

SUBCHAPTER 2. DEFINITIONS

17:20-2.1 Definitions

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

“Registration” shall mean the Division’s action approving a courier services applicant (or applicant for renewal of courier service registration) to operate for [one] **three** years as a registered courier service within the meaning of the Courier Services Act and this chapter.

SUBCHAPTER 12. COURIER SERVICES

17:20-12.7 Registration renewal

(a) The Director shall require registration renewal applications on [an annual] **a triennial** basis, to ensure continuing compliance with the Courier Service Act and with this subchapter. The courier service shall provide such other information as the Director may deem necessary for the proper administration of the Division’s activities. Information required by the Division shall include updating all information from previously approved applications, including **an** updated business plan. The Division may procure and exchange information with other agencies regarding information required of courier services as provided by law.

1. Staggered renewal schedule: For existing registered courier services, the renewal schedule will be staggered based on the order of initial licensing. The first licensed courier service will renew on July 1, 2029 (three years from July 1, 2026), the second licensed courier service will renew on July 1, 2028 (two years from July 1, 2026), and the third and subsequent licensed courier service will renew on July 1, 2027 (one year from July 1, 2026). Thereafter, each courier service will renew every three years following their previous renewal date.

(b) A courier service’s registration shall remain in full force and effect until the registration is expired ([one] **three** years after the date it was issued), suspended, or revoked by the Director or until the Director receives a written resignation from the courier service.

(c) (No change.)

OTHER AGENCIES

(a)

CASINO REINVESTMENT DEVELOPMENT
AUTHORITY

Tourism District Land Development Rules

Proposed Amendments: N.J.A.C. 19:66-2.1, 3.4, 3.5, 4.3, 4.10, 4.12, 5.1, 5.2, 5.5, 5.7 through 5.16, 5.18 through 5.22, 6.3, 7.7, 11.1, 19:66-11 Appendix, and 12.1

Proposed Repeal: N.J.A.C. 19:66-5.17

Proposed New Rule: N.J.A.C. 19:66-5.24

Authorized By: Casino Reinvestment Development Authority, Eric Scheffler, Executive Director/Board of Directors.

Authority: N.J.S.A. 5:12-161.f and 5:12-220.

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

Proposal Number: PRN 2025-128.

A **public hearing** on the proposed amendments will be held on the following date, at the following location:

Thursday, October 16, 2025, at 10:00 A.M.
Casino Reinvestment Development Authority Board Room
15 South Pennsylvania Avenue
Atlantic City, NJ 08401

Comments may be submitted through November 15, 2025, in Microsoft Word format, or in a format that can be easily converted to Word to: <https://njcrda.com/public-notices/> or on paper to:

Sharon Dickerson, Esq., General Counsel
Casino Reinvestment Development Authority
15 South Pennsylvania Avenue
Atlantic City, NJ 08401
Attention: Law Department

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.

Summary

The Casino Reinvestment Development Authority (Authority) is proposing amendments to its rules governing zoning and land use for the Tourism District in the City of Atlantic City (City), found at N.J.A.C. 19:66.

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 the City, to stabilize the City’s finances, and to spur economic growth and job creation in the City and the surrounding region.

The Tourism District Act mandated that 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.

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 adopted land use regulations for the Tourism District codified at N.J.A.C. 19:66 on January 2, 2018. The Authority now proposes the amendments of rules at N.J.A.C. 19:66 in order to continue to promote the general health, safety, and welfare of the Tourism District, conserve and enhance the taxable value of land and buildings throughout the City, and ensure that development occurs in appropriate locations based on the neighborhood context and overall environment.

The Authority seeks to make amendments at N.J.A.C. 19:66 in order to: (1) make minor corrections to address grammatical/typographical errors, provide clarification, and promote consistency throughout (which are not discussed any further below); (2) address new uses, such as licensed cannabis businesses through the creation of the Cannabis Overlay Zone (COZ), which shall conditionally permit the operation of licensed cannabis businesses; (3) amend zoning district boundaries, resulting in the removal of the Thorofare Waterfront District (TW) and the inclusion of this former district in the Ducttown Arts District (DA); and (4) promote consistency with the ordinances of the City of Atlantic City.

Summary of Specific Amendments

Subchapter 2. Definitions

The Authority proposes amending N.J.A.C. 19:66-2.1, the definitions section for the chapter, to:

- Include terms relating to legal cannabis uses that are permitted in the Tourism District, in accordance with the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1 et seq., the New Jersey Cannabis Regulatory, Enforcement, Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-32 et seq., and the City of Atlantic City’s ordinance permitting cannabis businesses to operate within the City, including “alternative treatment center,” “cannabis,” “cannabis business,” “cannabis consumption area,” “cannabis cultivator,” “cannabis delivery service,” “cannabis distributor,” “cannabis retailer,” “cannabis manufacturer,” “cannabis wholesaler,” and “microbusiness”;
- Delete the term “base floor elevation”;
- Amend the definition for the term “craft breweries and distilleries” to indicate an appropriate liquor license must be obtained;

- Include a definition for the new term “design floor elevation”;
- Amend the definition for the term “existing grade” to delete a reference to preexisting conditions;
- Delete the term “extension”;
- Amend the definition for the term “flood area” to remove the term “several”;
- Include a definition for the new term “food truck”;
- Amend the definition for the term “height of building” to change the definition from “base flood elevation” to “design flood elevation”;
- Amend the definition for “live/work studio” to indicate that only three non-residents may work in the space;
- Amend the definition for “lot width” to clarify the lot calculation;
- Delete the term “lounge”;
- Amend the definition of “personal services” to clarify that personal services are not considered medical use or service;
- Include a definition for the term “playground”;
- Amend the definition of “recreation” to remove “orienteering.”

