential uses.
vi. Servicing of vehicles is limited to the checking and adding of fluids and air and the cleaning of windows. No other repair or servicing of vehicles is permitted on site.
2. Automobile repair, subject to the following requirements:
i. Spray booths are not permitted at any facility located within 1,000 feet of a property used for residential use.
ii. The establishment shall be completely enclosed and all operations shall occur within a building.
iii. The establishment shall provide a fence of six feet maximum along all property boundary lines except along street frontages.
iv. Storage areas for vehicles shall be provided on the lot and shall not occur in the public ROW.
v. All dismantled vehicles, equipment, and parts, and accessories thereof, shall be stored within a building or behind a solid screen fence no less than six feet high.
vi. Outdoor storage areas for vehicles, parts, or equipment shall not be permitted in any required yard.
3. Houses of worship, subject to the following requirements:
i. A house of worship shall be located on a collector or arterial street.
ii. No off-street parking area shall be located closer than 15 feet to any residential property line or residential zoning district boundary to allow for the provision of a 10-foot-wide landscaped buffer that shall have a height at planting of no less than six feet.
iii. With the exception of housing for clergy, no housing or dormitories, whether for temporary or permanent occupancy, shall be permitted.
iv. All uses that are customarily accessory to places of worship are permitted accessory uses. Social service uses are expressly prohibited.
4. Food trucks/trailers, subject to the following requirements:
i. Food trucks/trailers are permitted as a conditional use provided the owner/operator of the food truck currently owns/operates a business with all required government approvals.

ii. Food trucks/trailers shall be mobile and can only remain overnight on any street within the Tourism District with the express permission of the Authority.

5. Light industrial uses, such as wholesale and retail warehouses subject to the following requirements:

i. Maximum height is as follows:

(1) Principal structure: 45 feet; and

(2) Accessory structure: 15 feet;

ii. Lot requirements are as follows:

(1) Minimum lot area: 20,000 square feet; and

(2) Minimum lot depth: 100 feet;

iii. Minimum yard requirement is as follows:

(1) Front yard: 25 feet;

(2) Each side yard: 15 feet; and

(3) Rear yard: 30 feet;

iv. Aggregate maximum lot coverage: 70 percent; and

v. Maximum floor area ratio: 2.0.

6. Single-family detached dwellings, subject to the following requirements:

i. Any single-family development shall have a minimum of 10 single-family dwelling units;

ii. Any single-family development shall have a minimum density of nine dwelling units per acre; and

iii. Minimum area and bulk requirements are as follows:

(1) Lot area — 3,000 square feet;

(2) Lot width — 40 feet;

(3) Maximum lot coverage — 35 percent;

(4) Principal building height — 35 feet; and

(5) Accessory structures height — 15 feet.

7. Public parks, playground, and community centers, subject to the following requirement:

i. All outdoor areas of concentrated activity shall be separated from adjoining residential property by a minimum of 30 feet or by a buffer found sufficient by the Authority to ensure visual and auditory privacy to such properties.

8. Public utility stations, subject to the following requirements:

i. All buildings and structures shall either have exteriors that give the appearance of a structure permitted in the zoning district where located or shall be screened from view from any private property located in any residential zoning district, and any such screening located in or adjoining any front yard shall be limited to vegetation, which provides effective year-round screening.

ii. All such uses shall be fenced where any hazard to the safety of human or animal life is present.

iii. No service or storage yard or building shall be permitted, except as permitted for other uses in the zoning district.

9. Wireless telecommunication towers, subject to the following requirements:

i. Wireless telecommunication towers shall not exceed 120 feet in height.

ii. A wireless telecommunication tower must be setback from roadways or adjoining lots and a distance equal to 25 percent of the height of the tower.

iii. The applicant shall provide mapping and supporting information depicting the coverage areas. If, based on this information, the Authority determines that the proposed site is a duplication of services provided from other existing providers, the applicant will be prohibited from constructing a wireless telecommunications tower at the proposed site and will be encouraged to colocate or multiplex for service to the surrounding community at existing sites.

iv. A wireless telecommunications tower must have a galvanized steel finish or subject to any applicable standards of the Federal Aviation Administration be painted a neutral color so as to reduce visual obtrusiveness. The applicant should make every effort possible to construct a monopole that blends with the natural landscape. Monopoles that resemble trees or flagpoles are required.

v. All antennas installed on a wireless telecommunications tower shall be of the whip type or panel type only.

vi. At a telecommunication towers site, the design of the buildings and related structures shall, to the extent possible, use materials, color textures screening, and landscaping that will blend them into the natural setting and surrounding buildings.

vii. The equipment cabinet or structure shall be no greater than six feet in height and 100 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches. In all other instances structures or cabinets shall be screened from view of all adjoining properties that abut or are directly across the street from the structure or cabinet by a solid fence six feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

viii. All equipment cabinets and structures shall be constructed in a way so as to minimize noise to surrounding areas from condensers, air conditioners, and generators.

19:66-6.4 Application for conditional use approval

Applications that require conditional use approval shall be submitted to the land use administrator in accordance with all checklists promulgated by the Division. Nonrefundable application and hearing fees, as established pursuant to the provisions of this chapter, shall accompany each application.

19:66-6.5 Conditional use standards

An approval for any conditional use in a particular zoning district shall be granted only if evidence is presented to establish compliance with such conditional use standards, where the development rules authorize such conditional use.

19:66-6.6 Restrictions and conditions on conditional use approval

(a) Every conditional use approval shall be conditioned upon the filing and final approval of a final site plan/subdivision plat pursuant to the provisions of this chapter, and upon the developer's continuing compliance with all applicable laws, rules, regulations, and all conditions imposed upon such approval.

(b) All conditions imposed upon any conditional use approval, except to the extent made applicable to such approval by the express terms of this chapter, shall be expressly set forth in the resolution granting such approval. The violation of any condition upon any such approval shall be a violation of this chapter and grounds for revocation of such approval.

SUBCHAPTER 7. SITE PLAN DESIGN STANDARDS

19:66-7.1 General provisions

(a) All standards specified in this subchapter are the minimum allowed.

(b) No structure shall be constructed, moved, or altered unless the minimum required site improvements as outlined in this subchapter are provided.

(c) No structure shall be constructed, moved, or altered, nor site improvements undertaken, unless all of the minimum required barrier free improvements are provided in accordance with the New Jersey Uniform Construction Code, Barrier Free Subcode, N.J.A.C. 5:23-7.

(d) Permitted uses in the Open Space Zone and public parks in all zoning districts are exempt from the design standards of this subchapter, but shall be designed in consultation with the Authority.

(e) Except as otherwise provided for in this chapter, site plan approval is required for all residential uses with three or more units and all non-residential development.

(f) All proposed site plans shall consider and shall be reviewed in accordance with the following elements:

1. Lighting, landscaping, and parking;

2. The surrounding environment and adjacent property;

3. Natural features and ecology;

4. Scenic, cultural, historical, archeological, or landmark sites;

5. Open space, parks, and recreational facilities;

6. Traffic circulation;

7. Vehicle and pedestrian circulation and safety;

8. Access to public transportation;

9. Availability of utility services, including sanitary sewers and public water;

10. Waste disposal and recycling; and

11. Resiliency.

(g) Compliance with the following performance standards:

1. Electrical interference. All mechanical, electrical, and electronic equipment shall be shielded to the extent necessary to prevent electromagnetic or radiological interference with the use of any equipment or process off-site.

2. Glare-light pollution. Exterior lighting shall be designed to prevent escapement of direct light beyond the property lines and onto adjacent property.

3. Hazardous materials storage. All hazardous materials shall be stored in strict compliance with all Federal, State, and local, laws, rules, and regulations.

4. Noise. All noise shall be in compliance with State rules.

5. Odor, fume, dust emission, and particulate matter. Noxious emissions shall not unreasonably impact adjacent property. Dust and other types of air pollution borne by the wind from such sources as storage areas and roads shall be minimized by landscaping, paving, oiling, or other acceptable means.

6. Storage areas. Open storage of lumber, coal, or other combustible materials must be accessible to fire apparatus at any and all times.

7. Toxic gases. Toxic gases or matter shall not be emitted in any quantities that cause damage to the public health, safety, welfare, animals, vegetation, or property, or in any quantities that can cause soiling.

8. Vibration. Vibration must be contained within the property lines.

9. Waste disposal. No organic or inorganic waste materials shall be disposed of or permanently stored or placed on the site with the exception of compost bins or piles, and approved septic systems. Permanent storage or emplacement means a period of greater than six months.

(h) When acting upon applications for site plan approval, the Authority, upon the recommendation of the hearing officer, shall have the power to grant such exceptions or waivers from the requirements under this subchapter as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval adopted pursuant to this subchapter, if literal enforcement of one or more provisions of the subchapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

19:66-7.2 Parking lot design standards

(a) General requirements applicable to parking are as follows:

1. All required parking facilities shall be located off-street and on the same lot occupied by the use served.

2. Required parking facilities shall be solely for the parking of motor vehicles, registered and in operating condition, of patrons, occupants, or employees of such uses.

3. The number, dimensions, location, and construction of barrier free parking spaces shall meet the requirements set forth in the Barrier Free Subcode, N.J.A.C. 5:23-7.

4. Adequate pedestrian circulation shall be provided between parking areas and the structures and uses served, and shall include methods to separate pedestrian and vehicular traffic.

5. No motor vehicle repair, work, or service of any kind shall be permitted in connection with any non-residential parking facility, except where otherwise permitted.

6. All areas to be maintained for firefighting or other emergency purposes shall be appropriately designed and designated in accordance with the New Jersey Uniform Fire Code, N.J.A.C. 5:18, as determined by the municipal fire official, and identified on a site plan.

(b) Location requirements are as follows:

1. No parking areas are permitted in required front yards or within required buffer areas. Driveways shall intersect ROW's at right angles, or as close as practicable, and shall traverse the required front yard in the shortest path practical.

2. Entrances and exits to parking areas shall not be located in accordance with established American Association of State Highway and Transportation Officials (AASHTO) design recommendations for intersection sight distances/sight triangles as found in the AASHTO manual, "A Policy on Geometric Design of Highways and Streets," Sixth Edition, 2011, which is incorporated herein by reference, as amended and supplemented, and shall be indicated on the site plan. The AASHTO manual is available for purchase at https://bookstore.transportation.org/collection_detail.aspx?ID=110 or by mail from the American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Suite 249, Washington, DC 20001.

(c) Design requirements are as follows:

1. A minimum two feet of landscaped open space shall be maintained as a buffer between buildings and vehicular use areas, exclusive of loading areas. All buffers shall be in accordance with the provisions of this chapter.

2. Entrances and exits to parking areas shall be located in a safe and convenient manner with minimal impact on traffic movement on adjacent streets. All entrances and exits to parking areas shall have appropriate directional signage for traffic control.

3. Adequate space for queuing of vehicles shall be provided. Uses with drive-through facilities shall provide for a minimum of four queued vehicles.

4. All parking stalls shall be marked with four-inch wide lines.

5. All parking areas shall be curbed with full depth concrete or granite block and paved or otherwise improved with an all-weather dustless material. Use of pavement materials other than asphalt or concrete shall be subject to approval by the Authority.

6. All parking areas shall be provided with adequate drainage facilities in accordance with the design standards set forth in this chapter.

7. All parking areas shall be properly screened and landscaped in accordance with the design standards set forth in this chapter.

8. All parking areas shall be adequately and properly lit in accordance with the design standards set forth in this chapter.

9. Parking spaces that back-out directly into a street are prohibited, except for single- and two-family detached and attached dwellings.

10. Safety islands, with a minimum dimension of five feet, shall be provided between the ends of a parking bay and any driveway, aisle, or other areas as deemed necessary by the Authority. Such islands shall be curbed with full-depth concrete or granite block and landscaped with shade trees and other appropriate vegetation.

11. All parking areas shall be arranged and designed, so as to prevent damage to adjacent fences, walls, plantings, and lighting structures.

(d) Parking spaces required under this section shall be located as follows:

1. Residential uses. All residential parking requirements shall be met on site.

2. Hotel and casino-hotel uses located in the Resort Commercial (RC) District. All or any portion of the required patron parking being located in the Tourism District shall be provided either in the RC District or in the commercial zones adjacent thereto. Any or all portion of the required employee parking being located in the Tourism District shall be provided in the RC District or in any commercial district with the exception of the Ducktown Arts District. In no case, shall any casino-hotel use provide less than the number of required parking spaces without approval from the Authority. Nothing in this paragraph shall be construed so as to prohibit intercept parking to be located outside of Atlantic City or the Tourism District.

3. Other nonresidential uses located in the RC District must provide 100 percent of the required parking on-site or in commercial districts.

4. Nonresidential uses, except hotel uses located in other commercial districts, shall provide 100 percent of required parking on-site or in commercial districts. Hotel uses shall provide 100 percent of required patron parking on-site. Hotel employee parking shall be provided pursuant to the provisions of this chapter.

(e) Shared parking requirements are as follows:

1. Parking areas may be shared by more than one use if a shared parking plan prepared in accordance with this section is approved by the Authority. A shared parking plan prepared by a New Jersey-licensed professional engineer or other individual determined by the Authority to be qualified as an expert in traffic engineering shall be submitted to the Authority and shall include the following:

i. Determination of required number of spaces. For new construction, the minimum number of parking spaces constructed for a shared use

project shall be determined by a shared parking plan, developed in accordance with the Urban Land Institute's (ULI) Shared Parking Manual, Second Edition, 2005, incorporated herein by reference, as amended and supplemented, or other similarly recognized publication. The Shared Parking Manual can be obtained from the Urban Land Institute, 1025 Thomas Jefferson Street, N.W., Suite 500 West, Washington, DC 20007.

ii. If the shared parking plan assumes the use of an existing parking facility already being utilized by continuing uses, then parking surveys shall be conducted twice during a typical week for a minimum of one month to determine actual parking usage. The surveys shall include morning, afternoon, and evening peaks as appropriate.

iii. A site plan shall show how the actual number of parking spaces required in this chapter are to be provided on the site.

iv. A shared parking plan may include trip reduction elements, such as shuttle bus operations, that would reduce parking demand.

2. All CLUCs issued for projects involving shared parking shall be conditioned upon the property owner submitting a study prepared by a New Jersey Licensed Traffic Engineer of actual parking usage and demand performed within two years of the issuance of occupancy certification for 85 percent of the development. The Authority has the right to require the property owner to submit periodic monitoring reports for a period not to exceed 10 years.

3. Before a change in use or operating hours that could increase peak parking demand by at least 10 percent, the property owner shall provide a follow-up study analyzing the change in demand patterns. Any forecasted deficiency shall be met by the construction of additional parking spaces.

4. Parking spaces to be shared cannot be reserved for specific uses, tenants, or individuals.

5. If any shared parking arrangement fails to meet the criteria in this subchapter, the Authority has the right to terminate the shared parking plan and to enforce the construction of the required parking.

19:66-7.3 Loading area design standards

(a) General requirements concerning loading are as follows:

1. No structure shall be constructed, moved, or altered, and no existing structure or use shall be enlarged, unless the required number of loading spaces are provided in accordance with the provisions of this chapter.