Subchapter 3. Tourism District Land Use Regulation and Enforcement

N.J.A.C. 19:66-3.1 through 3.5 permit the establishment of the Land Use Regulation and Enforcement Division (Division) within the Authority and govern the Division’s authority and responsibilities, including the Division’s responsibilities with respect to all applications submitted pursuant to this chapter.

The Authority proposes amending N.J.A.C. 19:66-3.4(a) to clarify that applications that are not accompanied by the required fees will not be placed on the public hearing agenda.

Subchapter 4. Development Application Procedures

N.J.A.C. 19:66-4.1 through 4.15 establish and set forth the administrative procedures for the development, redevelopment, and management of properties in the Tourism District. The Authority proposes amending N.J.A.C. 19:66-4.3 to clarify that certificates of land use compliance (CLUCs) are required for changes in occupancy, and prior to occupancy. The Authority proposes amending N.J.A.C. 19:66-4.10 to address subdivision plans and submissions, in addition to site plans. The Authority proposes amending N.J.A.C. 19:66-4.12 to clarify application of the regulation to preliminary and final “major” site plans.

Subchapter 5. Zone District Use Standards

Subchapter 5 establishes the 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.

The Authority proposes amendments throughout the subchapter. Most significantly, the Authority is proposing revisions to the zone boundaries, such that the Thorofare Waterfront District (TW) shall be deleted and completely absorbed by the Ducktown Arts District (DA), as well as proposing the creation of the Cannabis Overlay Zone, in order to define the area where cannabis businesses will be permitted as a conditional use.

The Authority proposes amending N.J.A.C. 19:66-5.1 in order to remove the reference to the Thorofare Waterfront (TW) zone. The Authority proposes amending N.J.A.C. 19:66-5.2 to require that the minimum lowest floor elevations for structures shall comply with the standards of the Atlantic City Flood Damage Prevention Ordinance and the Uniform Construction Code. The Authority proposes amending N.J.A.C. 19:66-5.5 to address outdoor seating area requirements. The Authority proposes amending N.J.A.C. 19:66-5.7 to prohibit portable sandwich signs, provide clarification regarding the restrictions on the number of signs permitted, and provide maximum gross surface area of signs permitted for individual units in multi-unit commercial buildings.

The Authority proposes amending N.J.A.C. 19:66-5.8 to clarify that certain parking requirements for restaurants and bars do not apply to tables and chairs on the boardwalk or public sidewalks as an extension of a business establishment offering food and beverage services or to establishments located on the beach offering food and beverage services; provide a parking requirement reduction for sites providing an on-site taxi, car service, or ridesharing drop off/pickup area; and to clarify the loading area requirements for commercial uses.

The Authority proposes amending N.J.A.C. 19:66-5.9 to clarify that permitted uses in the Beach District remain subject to securing proper land development approval and compliance with the New Jersey Department of Environmental Protection’s rules.

The Authority proposes amending N.J.A.C. 19:66-5.10, governing the Resort Commercial District (RC), to clarify permitted recreational uses; include as permitted uses live/work studios, certain mixed uses, and single-family dwellings and duplexes; include as permitted accessory uses freestanding surface parking lots; makes changes to area and bulk requirements; and set forth the area and bulk requirements for permitted single-family, duplex, and two-family dwellings.

The Authority proposes amending N.J.A.C. 19:66-5.11, governing the Ducktown Arts District (DA), to:

- Include as permitted uses, single-family detached;
- Clarify that permitted mixed commercial/residential use can include one or more residential units on second floors;
- Limit the maximum building size for permitted retail sales;
- Delete freestanding parking lots from permitted uses;
- Include as permitted accessory uses, freestanding surface parking lots; and
- Makes changes to area and bulk requirements.

The Authority proposes amending N.J.A.C. 19:66-5.12, governing the Central Business District (CBD), to: clarify that one or more residential units over first floor commercial are permitted uses; include banks as permitted uses; include, as permitted accessory uses, freestanding surface parking lots; and make changes to area and bulk requirements.

The Authority proposes amending N.J.A.C. 19:66-5.13, governing the Gateway District (GWAY), to: clarify that one or more residential units over first floor commercial are permitted uses; include, as a permitted use, freestanding surface parking lots; include, as permitted accessory uses, freestanding surface parking lots; and make changes to area and bulk requirements.

The Authority proposes amending N.J.A.C. 19:66-5.14, governing the Marina District (M), to: include, as permitted accessory uses, freestanding surface parking lots; include, as a permitted use, multifamily residential low-, mid-, and high-rise developments, and freestanding surface parking lots; and make changes to area and bulk requirements.

The Authority proposes amending N.J.A.C. 19:66-5.15, governing the Gardner’s Basin District (GB), to: include pop-up uses as permitted uses; include, as permitted accessory uses, freestanding surface parking lots; and make changes to area and bulk requirements.