2. All required loading facilities shall be located off-street and on the same lot occupied by the use served.

3. Loading areas shall be shown on the site plan and shall consider the following:

i. Safe and efficient layout;

ii. Consistency with the size and proposed use of the facility;

iii. The nature and location of adjacent uses; and

iv. Pedestrian and vehicular circulation.

v. All entrances and exits to loading areas shall be located in a safe and convenient manner with minimal impact on traffic movement on the site and adjacent streets.

4. Space allocated for loading or truck maneuvering shall not be used to satisfy any portion of the site's required parking.

5. Vehicle repair and/or service of any kind are not allowed in loading areas.

(b) Location requirements for loading areas shall be as follows:

1. Loading shall not be permitted in any front yard.

2. Loading areas, including accessory trailer parking areas, shall be located in the rear yard. Where this is not possible, loading areas may be located in a side yard.

3. No loading area shall be located within 10 feet of an open ditch.

4. Entrances and exits shall not be located within the required line-of-sight triangle of an intersection.

(c) Design requirements for loading areas are as follows:

1. All loading areas shall be paved or improved with a compacted select gravel base, not less than eight inches thick, and surfaced with an all-weather dustless material. Reinforced concrete dolly pads, not less than eight inches thick, shall be constructed for all loading docks.

2. All loading areas shall be provided with adequate drainage facilities in accordance with the provisions of this chapter.

3. All loading areas shall be screened and landscaped in accordance with the provisions of this chapter.

4. All loading areas shall be adequately and properly lit in accordance with the provisions of this chapter.

5. The circulation and maneuvering of trucks on site shall comply with established American Association of State Highway and Transportation Officials (AASHTO) truck turning templates, found in the AASHTO manual, A Policy on Geometric Design of Highways and Streets. The templates used for the design of loading areas shall be for trucks of a size comparable to the maximum loading space required. Truck maneuvering shall not conflict with circulation and parking areas.

19:66-7.4 Line-of-sight triangle design standards

(a) Line-of-sight triangles shall be provided in accordance with established American Association of State Highway and Transportation Officials (AASHTO) design recommendations for intersection sight distances/sight triangles as found in the AASHTO manual, A Policy on Geometric Design of Highways and Streets, and shall be indicated on the site plan.

(b) Line-of-sight triangles shall be provided at the intersection of a driveway and a street or other public ROW, or at the intersection of two or more streets or public ROWs.

(c) Unless more stringent requirements are provided in this chapter, at the intersection of two or more streets or the intersection of a driveway and one or more streets, no hedge, planting, fence, screening, or wall higher than 30 inches above curb level, nor any obstruction to a motorist's line of vision, other than a post not exceeding one foot in diameter, shall be permitted on any property within the line-of-sight triangle.

(d) Property within the line-of-sight triangles shall be maintained, trimmed, and/or cleared of any material that could obstruct vision within the line-of-sight triangle.

19:66-7.5 Drainage design standards

(a) General requirements for drainage are as follows:

1. Drainage plans shall be signed and sealed by a New Jersey-licensed professional engineer.

2. Stormwater management systems shall be designed in accordance with N.J.A.C. 7:7, Coastal Zone Management Rules, and 7:8, Stormwater Management.

3. When a land development activity is otherwise exempt from CAFRA review, non-point source impacts to water quality should be minimized to the fullest extent practicable, including, incorporating nonstructural measures, such as:

i. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;

ii. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;

iii. Maximize the protection of natural drainage features and vegetation;

iv. Minimize the decrease in the "time of concentration" (the time it takes for runoff to travel from the hydraulically most distant point of the drainage area to the point of interest within a watershed) from pre-construction to post-construction;

v. Minimize land disturbance including clearing and grading;

vi. Minimize soil compaction;

vii. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers, and pesticides;

viii. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas; and

ix. Provide other source controls to prevent or minimize the release of pollutants from the site into stormwater runoff, such controls include, but are not limited to:

(1) Site design features that help to prevent accumulation and discharge of trash and debris in drainage systems;

(2) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments;

(3) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil

Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules;

(4) The use of plastic under landscaped or gravel areas are prohibited. All sub-gravel liners shall be made of filter cloth or other permeable material; and

(5) Any driveway shall be pitched to drain all runoff onto permeable areas of the site.

19:66-7.6 Landscaping and buffer design standards

(a) A landscape plan shall be submitted with all applications for new construction, additions, and site improvements, or as otherwise required by this chapter.

(b) The landscape plan shall include the following:

1. Proposed plantings, hardscape areas, stormwater management areas, and items requiring screening;

2. Existing trees with a six-inch caliper or greater;

3. All trees to be preserved or relocated;

4. A plant schedule indicating botanical and common names, quantity, size at time of planting (including plant height and caliper, where applicable), size at time of maturity, and spacing of all proposed plantings; and

5. Construction details and notes for plantings.

(c) Plant standards for landscaping are as follows:

1. All proposed plantings shall conform to the American Standard for Nursery Stock, (ANSI Z60.1-2014), published April 14, 2014, by the AmericanHort, which is incorporated herein by reference, as amended and supplemented, and available at https://americanhort.org/documents/ANSI_Nursery_Stock_Standards_AmericanHort_2014.pdf. Plantings shall also conform to hardiness zone six standards of the 2012 United States Department of Agriculture (USDA) Plant Hardiness Zone Map, as developed by the USDA, Miscellaneous Publication No. 1475, which is incorporated herein by reference, as amended and supplemented. The map is available through the USDA and other cooperative extensions. A web-based interactive Plant Hardiness Zone Map (2001 US National Arboretum "Web Version" of the USDA Plant Hardiness Zone Map) can be found in the United States National Arboretum website at http://www.usna.usda.gov/Hardzone/.

2. All shade trees shall be a minimum of 2.5 to three inches in caliper and 12 feet in height at the time of planting.

3. All evergreen and ornamental trees shall not be less than six feet in height at the time of planting.

4. All upright shrubs shall not be less than 24 to 30 inches in height at the time of planting; all spreading shrubs shall not be less than 24 to 30 inches in spread at the time of planting.

(d) Design requirements for landscaping are as follows:

1. Plants located within the line of sight triangles in accordance with the provisions of this chapter shall not exceed a height of 30 inches at maturity.

2. Shade trees shall be provided in the required front yard adjacent to public streets. At least one shade tree for each 40 linear feet of frontage shall be provided.

3. A minimum of one shade tree shall be provided for every 10 parking spaces or one shade tree for each 3,000 square feet of parking area, whichever is greater, which shall be distributed evenly within the parking area.

4. Shrubs shall be provided in the required front yard adjacent to public streets. At least five shrubs for each 40 linear feet of frontage shall be provided.

5. A minimum of five shrubs shall be provided for every 10 parking spaces or a minimum of five shrubs for each 3,000 square feet of parking area, whichever is greater, which shall be distributed evenly within the parking area.

6. Screening requirements are as follows:

i. All parking areas containing six or more parking spaces shall be effectively screened from public or private ROWs by a fence, wall, landscaped berm, or densely planted evergreens at a minimum height of four feet. Deciduous shrubs may be used for screening in conjunction with a berm not less than two and one-half feet in height.

ii. All parking areas shall be screened from adjacent residential uses by a solid and continuous fence, wall, landscaped berm or densely planted evergreens capable of maturing to a minimum of six feet in height.

iii. All loading and trailer parking areas shall be effectively screened with a solid and continuous fence in accordance with the provisions of this chapter, supplemented by evergreens capable of maturing to a height and width sufficient to screen such areas and vehicles from public ROWs and adjacent residential uses.

iv. All site service improvements and utility improvements, such as transformer compounds and external heating and cooling equipment; refuse and recycling areas; and outdoor storage, display, or work areas, where permitted, shall be enclosed by a solid and continuous fence, wall, or evergreen plant material sufficient to screen such activity from adjacent properties and public ROWs.