The Authority proposes amending N.J.A.C. 19:66-5.16, governing the Bader Field District (BADER), to: include townhouses in a planned unit development (PUD) and one or more residential units over first floor commercial as permitted uses; and make changes to area and bulk requirements.

The Authority proposes to repeal N.J.A.C. 19:66-5.17, governing the Thorofare Waterfront District (TW).

The Authority proposes amending N.J.A.C. 19:66-5.18, governing the Lighthouse One District (LH-1), to: include one or more residential units over first floor commercial, single-family attached and single-family detached with a minimum density of 10 units per acre, and bars as permitted uses; and make changes to area and bulk requirements.

The Authority proposes amending N.J.A.C. 19:66-5.19, governing the Lighthouse Two District (LH-2), to: include one or more residential units over first floor commercial and single-family attached, and single-family detached, with a minimum density of 10 units per acre as permitted uses; and make changes to area and bulk requirements.

The Authority proposes amending N.J.A.C. 19:66-5.20, governing the Kentucky Avenue Renaissance District (KAR), to: include one or more residential units over first floor commercial and live/work studios as permitted uses; and make changes to area and bulk requirements.

The Authority proposes amending N.J.A.C. 19:66-5.21, governing the Absecon Inlet District (AI), to: include one or more residential units over first floor commercial as a permitted use; include as permitted accessory uses freestanding surface parking lots; and make changes to area and bulk requirements.

The Authority proposes amending N.J.A.C. 19:66-5.22, governing the Open Space District (OS), to change base flood elevation to design flood elevation for measuring maximum allowable height under the bulk and area requirements.

The Authority proposes new N.J.A.C. 19:66-5.24, which shall set forth the zoning regulations for the new Cannabis Overlay Zone (COZ). The Authority proposes this new section in order to establish the COZ in order to conditionally permit the operation of cannabis businesses, and to set forth the requirements for cannabis businesses seeking to operate or currently operating in the COZ.

Subchapter 6. Condition Use Standards

N.J.A.C. 19:66-6.1 through 6.6 govern the procedures, standards, and rules by which the Authority shall review and approve or disapprove applications for conditional use approval in the Tourism District.

The Authority proposes an amendment at N.J.A.C. 19:66-6.3 relating to food trucks/trailers, to include that the owner/operator must currently own/operate a business or a "restaurant within the City."

Subchapter 7. Site Plan Design Standards

N.J.A.C. 19:66-7.1 through 7.12 set 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.

The Authority proposes an amendment at N.J.A.C. 19:66-7.7, to include the regulation of picket fences, trash enclosures, and gates.

Subchapter 11. Zoning Map

N.J.A.C. 19:66-11.1 through 11.2 incorporate and govern the interpretation of the Casino Reinvestment Development Authority Tourism District Zoning District Map, which sets forth the boundaries of all zoning districts.

The Authority proposes amendments at N.J.A.C. 19:66-11.1 and the subchapter Appendix relating to adoption of a new Zoning District Map for the Tourism District, dated April 3, 2025, which reflects the removal of the Thorofare Water District (TW), the inclusion of the former Thorofare Water District (TW) in the Ducktown Arts District (DA), and the establishment of the Cannabis Overlay Zone (COZ).

Subchapter 12. Non-Conforming Use Certifications

N.J.A.C. 19:66-12.1 governs and regulates all nonconforming lots, uses, and structures in the Tourism District.

The Authority proposes amending N.J.A.C. 19:66-12.1 in order to clarify the persons who may make applications for issuance of a certification of non-conforming use, and to clarify that applications must be submitted with the designated fee.

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 Authority does not anticipate that the proposed amendments, repeal, and new rule will alter the overall positive social impact that the rules have had on the residents and businesses in the Tourism District and the Atlantic City area since the rules were adopted on January 2, 2018.

The Authority is proposing the creation of the Cannabis Overlay Zone, to allow as a conditional use the operation of licensed recreational and medical cannabis businesses in a designated area within the Tourism District. The Authority, however, does not anticipate that the creation of the Cannabis Overlay Zone, or the adoption of rules regulating cannabis businesses in the Cannabis Overlay Zone, will have any social impact on the residents. The boundaries of the proposed Cannabis Overlay Zone are coextensive with the area currently designated by the City of Atlantic City as the Green Zone Redevelopment Area, and the proposed rules impacting the cannabis businesses in the Cannabis Overlay Zone are incorporating the City's current ordinance regulating cannabis businesses. For this reason, the Authority does not anticipate any social impact due to the creation of the Cannabis Overlay Zone.

The Authority further does not anticipate any social impact due to the inclusion of the area currently known as the Thorofare Waterfront District (TW) into the Ducktown Arts District (DA). The Thorofare Waterfront District was originally created as a separate zoning district distinct from the Ducktown Arts District as part of an effort by the Authority to allow for capitalization of the waterfront attributes of this area and to encourage a mixture of residential development types, supportive commercial, educational, and institutional uses, as well as maximizing the characteristic physical attributes of natural lands, including waterfront access, unobstructed viewsheds, and open and green spaces. This change in the zoning districts is being made in response to public request, as the area currently known as the Thorofare Waterfront District is considered by City residents to be a part of the Ducktown neighborhood and is subject to the efforts of the Ducktown Community Development Corporation. Further, the Thorofare Waterfront District and the Ducktown Arts District permit similar or comparable land uses. Accordingly, the Authority believes the planned elimination of the Thorofare Waterfront District, and inclusion of this area within the Ducktown Arts District, will result in no impact on the businesses and residents in these zone districts.

The Authority further anticipates a positive social impact relating to proposed amendments being made to permitted residential uses to the zoning districts, including single-family dwellings, attached and detached, duplexes, mixed-uses, including residential units above commercial ground floor, live-work studios, townhouses in a planned unit development, and multifamily apartment buildings (low-, mid-, and high-rise), and to increase the maximum number of dwelling units per acre to allow for the development of housing, particularly multifamily developments. The Authority is proposing the inclusion of these types of residential uses as permitted uses in zoning districts in response to the large number of use variance applications for these uses that the Authority has received and approved since the adoption of N.J.A.C. 19:66 on January 2, 2018. The Authority anticipates that these proposed amendments will codify as permitted uses these residential uses that are being permitted through issuance of use variances, will allow for more housing options within the Tourism District, and will alleviate the burden and costs on property owners and residents associated with having to apply for and obtain use variances. The Authority believes that the increases in maximum dwelling units per acre will encourage multifamily developments.

The proposed amendments, repeal, and new rule will not result in any differential impact on any different segments of the population of the Tourism District. The proposed amendments shall apply uniformly and generally and will not regulate persons or groups of persons by race, ethnicity, national origin, gender, age, religion, sexual orientation, pregnancy, disability, gender identity or expression, genetic information, HIV/AIDS status, military, or veteran status.

Economic Impact

The proposed amendments, repeal, and new rule present a minimal cost, if any, to the State. The cost of the Authority's operations is paid out of application fees and administrative fees to be borne by applicants. The proposed amendments, repeal, and new rule present no new or additional costs or regulatory burden than has previously existed to the segments of the regulated public, which includes property owners and businesses in the Tourism District seeking development approval. The proposed amendments, repeal, and new rule shall further the positive economic impact on the Tourism District by stabilizing the City's finances, creating jobs in the City, making the City a premier gaming and tourism destination, and stimulating the economy of the casino industry, the City, and the State, as a whole.

Federal Standards Statement

A Federal standards analysis is not applicable because the proposed amendments, repeal, and new rule are not being proposed pursuant to the authority of, or in order to implement, comply with, or participate in, any program established pursuant to Federal law or pursuant to a State statute that incorporates or refers to a Federal law, standard, or requirement.

Jobs Impact

The proposed amendments, repeal, and new rule will not result in the generation of, or loss of, jobs.

Agriculture Industry Impact

No impact on the agriculture industry is anticipated as a result of the proposed amendments, repeal, and new rule.

Regulatory Flexibility Statement

The proposed amendments, repeal, and new rule do not impose reporting or recordkeeping requirements on small businesses. The proposed amendments, repeal, and new rule do address regulation and governance of land development, design, and land use in the Tourism District. Thus, compliance requirements are being imposed on regulated entities that may include small businesses, as the term is defined pursuant to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments, repeal, and new rule, however, do not impose any new costs of compliance on small businesses than are already provided for in the rules, and any costs associated with applications submitted pursuant to the proposed amendments 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 pursuant to the proposed amendments may require the professional legal, architectural, engineering, or construction-related services.

The proposed amendments, repeal, and new rule 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, which will positively impact and ease the regulatory process for all future applicants, including small businesses.

Housing Affordability Impact Analysis

The proposed amendments, repeal, and new rule are consistent with the Authority's general policy of promoting affordable and workforce housing in the City. The Authority's proposed amendments, repeal, and new rule are intended to codify as permissible, certain residential uses for which the Authority has routinely been granting use variance applications since the adoption of the rules on January 2, 2018. Accordingly, the Authority anticipates that the proposed amendments, repeal, and new rule will have an insignificant impact on housing affordability and are unlikely to evoke a change in the average costs associated with housing.

Smart Growth Development Impact Analysis

The Authority finds that the proposed amendments, repeal, and new rule would impose an insignificant impact on smart growth and that there is an extreme unlikelihood that the proposed amendments, repeal, and new rule would negatively impact housing production within Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan than already exists. As noted above, the proposed amendments relating to housing are being made in response to the number of use variance applications that the Authority has already received and approved regarding such housing options. The proposed amendments, repeal, and new rule would allow certain housing options and styles as permitted uses in order to alleviate the regulatory burden on property owners and developers of having to make a use variance application.

Racial and Ethnic Community Criminal Justice and Public Safety Impact Statement

The Authority has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the rule proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 19:66-5.17.

Full text of the proposed amendments and new rule follow (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

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.

...

"Alternative treatment center" means an organization issued a permit pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L. 2009, c. 307 (N.J.S.A. 24:61-1 et seq.) to operate as a medical cannabis cultivator, medical cannabis manufacturer, or medical cannabis dispensary, as well as any alternative treatment center deemed pursuant to N.J.S.A. 24:61-7 to concurrently hold a medical cannabis cultivator permit, a medical cannabis manufacturer permit, and a medical cannabis dispensary permit.