7. For consistency with the coastal zone management vegetation rule at N.J.A.C. 7:7-16.7(b), an applicant shall provide for the preservation, to the maximum extent practicable, of existing vegetation within the development, and any new plantings should be appropriate coastal species, native to New Jersey to the maximum extent practicable.

(e) All landscaping shall be completed before occupancy certification is issued by the Authority. Delay in performance may be permitted by the posting of sufficient security in a form acceptable to the Authority to ensure completion of this requirement.

(f) All new development within the Tourism District shall provide for buffers to protect adjacent land uses from the traffic, noise, glare, trash, activity, vibration, odor, visual disorder, and other harmful or noxious effects, and to prevent adverse community appearance, protect the character of the area, and conserve the values of buildings and land.

(g) All buffers shall comply with the following requirements:

1. Buffers must be at least five feet wide;

2. Within a buffer area, a solid and continuous landscaping screen shall be planted and maintained, which shall consist of lawn, massed evergreen, and deciduous trees and shrubs of such species and density as will provide within two growing seasons a solid and continuous screen throughout the full course of the year, with trees shall be planted on 25 to 40 foot centers;

3. All required shrub plantings for any buffer yards shall form a solid continuous visual screen of at least six feet in height within one year after planting; and

4. Within a buffer area, no use, activity, or sign shall be established, except for the following:

i. Such driveways as are necessary to provide proper means of ingress and egress for a parking area.

ii. Directional signs in conjunction with a driveway that are necessary for the proper guidance and control of vehicular traffic, provided that not more than one such sign is erected in conjunction with each driveway.

iii. Walkways, nature trails, or similar facilities provided that such buffer is at least 60 feet in width.

(h) The required height for a landscape screen shall be measured in relation to the elevation of the land at the edge of the adjacent area or structure to be buffered. Where the ground elevation of the location at which the screen is to be planted is less than the elevation at the edge of the adjacent area to be buffered, the required height of the screen shall be increased in an amount equal to the difference in elevation. In the event that the ground elevation of the location at which the screen is to be planted is greater than that at the edge of the adjacent area to be buffered, the required height of the screen may be reduced in an amount equal to the difference in elevation, provided that in no case shall the required height be reduced to less than three feet.

(i) If the Authority, upon inspection, determines that the buffer is not being maintained in good condition, it shall notify the owner in writing. In the event that any planting required by this subchapter fails to live, it shall be replaced within a reasonable period of time, but not more than 45 calendar days.

19:66-7.7 Fences and walls

(a) Fences or walls in excess of 24 inches in height shall be permitted in accordance with the following:

1. Fences or walls shall not be permitted in required front yards, except for the following:

i. Fences or walls on any single-family-attached dwelling, single-family-detached dwelling, and duplex dwelling lot with a maximum height of four feet, provided that they are not chain link fences.

ii. Construction fences not exceeding eight feet in height, and shall be removed prior to the issuance of occupancy certification.

iii. Fences or walls surrounding drainage features, such as detention and/or retention basins, not exceeding 42 inches in height.

2. Fences and walls located in side and rear yards shall not exceed a height of six feet in all zoning districts permitting residential, low rise and eight feet in all other zoning districts.

3. No fence, wall, hedges, or other landscaping shall be constructed or installed so as to constitute a hazard to traffic or safety.

4. The face or finished side of a fence or wall shall face the adjacent property.

5. No fence or wall shall be constructed with metal spikes, or topped with concertina or razor wire, broken bottles, or similar materials, or constructed in such manner as to be dangerous to animals or humans.

19:66-7.8 Retaining walls

(a) Retaining walls having an exposed height of four feet or more shall be designed in accordance with the provisions of the New Jersey Uniform Construction Code and shall require design stability calculations signed and sealed by a New Jersey-licensed professional engineer.

(b) The height and location requirements for screening walls in accordance with the provisions of this chapter shall not apply to retaining walls.

19:66-7.9 Sidewalks

(a) Sidewalks shall be provided and maintained along public streets on which a property fronts, subject to the approval of the appropriate governmental entity having jurisdiction.

(b) Where possible, sidewalks shall be located parallel to the public street and shall connect to existing sidewalks on adjacent properties.

(c) The minimum sidewalk width shall be five feet. Where a sidewalk abuts a curb or the edge of pavement, the minimum width shall be six feet. Sidewalks shall conform to the minimum design criteria required by the Barrier Free Subcode, N.J.A.C. 5:23-7.

(d) Sidewalks shall be constructed of either four-inch-thick concrete, concrete pavers, or other appropriate material. Sidewalks shall be designed to meet the conditions of the sub-grade material and the proposed loads.

(e) The area between the sidewalk and the edge of pavement or curb shall be grassed.

19:66-7.10 Lighting

(a) Adequate site illumination for uncovered areas shall be provided in accordance with the following:

1. Uncovered areas shall be illuminated during non-daylight hours.

2. Illumination levels in parking areas and pedestrian walkways shall maintain an average of 0.5 footcandles over the site.

3. Minimum illumination levels shall be maintained throughout the uncovered areas during non-daylight hours as per below:

i. Parking lots — 1.0 footcandles;

ii. Loading, unloading areas — 4.0 footcandles;

iii. Handling areas driveway entrances and exits — 2.0 footcandles; and

iv. Pedestrian walkway areas — 0.5 footcandles.

4. Site illumination design shall comply with the following:

i. All light sources shall be shielded and positioned to prevent glare from becoming a hazard or a nuisance, or having a negative impact on site users, adjacent properties, or the traveling public.

ii. All light sources with illumination levels greater than one foot-candle shall be arranged to reflect away from adjacent properties.

iii. The number and spacing of required light pole standards in a parking lot shall be determined based on the type of fixture, height of pole, and number of fixtures on the pole.

iv. Poles shall be made of rustproof metal, cast iron, fiberglass, finished wood, or similar structural material.

v. Pole heights shall be measured from the ground surface at the base of the pole to the top of the pole. The height of poles mounted on pedestals shall include the height of the pedestal.

vi. Light sources mounted on a pole shall not exceed the height of the pole.

vii. Poles dedicated to lighting pedestrian walkways shall not be greater than 15 feet in height and shall utilize underground wiring.

viii. Poles in all other areas including parking areas shall not exceed 25 feet in height, and shall utilize underground wiring.

ix. Poles shall be located so as not to interfere with site circulation and shall be coordinated with stall and aisle layouts in vehicular use areas. Poles shall be located near the end of parking rows or around the perimeter of the lot. When located at parking stall boundaries, poles shall be mounted on concrete pedestals. Where raised medians or islands are used to separate adjacent stalls, poles shall be placed in these areas unless pedestrian circulation will be adversely affected.

x. Light sources mounted on a building facade shall not exceed 25 feet in height, or the height of the building, whichever is less.

(b) Adequate site illumination for covered parking and loading areas shall be provided in accordance with the following:

1. Covered parking and loading areas shall be illuminated during daylight and non-daylight hours, including general parking and loading areas, pedestrian walkways, ramps, corners, entrance areas, and stairways.

2. Illumination levels in the areas in (b)1 above shall be evenly distributed, with minimum illumination levels maintained at all times in accordance with Figure 22-22 of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook, 10th edition, which is incorporated herein by reference, as amended and supplemented, and can be obtained from IESNA, 120 Wall Street, Floor 17, New York, NY 10005-4001.

3. Illumination levels for the top level of a parking facility, if not covered, shall conform to the standards for uncovered parking areas as specified in accordance with the provisions of this subchapter.