... ["Base Flood Elevation (BFE)" is the elevation as shown on the Federal Emergency Management Agency's (FEMA) Base Flood Elevation (BFE) Maps.]

... "Cannabis" means parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, that are cultivated and, when applicable, manufactured in accordance with the New Jersey Cannabis Regulatory, Enforcement, Assistance, and Marketplace Modernization Act, P.L. 2021, c. 16, (N.J.S.A. 24:61-31 et seq.) for use in cannabis products, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drinks, or other products.

"Cannabis business" means any cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, cannabis delivery service, or alternative treatment center.

"Cannabis cultivator" means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator License.

"Cannabis delivery service" means any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which, after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery License.

"Cannabis distributor" means any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor License.

"Cannabis manufacturer" means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer License.

"Cannabis retailer" means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer License.

"Cannabis wholesaler" means any licensed person or entity that purchases or otherwise obtains, stores, sells, or otherwise transfers,

and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler License.

...
 “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, **if the appropriate liquor licensure is obtained.**

...
 “Design Flood Elevation (DFE)” is the sum of the elevation shown on the current Flood Insurance Rate Map used by the City of Atlantic City for design/regulatory purposes, and the freeboard required by Atlantic City’s Flood Damage Prevention ordinance, pursuant to Chapter 132-18 of the City Code of Atlantic City.

...
 “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.

...
 [“Extension” means an increase in the amount of existing floor area within an existing Building.]

...
 “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.

...
 “Food truck” means a vehicle, usually a van or truck, or a towed trailer from which food and beverages are sold.

...
 “Hearing” means the Authority’s Land Use Regulation and Enforcement Division quasi-Judicial Hearing [publicly] **publicly** held with such frequency and on such dates and times, as duly noticed in accordance with applicable law.

...
 “Height of building” means the vertical distance measured from [Base Flood Elevation (BFE)] **Design Flood Elevation** 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.

...
 “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, **and** charitable organizations).

...
 “Live/work studio” means a single unit (for example, a 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. **No more than three non-resident adult employees shall be permitted to work in the commercial space. This definition shall only apply for which both a certificate of occupancy and mercantile license have been issued by the City.**

...
 “Lot width” means the mean horizontal distance between side lot lines, measured at right angles to the depth **and measured at the required building setback; also** 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.]

...
 “Microbusiness” means a person or entity licensed as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that may only, with respect to its business operations, and capacity and quantity of product:

1. Employ no more than 10 employees;
2. Operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane, and grow above the plane not higher than 24 feet;
3. Possess no more than 1,000 cannabis plants each month, except that a cannabis distributor’s possession of cannabis plants for transportation shall not be subject to this limit;
4. Acquire each month, in the case of a cannabis manufacturer, no more than 1,000 pounds of usable cannabis;
5. Acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof; and
6. Acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof.

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

1. [Does not exceed parcels of] **The area proposed for disturbance or use does not exceed** one acre in size;
- 2.-5. (No change.)

...
 “[Off site] **Off-site**” means 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 a development application or the closest half of the street or right-of-way abutting the property of which the lot is a part.

...
 “Personal services” means an act by which the skills of one person are utilized for the benefit of another, provided no function involves the 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. **Personal services are not considered medical use or service.**

...
 “Recreation” means one or more of the following:

1. (No change.)
2. “Outdoor recreation” means predominantly participant uses conducted in open or partially enclosed or screened facilities. [May] **This 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. (No change.)

...

SUBCHAPTER 3. TOURISM DISTRICT LAND USE REGULATION AND ENFORCEMENT

19:66-3.4 Fees and escrow deposits

(a) Any application shall be accompanied by such fees as specified in the then current Escrow and Fee Schedule promulgated by resolution of the Authority, and the Authority shall be entitled to collect from the applicant such costs and fees of professionals, including engineers, planners, and attorneys as may be engaged by the Authority to address the application. **An application that is not accompanied by the required fees will not be placed on the public hearing agenda.**

(b)-(c) (No change.)

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.-3. (No change.)

4. The land use and zoning [rules] **regulations**, including, conditional uses;

5.-6. (No change.)

(b) (No change.)

SUBCHAPTER 4. DEVELOPMENT APPLICATION PROCEDURES

19:66-4.3 Changes in occupancy—CLUC requirements

(a) No structure, building, or addition thereto shall be occupied or used for any purpose **without a CLUC**; no vacant land shall be used for any purpose **without a CLUC**; no use of land, structure, or building shall be reoccupied or changed to any other permitted use **without a CLUC**; 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)-(c) (No change.)

19:66-4.10 Phasing plan permitted

(a) An application may include a phasing plan within its preliminary site plan **or subdivision** submission that depicts the evolution of the overall development.

(b) The phasing plan must be shown graphically on the site plan **or subdivision** and a description of each sequential phase must be included within the required development application.

19:66-4.12 Administration

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

1.-4. (No change.)

5. Approve, approve conditionally, or disapprove preliminary [and] **of final major** site plans;

6.-7. (No change.)

(b) (No change.)

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.-8. (No change.)

[9. Thorofare Waterfront (TW);]

Recodify existing 10.-15. as **9.-14.** (No change in text.)

19:66-5.2 General provisions

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

1. (No change.)