4. Illumination design for covered parking areas and loading areas shall comply with the following:

i. All light sources shall be shielded and positioned to prevent glare from becoming a hazard or a nuisance, or having a negative impact on site users, adjacent properties, or the traveling public.

ii. All light sources with illumination levels greater than one foot-candle shall be arranged to reflect away from adjacent properties.

iii. Light sources shall be appropriately located in order to avoid adverse impacts to drivers and pedestrians.

iv. Light sources shall be protected from vehicular damage, vandalism, and weather.

5. The use of LED is encouraged where possible and appropriate.

19:66-7.11 Residential design standards

Residential developments shall be designed in accordance with the New Jersey Residential Site Improvement Standards, N.J.S.A. 5:21-1 et seq.

19:66-7.12 Nonresidential design standards

(a) In retail structures, storefront windows shall cover a minimum of 60 percent of the ground floor façade area. On corner lots, the secondary storefront façade shall be consistent with the alignment, location, and amount of glazing of the primary storefront window façade.

(b) Blank walls shall be avoided at the ground floor level. Façade articulations, such as windows, trellises, recesses, projections, ornamentations, color, arcades, changes of material, landscaping, and other features shall be used to lessen the impact of blank walls.

(c) Trash containers and outdoor storage areas shall be screened from public streets, pedestrian walkways, and neighboring properties. The screen shall be designed to be compatible with the architectural character of the development and shall be constructed of durable materials.

(d) The primary access to the building shall be from the front of the structure. If necessary, the rear of the building shall be enhanced to improve public access from parking lots and service alleys.

(e) In developments requiring loading areas, service and loading areas shall be separated from main circulation and parking areas and away from public streets.

(f) Clearly defined, highly visible entrances shall be provided through the use of features, such as canopies, awnings, arches, decorative doors, and integral planters.

(g) Store window security grates shall be of open mesh design, except the lowest one foot may be of solid construction.

(h) Fire escapes shall be constructed only against the side or rear walls of the building.

(i) Rooftop/mechanical equipment shall be screened with visual barriers from adjacent properties, public roadways, parks, and other public areas. The architectural design of buildings shall incorporate design features that screen, contain, and conceal all heating, ventilation, and air conditioning units. All screening devices shall be compatible with the architecture and color of the principal structures.

(j) Electrical transformers shall be underground or housed within the building.

(k) Recycling and solid waste disposal areas shall be enclosed. These enclosures shall be screened with landscaping where feasible. Locations shall be conveniently accessible for trash collection and maintenance and shall not block access drives during loading operations.

(l) Both primary and secondary front façades shall be designed with quality materials and details, such as masonry. Front yard rules for landscaping and fencing shall apply to both primary and secondary front façades.

(m) Persons engaged in retail sales may display retail merchandise outdoors subject to the following:

1. No storage of merchandise or equipment is permitted on public property, such as a public park, a public ROW, a public street, an access easement, a boardwalk ramp, or the boardwalk. All business exteriors shall maintain an uncluttered, safe, and clean appearance. The outdoor display of retail merchandise is limited solely in the building front subject to the following:

i. The outdoor display of retail merchandise is within the ownership of the principal building owner, or if subject to a lease, within the leased area, and merchandise is under cover with a roof overhang, fixed awning attached to the building, or a covered foyer or alcove.

2. The display of retail merchandise may include goods hung on hangers or displayed on tables, provided that the outdoor display is orderly and provides for adequate vertical and horizontal clearances for public safety.

3. A seven-foot minimum vertical clearance above the surface of the boardwalk is required along with a five-foot minimum horizontal clearance where the area must open for access to allow adequate ingress and egress from the establishment.

4. An outdoor display area on the building front is permitted with a maximum height of 10 feet above the surface of the boardwalk.

5. A six-inch maximum projection out from the building is permitted for merchandise hanging on the exterior of the building front provided the merchandise is under cover as described above. All merchandise must be properly secured so not to be a falling hazard.

6. No merchandise or structures/apparatus to attached merchandise is permitted on the boardwalk or hanging on the doors, or hanging from awnings, or hanging from signage. No merchandise is permitted to hang from: roof overhangs, canopies, marques, open, closed, or retracted security gates, or mechanism/apparatus of security gates and similar structures. No merchandise is permitted in exterior covered alcoves, vestibules, or exterior foyers within the five-foot wide clearance access path or area.

7. The storage of equipment shall not be permitted outdoors.

SUBCHAPTER 8. SUBDIVISION DESIGN STANDARDS

19:66-8.1 Purpose

(a) This subchapter serves the following purposes:

1. To provide for the comprehensive and orderly development of the district in accordance with the Tourism District land development rules and any approved redevelopment plans for the Tourism District;

2. To provide for adequate drainage facilities and easements;

3. To provide for road improvements and the proper location and width of streets in subdivisions;

4. To provide for public water and sewer systems where necessary to protect public health and to ensure an adequate supply of water;

5. To provide for performance guarantees, maintenance bonds, and agreements specifying minimum standards of construction for required improvements; and

6. To provide for the exercise of the powers regarding the review and regulation of subdivisions.

19:66-8.2 Streets layout and design

(a) All street layout and designs shall meet the New Jersey Residential Site Improvement Standards requirements and standards.

(b) The applicant shall provide appropriate street signage and traffic control devices as may be required by, and in accordance with the requirements of, the Authority and the governmental entity with jurisdiction over the ROW.

(c) The applicant shall provide appropriate street lighting as may be required by, and in accordance with the requirements of, the Authority, the appropriate utility company, and the governmental entity with jurisdiction over the ROW.

19:66-8.3 Blocks

(a) The length, width, and shape of blocks shall be determined with regard to the following:

1. Provision of adequate building sites suitable for the needs of the proposed use;

2. Convenient access, circulation, control, and safety of street traffic; and

3. Topographical conditions.

(b) Blocks may be irregular in shape, provided they are consistent with the overall pattern of blocks in the proposed subdivision.

19:66-8.4 Lots

(a) Lot size requirements shall conform to the applicable zoning district rules of this chapter.

(b) Side lot lines shall be substantially at right angles or radial to street lines.

19:66-8.5 Easements

(a) Utility easements shall be provided where necessary, and shall be of adequate width as required by the utility company with jurisdiction.

(b) A stormwater easement or drainage ROW shall be provided if a subdivision is traversed by a watercourse or drainage way. Such easement or ROW shall conform substantially to the lines of such watercourse.

19:66-8.6 Drainage

(a) Each subdivision submitted shall be reviewed by the Authority to ensure the adequacy of all drainage provisions proposed within the subdivision and that potential adverse drainage conditions on all adjoining property resulting from such development have been addressed appropriately in accordance with the drainage design standards set forth in N.J.A.C. 19:66-7.5.

(b) Drainage systems shall be designed in accordance with N.J.A.C. 7:8, Stormwater Management, and N.J.A.C. 7:7, Coastal Zone Management Rules.

19:66-8.7 Water supply and sewerage disposal systems

(a) The applicant shall provide written proof from the water company serving the subdivision that, based upon the anticipated usage/generation of the proposed development, the development will be adequately served by public water supply.

(b) The applicant shall provide written proof from the appropriate sewerage authority serving the subdivision that, based upon the anticipated usage/generation of the proposed development, the development will be adequately served by a central sewerage system.

19:66-8.8 Fill

(a) No filling of low-lying lands, ditches, canals, or drainage-ways shall be permitted without first having obtained a permit for such work from the appropriate governmental authority.

(b) No blocking, overlaying, damming, rerouting, covering, or otherwise interfering with the existing natural surface-water, drainage-ways within the corporate limits shall be permitted without having first

obtained a permit for such work from the appropriate governmental authority.