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] **Atlantic City Flood Damage Prevention Ordinance** and the Uniform Construction Code.

3. (No change.)

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.]

1. If the outdoor seating areas are proposed within the City's right-of-way or on City-owned land, the applicant must obtain a license from the City for the use of that space.

2. The outdoor seating area for all other uses shall not exceed [15] **75** 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] **access way** of five feet shall be maintained at all times.

4. (No change.)

(b) (No change.)

19:66-5.7 Signs

(a)-(f) (No change.)

(g) Signs permitted in any zoning district without a 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.-17. (No change.)

[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.-2. (No change.)

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[.]; **and**

iii. Portable sandwich signs.

(i) (No change.)

(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.-2. (No change.)

3. Number of signs permitted:

i. Two wall signs and either one ground sign or one pole sign per street frontage **for each individual business establishment storefront as part of a multi-unit commercial building;**

ii. One awning, canopy, or marquee sign **for each individual business establishment storefront as part of a multi-unit commercial building;**

iii. One projecting sign **for each individual business establishment storefront as part of a multi-unit commercial building;**

iv.-v. (No change.)

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; **and**

iii. For individual units in multi-unit commercial buildings, the maximum gross surface area of signs permitted shall not exceed 25 percent of the storefront (façade) area of the individual tenant area;

5.-7. (No change.)

(k) (No change.)

19:66-5.8 [Onsite] **On-site parking and loading requirements**

(a) (No change.)

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

1.-22. (No change.)

23. On-site parking is not required for tables and chairs on the boardwalk, or any other public sidewalk, provided it is an extension of a business establishment offering food and beverage service.

24. On-site parking is not required for establishments offering food and beverage service on the beach that have secured the proper land development approvals from the New Jersey Department of Environmental Protection.

25. Parking requirement reduction of 85 percent shall be permitted for sites that provide on-site taxi, car service, or ridesharing drop-off/pickup areas, or that are within 300 feet of established mass transportation routes.

(c) The following loading requirements shall apply for all commercial uses:

1. 10,000 to 99,999 square foot building: One **loading area**;
2. 100,000 to 149,999 square foot building: Two **loading areas**;
3. 150,000 to 399,999 square foot building: Three **loading areas**;
4. 400,000 to 659,999 square foot building: Four **loading areas**;
5. 660,000 to 969,999 square foot building: Five **loading areas**;
6. 970,000 to 1,300,000 square foot building: Six **loading areas**; 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 in the Beach District are as follows, **subject to securing proper land development approvals in compliance with the New Jersey Department of Environmental Protection rules:**

(1)-(12) (No change.)

ii.-viii. (No change.)

19:66-5.10 Zoning district rules; [resort commercial] **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)-(8) (No change.)

(9) **Entertainment and recreational uses, including arenas, theme parks, water parks, golf courses, active and/or passive recreational facilities, amusement rides, cultural facilities, and any other like or similar attractions;**

[(10) Recreation;

(11) Amusement rides;]

Recodify existing (12)-(19) as **(10)-(17)** (No change in text.)

[(20)] **(18) Multi-family residential mid-rises and high-rises; [and]**

[(21) Mixed uses.]

(19) Live/work studios;

(20) Mixed-uses with commercial on the first floor and residential one or more unit uses above; and

(21) Single-family dwellings and duplexes in accordance with (a)1v below.

ii. Permitted accessory uses:

(1) Public and private garages, **and accessory freestanding surface parking lots subject to compliance with N.J.A.C. 19:66-7.2, 7.6, and 7.10;**

(2)-(4) (No change.)

iii. (No change.)

iv. The area and bulk requirements in the Resort Commercial Zone are:

(1) Maximum height (measured from [BFE] **DFE**): 300 feet (principal); 35 feet (accessory);

(2)-(13) (No change.)

v. The area and bulk requirements for single-family, duplex, and two-family dwellings in the Resort Commercial Zone are:

(1) Maximum height (measured from DFE): **35 feet (principal); 15 feet (accessory);**

(2) Minimum lot area: attached single-family 2,400 square feet; detached single-family 3,000 square feet; duplex or two-family 6,000 square feet;

(3) Minimum lot depth: **75 feet;**

(4) Minimum lot width: attached single-family **30 feet**; detached single-family **40 feet**; duplex or two-family **60 feet**;

(5) Maximum building coverage: detached single-family **70 percent**;

(6) Maximum impervious coverage: **80 percent**;

(7) Minimum front yard: **0 feet up to 35 feet in height; 20 feet greater than 35 feet in height; and**

(8) Minimum side yard: **0 feet up to 35 feet in height; 20 feet greater than 35 feet in height.**

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, **and single-family detached**;

(2) (No change.)

(3) Mixed use, commercial/retail on first and second floors, **one or more residential units above**;

(4)-(10) (No change.)

(11) Retail sales, **limited to a maximum building size of 10,000 square feet**;

(12)-(16) (No change.)