(c) No excavation, digging, or soil removal, or soil redistribution that would materially alter the flow of surface water onto adjacent property owners, shall be permitted without first having obtained a permit for such work from the appropriate governmental authority.

(d) All fill material shall be free of all roofing, glass, trees, brush, building materials, vehicles, refrigerators, or similar items. Only clean dirt, bricks, blocks, or concrete shall be used. All bricks, blocks, or concrete shall be covered with clean fill dirt as required by the appropriate governmental authority.

19:66-8.9 Business, commercial, and industrial subdivisions

(a) Notwithstanding any other provisions of this chapter, the minimum width of streets adjacent to areas designed, proposed, or zoned for business, commercial, or industrial uses may be required to be increased to such width deemed necessary by the Authority to ensure the free flow of through-traffic without interference from parked or parking motor vehicles.

(b) Blocks intended for business, commercial, or industrial uses shall be designed specifically for such purpose, including sufficient space for off-street parking and loading required by this chapter.

(c) When blocks or lots in a proposed business, commercial, or industrial subdivision front on a limited access highway or arterial street, the applicant may be required to dedicate and improve a service road to provide ingress and egress to and from such blocks or lots.

19:66-8.10 Final improvement plans

(a) Upon the approval of a preliminary plat, the applicant shall submit revised construction drawings for the improvements in accordance with the following:

1. Such drawings shall be submitted in triplicate to the Authority a minimum of 60 calendar days prior to the date of the submission of the application for final plat approval.

2. Such drawings shall be prepared, signed, and sealed by a New Jersey-licensed professional engineer.

3. Such drawings shall contain the following:

i. Plans, design details, specifications, and cost estimates for street construction, including a center-line profile and a grade line for each street with a typical cross-section of the roadway. The profiles of grade lines shall be shown at a scale of one inch equal to 100 feet horizontal, and one inch equal to 10 feet vertical. This information shall be shown on standard plan and profile sheets;

ii. Plans, design details, specifications, calculations, and cost estimates of proposed stormwater management facility improvements;

iii. Plans, design details, specifications, and cost estimates of proposed water supply and distribution systems;

iv. Plans, design details, specifications, and cost estimates of sanitary sewerage systems, including treatment plants;

v. Grading plans, lighting plans, street plantings, and monument locations; and

vi. Such other information as may be required by the Authority deemed necessary for the review of the improvements.

(b) The Authority shall review all construction drawings in order to determine whether the drawings are consistent with the approved preliminary plat and comply with the design standards of this chapter.

(c) In the event that the construction drawings are not consistent with the approved preliminary plat or do not comply with the design standards of this chapter, the Division shall notify the applicant in writing of the reasons why the drawings are inconsistent or do not comply. The applicant shall then correct and resubmit such drawings.

(d) The Authority engineer shall act upon the construction drawings submitted to the Authority at the same time or prior to the time that the Authority engineer acts upon the final plat.

19:66-8.11 Required improvements

(a) The applicant shall install, or provide for the installation of, the following, in accordance with this chapter:

1. All roadways, curbs, gutters, and street drainage facilities;

2. All sidewalks located within public areas;

3. A water supply system, including fire hydrants;

4. A sanitary sewer system;

5. A stormwater management system;

6. A street lighting system;

7. Street signage and traffic control devices;

8. Landscaping of public areas; and

9. Monuments, as required by the New Jersey Map Filing Law, N.J.S.A. 46:23-9.9 et seq.

19:66-8.12 Exceptions for existing improvements

(a) Where the proposed subdivision is a resubdivision or concerns an improved area, and where such improvements otherwise meet the requirements of this chapter, no duplication of improvements will be required. However, where any improvement required in this chapter is not provided, or where the existing improvements do not conform to the provisions of this chapter, the applicant shall repair, correct, or replace such improvements in accordance with this chapter.

(b) Where the proposed subdivision concerns an area presently abutting or containing any existing public street having a ROW width of less than the required width, or a roadway pavement width of less than 20 feet, land may be required to be dedicated to provide the minimum width required in this chapter. The applicant shall provide the necessary additional roadway pavement required by the governmental entity with jurisdiction. Where the proposed widened roadway connects with existing streets, the connection shall be appropriately designed, subject to the approval of the Authority and any other governmental entity with jurisdiction.

19:66-8.13 Guarantee of installation of required improvements

For the purpose of assuring the installation and maintenance of on-tract improvements, and before the recording of final subdivision plats or as a condition of final site plan approval or the issuance of a CLUC, the Authority may require and shall accept in accordance with the standards adopted by resolution of the Authority the furnishing of performance and/or maintenance guarantees for development approved in accordance with this chapter.

19:66-8.14 Construction of improvements

No improvement shall be constructed, nor shall any work preliminary thereto be done, until such time as a final plat and the associated construction drawings have been approved and compliance with all of the requirements relating to the agreement and guarantee required in N.J.A.C. 19:66-8.13 has been demonstrated.

19:66-8.15 Vacation of undeveloped subdivision

The applicant may request the vacation of the plat prior to the time that the improvements covered by the bond are installed, provided that no individual lots within the subdivision have been sold. When such plat is vacated, the guarantee shall be returned to the applicant.

SUBCHAPTER 9. CONSENT TO ATLANTIC CITY REDEVELOPMENT ACTIONS

19:66-9.1 Consent to Atlantic City redevelopment proposals

(a) The Authority may consent to the request of Atlantic City to designate an area within the Tourism District as an area in need of redevelopment, or to the adoption of a redevelopment plan for any area within the Tourism District in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (LRHL), upon the finding that such a designation or adoption of a redevelopment plan would further the purposes granted to the Authority pursuant to the Act. The Authority may grant its consent on whatever terms and conditions it deems necessary or convenient. In considering the City's request to exercise its powers under the LRHL, the Authority shall consider the request at a regular public meeting of the Authority.

(b) The land use administrator shall review the City's proposed redevelopment plan for conformance to the Master Plan, and prepare or cause to be prepared a planning analysis for the Authority's examination, as it considers whether to consent to the proposed plan.

SUBCHAPTER 10. COORDINATION WITH ATLANTIC COUNTY PLANNING AND STATE LAND USE AGENCIES

19:66-10.1 Required permits

(a) All required permits from the Atlantic County Planning Board, State land use agencies, or other applicable agencies shall be obtained prior to, concurrently with, or as a condition of, the approval of any application.

(b) Evidence of approval or pending approval of any permit under (a) above shall be submitted to the Authority, including all appropriate supporting materials, documentation, and studies.

SUBCHAPTER 11. ZONING MAP

19:66-11.1 Zoning map

The boundaries of the zoning districts established in this chapter are shown on a map entitled the Casino Reinvestment Development Authority Tourism District Zoning District Map (Zoning District Map). The Zoning District Map dated April 12, 2017, and all notations, references, and other information shown thereon are incorporated herein by reference, as amended and supplemented. The Zoning District Map shall be properly attested and kept on file at the Authority. The Zoning District Map can be found at N.J.A.C. 19:66-11 Appendix, which is incorporated herein by reference.

19:66-11.2 Zoning district boundaries

(a) In the event that any uncertainty exists with respect to the intended boundaries of the various districts as shown on the Zoning District Map, the following shall apply:

1. The zoning district boundaries are the center-lines of streets, alleys, waterways, and ROWs, unless otherwise indicated. Where designation of a district boundary line on the Zoning District Map coincides with the location of a street, alley, waterway, or ROW, the center-line of such street, alley, waterway, or ROW shall be construed to be the boundary of such zoning district.

2. Where the zoning district boundaries do not coincide with the location of streets, alleys, waterways, and ROWs, but do coincide with lot lines, the lot lines shall be construed to be the boundaries of such zoning districts.