[(17) Freestanding parking lot;]

Recodify existing (18)-(20) as **(17)-(19)** (No change in text.)

ii. Permitted accessory uses are as follows:

(1) Public and private garages, **and accessory freestanding surface parking lots subject to compliance with N.J.A.C. 19:66-7.2, 7.6, and 7.10;**

(2)-(4) (No change.)

iii. (No change.)

iv. The area and bulk requirements in the Ducktown Arts Zone are:

(1) Maximum height (measured from [BFE] **DFE**): [35] **45** feet (principal); [15] **25** feet (accessory);

(2) Minimum lot area: [5,000] **1,000** square feet;

(3) Minimum lot depth: [100] **60** feet;

(4) Minimum lot width: [50] **20** feet;

(5) Minimum lot frontage: [50] **20** feet;

(6) Maximum building coverage: [30] **100** percent;

(7) Maximum impervious coverage: [80] **100** percent;

(8) Minimum front yard: [five] **0** feet;

(9) (No change.)

(10) Minimum rear yard: [20] **five** feet;

(11)-(12) (No change.)

(13) Maximum density (dwelling units per acre): [25] **75** 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) (No change.)

(2) Mixed-use, **including one or more residential units over commercial on the ground floor;**

(3)-(13) (No change.)

(14) Parks; [and]

(15) Pop-up uses[.]; **and**

(16) Banks.

ii. Permitted accessory uses are as follows:

(1) Public and private garages, **and accessory freestanding surface parking lots subject to compliance with N.J.A.C. 19:66-7.2, 7.6, and 7.10;**

(2)-(4) (No change.)

iii. (No change.)

iv. The area and bulk requirements in the Central Business District are:

(1) Maximum height (measured from [BFE] **DFE**): 65 feet (principal); 35 feet (accessory);

(2)-(12) (No change.)

(13) Maximum density (dwelling units per acre): [25] **75 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, **and one or more residential units over first floor commercial;**

(2)-(16) (No change.)

(17) Public garage **and accessory freestanding surface parking lots subject to compliance with N.J.A.C. 19:66-7.2, 7.6, and 7.10;** and

(18) Telecommunications equipment.

ii. Permitted accessory uses are as follows:

(1) Public and private garages, **and accessory freestanding surface parking lots subject to compliance with N.J.A.C. 19:66-7.2, 7.6, and 7.10;**

(2)-(4) (No change.)

iii. (No change.)

iv. The area and bulk requirements in the Gateway District are:

(1) Maximum height (measured from [BFE] **DFE**): 300 feet (principal); 35 feet (accessory);

(2)-(12) (No change.)

(13) Maximum density (dwelling units per acre): [25] **75 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)-(6) (No change.)

(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[.] **and accessory freestanding surface parking lots subject to compliance with N.J.A.C. 19:66-7.2, 7.6, and 7.10; and**

(9) Multifamily residential low-, mid-, and high-rise developments.

ii.-iii. (No change.)

iv. The area and bulk requirements in the Marina District are:

(1) Maximum height (measured from [BFE] **DFE**): 300 feet (principal); 35 feet (accessory);

(2)-(12) (No change.)

(13) **Maximum Density (dwelling units per acre): [N/A] 75 DU/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)-(7) (No change.)

(8) Charter boats; [and]

(9) Marine science and technology uses[.]; **and**

(10) Pop-up uses, including food trucks or trailers, and converted shopping containers.

ii. Permitted accessory uses are as follows:

(1) Accessory garages **and accessory freestanding surface parking lots subject to compliance with N.J.A.C. 19:66-7.2, 7.6, and 7.10;**

(2)-(4) (No change.)

iii. (No change.)

iv. The area and bulk requirements in the Gardner's Basin Zone are:

(1) Maximum height (measured from [BFE] **DFE**): 40 feet (principal); 35 feet (accessory);

(2)-(13) (No change.)

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 **townhouses in a planned unit development (PUD);**

(2) Mixed-uses, **including one or more residential units over first floor commercial;**

(3)-(15) (No change.)

ii.-iii. (No change.)

iv. The area and bulk requirements in the Bader Field Zone are:

(1) Maximum height (measured from [BFE] **DFE**): 300 feet (principal); 35 feet (accessory);

(2)-(12) (No change.)

(13) Maximum density (dwelling units per acre): [35] **50 DU/A** for low-rise and [50] **75 DU/A** for mid-rise.

19:66-5.17 (Reserved)

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) Single-family attached and single-family detached with a minimum density of 10 DU/A;

[(2)] (3) Mixed-use, including one or more residential units over first floor commercial;

Recodify existing (3)-(4) as **(4)-(5)** (No change in text.)

[(5)] (6) Restaurants and bars;

Recodify existing (6)-(10) as **(7)-(11)** (No change in text.)

ii.-iii. (No change.)

iv. The area and bulk requirements in the Lighthouse One District are:

(1) Maximum height (measured from [BFE] **DFE**): 300 feet (principal); 35 feet (accessory);

(2)-(13) (No change.)

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) (No change.)

(2) Single-family attached and single-family detached with a minimum density of 10 DU/A;

Recodify existing (2)-(3) as **(3)-(4)** (No change in text.)

[(4)] (5) Mixed-use, including one or more residential units over first floor commercial;

Recodify existing (5)-(13) as **(6)-(14)** (No change in text.)

ii.-iii. (No change.)

iv. The area and bulk requirements in the Lighthouse Two Zone are:

(1) Maximum height (measured from [BFE] **DFE**): 80 feet (principal); 35 feet (accessory);

(2)-(10) (No change.)