3. Where the zoning district boundaries do not coincide with the location of streets, alleys, waterways, ROWs, or lot lines, the zoning district boundary shall be determined by the use of the scale shown on the Zoning District Map.

4. When a lot held in one ownership as of (the effective date of this chapter), is divided by a zoning district boundary line, the entire lot shall be construed to be within the less restrictive zoning district.

5. When a lot is partially within and outside of the Tourism District, the entire lot shall be deemed to be within the Tourism District and subject to this chapter.

APPENDIX

SUBCHAPTER 12. NON-CONFORMING USE CERTIFICATIONS

19:66-12.1 Nonconforming lots, uses, and structures

Any nonconforming use or structure existing as of (the effective date of this chapter), may be continued upon the lot or in the structure so occupied and any such structure may be restored or repaired in the event of partial destruction thereof. The prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a nonconforming use or structure exists may apply in writing for the issuance of a certificate certifying that the use or structure legally existed on the land before (the effective date of this chapter), which rendered the use or structure nonconforming. The applicant shall have the burden of proof. An application pursuant to this subchapter may be made to the LURE official so designated to review such applications by (five years after the effective date of this chapter), or thereafter to the land use hearing officer, who shall review the application in accordance with the provisions of this chapter.

SUBCHAPTER 13. RELIEF FROM BULK, USE, CONDITIONAL USE, SITE PLAN, SUBDIVISION, AND SIGNAGE STANDARDS

19:66-13.1 Standard of proof for the grant of exceptions, variances, and waivers

All applications for exceptions, variances, and waivers under this chapter shall be determined in accordance with N.J.S.A. 5:12-220.d, and the standards and proofs established by the MLUL as applicable.

SUBCHAPTER 14. CONDUCT OF HEARINGS

19:66-14.1 Hearings

(a) Whenever a hearing is required pursuant to this subchapter, the Authority shall select a reasonable time and place for the conduct of the hearing and shall so advise the applicant.

(b) All hearings shall be conducted in accordance with the requirements of the Act and the MLUL.

(c) All public notices of hearings pursuant to this subchapter shall be the responsibility of the applicant and shall be provided in accordance with the requirements of the MLUL.

(d) The Authority's land use hearing officer shall preside over all hearings conducted pursuant to this subchapter.

(e) The Division may adopt and publish application checklists and other such forms as it deems necessary to conduct application completeness reviews and hearings on applications for development, with the current revision of such checklists and forms.

(f) An applicant submitting an application shall submit four copies of all applications, checklists, plans, reports, exhibits, and any other data to be submitted as evidence during a hearing.

(g) An application for development shall be deemed complete for purposes of commencing the applicable time period for action by the Authority when so certified by the land use administrator. In the event that the application is not certified complete within 60 days from the date of submission, the application shall be deemed complete for purposes of commencing the applicable time period for action unless the application lacks information indicated on the checklist promulgated by the Division and provided to the applicant and the land use administrator has notified the applicant, in writing, of the deficiencies in the application within 45 days of submission of the application. The applicant may request that one or more submission requirements be waived, in which event the land use administrator shall grant or deny the request, in writing, within 45 days.

(h) Once an application has been deemed complete, the Authority shall comply with the time lines set forth in the MLUL to conduct hearings.

(i) The land use hearing officer may direct the administration of oaths and compel the attendance of witnesses, the production of relevant papers, and inquire into and establish qualifications of the witnesses appearing.

(j) Applicants, other than individuals or sole proprietorships, shall be represented by an attorney admitted to practice law in the State of New Jersey.

(k) All testimony by witnesses at any hearing shall be given under oath, and every party of record at a hearing shall have the right to present evidence and to examine and to cross-examine witnesses on all relevant issues, but the hearing officer may impose reasonable limitations on the number of witnesses heard and on the nature and length of their testimony and cross-examination.

(l) The Authority shall arrange for a transcript of the hearing, the cost of which shall be borne by the applicant. All exhibits accepted into evidence shall be properly identified, and provided to the Authority by the applicant in an electronic format acceptable to the Authority. The transcript and exhibits shall be filed with the Authority and shall be a part of the public record.

(m) The land use hearing officer may continue the hearing from time to time as may be reasonably necessary, and may refer the matter for further investigation, as necessary. A copy of any reports resulting from the investigation shall become part of the public record. The public record shall be closed at the time of conclusion of the hearing. Within 60 days of the conclusion of the hearing conducted pursuant to this subchapter, the land use hearing officer shall issue a summary of his or her findings of fact and conclusions of law thereon, together with a recommendation for action, to the Authority governing body. At a regular meeting of the Authority, the governing body shall adopt a resolution approving, denying, or modifying the recommendation of the land use hearing officer, or referring the matter back to the hearing officer for further fact finding. Except as otherwise expressly provided in this chapter, such resolution shall constitute final agency action.

(n) The Division shall cause a Notice of Decision summarizing the action taken by the Authority on the application to be published in a newspaper of record.

19:66-14.2 Failure to act

If the person in whom authority is vested to decide an application fails to act within the time specified, the application shall not be deemed approved by virtue of the failure to act.

19:66-14.3 Administrative appeals

(a) Any person aggrieved by any decision, determination, interpretation, order, failure to act, or refusal based on or made in the administration or enforcement by the Authority official so charged with the administration or enforcement of this chapter, other than for applications for development requiring a hearing in accordance with N.J.A.C. 19:66-14.1, may file an administrative appeal with the Authority, which shall be determined by the hearing officer so designated by the Executive Director of the Authority.

(b) The person appealing the Authority's decision shall submit, by certified and electronic mail to the Authority, within 10 calendar days from the date of the Authority's action, a written notice of appeal containing a statement of all facts alleged to be at issue and the relevance of the facts to the Authority's decision. The hearing officer may request any additional information necessary to properly adjudicate the administrative appeal.

(c) A hearing on the administrative appeal shall be conducted in accordance with procedures as may be established by the Authority, which procedures may include the taking of live testimony, oral argument, or adjudicating the administrative appeal based on the applicant's written submission. Within 60 days of the conclusion of the hearing, the hearing officer shall issue a summary of his or her findings of fact and conclusions of law thereon, which shall constitute final agency action with respect to the administrative appeal.

19:66-14.4 Appeals of final agency action

Decisions of the Authority or hearing officer in accordance with this chapter are final agency actions, and shall be appealed by way of direct judicial review of such final agency action cognizable before the Superior Court of New Jersey, Appellate Division pursuant to the Rules Governing the Courts of the State of New Jersey. Any recommendation of the hearing officer or other LURE official, so authorized, shall not be subject to appeal.

19:66-14.5 Requests for reconsideration

(a) The provisions of N.J.A.C. 19:66-14.3 and 14.4 notwithstanding, any person aggrieved by any decision, determination, interpretation, order, failure to act, or refusal, based on or made in the administration or enforcement by the Authority official so charged with the administration or enforcement of this chapter, including the Authority's governing body, may seek reconsideration of such decision as set forth in this section.

(b) The person seeking reconsideration of the Authority's decision shall submit, by certified mail to the Authority, within 10 calendar days from the date of the Authority's action, a written request for reconsideration containing a statement of all facts alleged to be at issue and the relevance of the facts to the Authority's decision for which reconsideration is being sought. The hearing officer may request any additional information deemed necessary to properly adjudicate the administrative appeal.

(c) The Executive Director of the Authority may designate an Authority staff member to serve as a hearing officer for the reconsideration proceeding and to make a recommendation on the merits to the Authority. The hearing officer shall perform a review of the written record and may require a hearing. The hearing officer has sole discretion to determine if a hearing is necessary to reach an informed decision on the request for reconsideration.

(d) Following completion of the record review and any hearing, the hearing officer shall issue a written report to the Authority containing his or her finding(s) and recommendation(s) on the merits of the request for reconsideration.

(e) The Authority shall consider the hearing officer's recommendation(s) and issue a final agency decision on the appeal.

(f) Appeals under N.J.A.C. 19:66-14.3 and 14.4 are not contested cases subject to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., or the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

SUBCHAPTER 15. POST-APPROVAL COMPLIANCE

19:66-15.1 Approval compliance requirements

(a) All development approvals are conditioned upon compliance with the following terms and conditions:

1. Dedication of public improvements. If a development has received final approval, whether or not a development entails the subdivision of land, the design, construction, inspection, bonding, and acceptance of improvements to be dedicated to the public, shall be processed in the manner prescribed in the subdivision standards, as applicable.

2. CLUC. No CLUC shall be issued until a final plat has been signed and recorded (if required), or the Authority engineer certifies to the Authority that the improvements to be dedicated to the public have reached the same state of completion and/or bonding that would be required if a final plat were to be signed and recorded. If the Authority engineer considers that the final plat or a building permit application contains changes from the approved development plan, which are other than minor, he or she may refuse to sign the final plat until a revised development plan has been approved by the Authority. Nothing in this paragraph shall waive or substitute for the developer complying with all applicable laws, rules, and regulations of the Authority and other governmental units with jurisdiction.

3. Maintenance of open space. Failure to maintain open space in reasonable order and condition in accordance with the development plan may result in the Authority demanding correction of such deficiencies.

19:66-15.2 Amendment of development plan

If, at any time after the completion of a development, or portion thereof, a developer wishes to construct or alter the development in a manner different from the development plan as approved by the Authority in order to add, enlarge, remove, or significantly modify buildings or other features of the development, the developer shall be required to obtain development or site plan approval in accordance with the procedures prescribed in this chapter.

SUBCHAPTER 16. INSPECTION AND ENFORCEMENT ACTIONS

19:66-16.1 Inspection

(a) All improvements constructed shall be subject to inspection by the Authority.

(b) The cost attributable to all inspections required by this chapter shall be borne by the applicant in accordance with the then current Escrow and Fee Schedule promulgated by resolution of the Authority. The fee shall be paid prior to the commencement of construction of improvements.

(c) The applicant shall provide written notification to the Authority a minimum of 48 hours prior to the performance of any of the following work:

1. The surfacing of any roadway;

2. The installation of any curbing;

3. The grading or backfilling of any open trench or excavation in which any utilities have been installed, including water, sewer, stormwater, gas, telephone, and electric; and

4. The jointing of pipe installed under roadways.

(d) Within the 48-hour notice period required in (c) above, the Authority may conduct on-site inspections to determine if the proposed work complies with the approved construction drawings.

(e) If the Authority determines that such proposed work does not comply with the approved construction drawings, the Authority engineer shall have authority to order that all such proposed work shall be terminated until such time as necessary steps are taken to correct any defects or deficiencies.

(f) Upon the correction of such defects or deficiencies, the applicant shall notify the Authority, in accordance with this chapter.

19:66-16.2 Final inspection

(a) Upon completion of all improvements within the area covered by the final plat, the applicant shall notify the Authority in writing by certified or registered mail, and shall deliver to the Authority two complete sets of construction drawings showing as-built conditions of all improvements. This notification shall include a certification by a New Jersey-licensed professional engineer stating that the improvements have been installed in accordance with the approved construction drawings.

(b) The Authority shall thereupon conduct a final inspection of all improvements installed.

(c) If such final inspection indicates that there are any defects or deficiencies in any such improvements installed, or if such improvements deviate from the approved construction drawings in a manner that, in the opinion of the Authority, will adversely affect the performance, suitability, or desirability of the improvements, the Authority shall notify the applicant in writing of such defects, deficiencies, or deviations and the applicant shall, at his or her sole cost and expense, correct such defects, deficiencies, or deviations within six months of the date of notification.

(d) When such defects, deficiencies, or deviations have been corrected, the applicant shall notify the Authority that the improvements are ready for final inspection in accordance with (a) above.

19:66-16.3 Certification of improvements

(a) If a final inspection indicates that all installed improvements contain no defects, deficiencies, or deviations, within 10 days from the completion of such inspection, the Authority engineer shall certify to the applicant that all improvements have been installed in conformity with the approved construction drawings associated with the final plat.

(b) A copy of the certification shall be filed with the Authority.

(c) All improvements so certified and accepted shall become the property of the City or the governmental entity with jurisdiction over such improvements.

(d) Upon receipt of such notification, the applicant shall submit the maintenance bond pursuant to the requirements of this chapter.

19:66-16.4 Penalties and enforcement

(a) When the Authority becomes aware that a violation of this chapter may exist, the land use regulation enforcement officer or authorized Division personnel shall undertake an investigation to determine whether such violation does exist. If the land use regulation enforcement officer or authorized Division personnel shall determine that a violation of this chapter does exist, the Authority shall notify the property owner of the existence of the violation in writing and request that the violation be abated. If the violation is not abated, the Authority shall have the power to take any or all actions as are set forth in (b) below to ensure compliance with this chapter.

(b) A property owner, business, or lessee who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of, this chapter shall be subject to a civil penalty of not less than $200.00 or more than $5,000. Each day such violation or failure to comply exists subsequent to the original notification shall constitute a separate offense.

(c) The Authority may, in the case of a violation of this chapter, institute a civil action for injunctive relief:

1. To prevent unlawful sale, enlargement, moving, rental, construction, reconstruction, alterations, repair, conversion, maintenance, use, filling, or occupancy;

2. To restrain, correct, or abate any violation;

3. To prevent the occupancy of any dwelling, structure, or land;

4. To prevent any illegal act, conduct, business, or use in or about any premises; or

5. To collect such civil penalties as have been assessed against any violator and which civil penalties the violator has refused to pay.

(d) The Authority may investigate any potential violation of the performance standards of this chapter.

(e) The Authority's rights of entry and inspection shall be as follows:

1. Any individual who has applied to the Authority for a permit shall be deemed to have consented to inspections, investigations, examinations, surveys, soundings, or test borings, by the Authority personnel and duly authorized representatives of the Authority, of the

entire premises and of any and all construction being performed on the premises until a permit has been issued.

2. The Authority personnel and duly authorized representative of the Authority shall have the right to enter upon any property in order to conduct inspections necessary to ensure compliance with this chapter.

3. All inspections, investigations, examinations, surveys, soundings, or test borings shall be memorialized by a written report, which shall include the name of the representative who entered the premises, the address, including the lot and block number(s), of the premises entered and a description of the premises, including a description of any and all violations.

4. Other than a visit to the premises made pursuant to (e)1 and 2 above, the property owner, owner's agent, or tenant shall be notified of the Authority's intention to enter upon any building or property in order to conduct investigations, examinations, surveys, soundings, or test borings necessary to carry out the purposes of the Authority's enabling legislation, as amended from time to time.

5. Where access to any premises has been refused, such refusal may be reported to the Office of the Attorney General of the State of New Jersey, and a search warrant may be obtained or other appropriate legal proceedings initiated by the Authority.

SUBCHAPTER 17. MISCELLANEOUS PROVISIONS

19:66-17.1 Compliance with all other applicable law and rules

All approvals granted under the authority of this chapter shall be subject to compliance with all other applicable laws, rules, codes, and ordinances.

19:66-17.2 Severability

(a) The provisions of this chapter shall be separable, in accordance with the following:

1. If any provision, or portion thereof, of this chapter is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining provisions of this chapter.

2. If the application of any provision of this chapter to a particular property, building, or structure is for any reason held to be unconstitutional or invalid, such decision shall not affect the application of the provisions to any other property or structure.