(11) [Minimum] **Maximum** density: 25 DU/A for low-rise and 50 DU/A for mid-rise;

(12)-(13) (No change.)

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] **to provide** 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)-(13) (No change.)

(14) Mixed-use, **including one or more residential units over first floor commercial**;

(15)-(18) (No change.)

(19) Concert halls; [and]

(20) Personal services, except for secondhand goods shops, cash for gold shops, and pawn shops[.]; **and**

(21) Live/work studios.

ii.-iii. (No change.)

iv. The area and bulk requirements in the Kentucky Avenue Renaissance Zone:

(1) Maximum height (measured from [BFE] **DFE**): 300 feet (principal); 35 feet (accessory);

(2)-(12) (No change.)

[(13) Density: N/A.]

(13) Maximum density (dwelling units per acre): 50 DU/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)-(3) (No change.)

(4) Mixed-use, **including one or more residential units over first floor commercial**;

(5)-(6) (No change.)

(7) [Peronal] **Personal** services, except for secondhand goods shops, cash for gold shops, and pawn shops;

(8)-(9) (No change.)

ii. Permitted accessory uses are as follows:

(1) Public and private garages, **and accessory freestanding surface parking lots subject to compliance with N.J.A.C. 19:66-7.2, 7.6, and 7.10**;

(2)-(4) (No change.)

iii. The area and bulk requirements in the Absecon Inlet Zone are:

(1) Maximum height (measured from [BFE] **DFE**): 120 feet (principal); 35 feet (accessory);

(2)-(13) (No change.)

iv. (No change.)

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.-ii. (No change.)

iii. The area and bulk requirements in the Open Space Zone are:

(1) Maximum height (measured from [BFE] **DFE**): 35 feet (principal); 15 feet (accessory);

(2)-(13) (No change.)

iv. (No change.)

19:66-5.24 Zoning district rules; Cannabis Overlay Zone (COZ)

(a) Purpose. The purpose of the Cannabis Overlay Zone (COZ) is to conditionally permit, in accordance with N.J.A.C. 19:66-6.1, cannabis businesses, through the mechanism of overlay zoning. This permission is subject to the conditional use standards established in this section and is intended to provide for appropriate controls over such establishments. These controls are designed to protect and promote public safety and the quality of life for persons residing in, and businesses located adjacent to or near, these establishments.

(b) Effect on underlying zoning. As an overlay zone, the COZ does not replace the existing, or "underlying," zone. Any person or entity that wishes to use or develop upon a property within the COZ shall have the option to use or develop the property in accordance with the rules of either the COZ or the existing/underlying zone.

(c) Geographic applicability of the COZ. This section shall establish the COZ, which shall consist of the area shown on the Tourism District Zoning Map, as found at N.J.A.C. 19:66-11.1.

(d) Site plan approval, and conditional use variance approval, as applicable, shall be required for all cannabis businesses.

(e) In addition to the land use application checklist items, an application for development for a cannabis business shall include the following:

1. A security plan, both internal and external, as part of the application for approval; and

2. A map of nearby cannabis businesses demonstrating compliance with the separation distance requirements established herein.

(f) Cannabis businesses shall be permitted in the COZ, subject to the following requirements:

1. All cannabis businesses shall be licensed by the Cannabis Regulatory Commission (CRC) established pursuant to Section 31 of the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2019, c. 153 (N.J.S.A. 24:61-24), or other entity with regulatory jurisdiction over cannabis;

2. No cannabis business shall be within 500 feet from any existing elementary or secondary school or daycare center as measured in a straight line from the nearest two points of the property lines;

3. No cannabis business shall be located within 500 feet from any existing hospitals, behavioral healthcare facilities, playgrounds, churches or places of worship, as measured in a straight line from the nearest two points of the property lines;

4. No cannabis business shall be located within 200 feet from any public and private parks as measured in a straight line from the nearest two points of the property lines;

5. No cannabis businesses shall be located within 200 feet of another cannabis business as measured in a straight line from the nearest two points of the property lines;

6. No cannabis business shall be permitted to operate on a parcel that fronts on, or is connected to, a parcel or building that is within 200 feet of the boardwalk;

7. With the exception of loading activities incidental to the operation of the cannabis business and outdoor consumption areas complying with the standards set forth in this section, all operations shall occur indoors, within an enclosed building;

8. No cannabis business shall be located within a building that contains a residence, or within a mixed-use development that includes residential uses, or on the same lot as a residential building;

9. Signage, bulk, loading, parking, and design standards are as follows:

i. Unless more stringent rules are provided by other provisions of this chapter, all cannabis businesses shall comply with the signage, bulk, coverage, design standards, loading, and parking regulations and standards of the underlying zone in which the subject property is located.

ii. No sign shall contain any visual representation of cannabis or associated paraphernalia in language pertaining to signage;

10. The hours of operation for all cannabis businesses shall comply with the local licensing regulations of the City;

11. All cannabis businesses shall provide on-site loading and unloading facilities as follows:

i. Loading facilities shall be designed and located as set forth at N.J.A.C. 19:66-7.3; and

ii. A minimum of one 10 feet by 20 feet designated loading space shall be provided on the subject property;

12. Off-street parking. All cannabis businesses shall provide off-street parking as follows:

i. Cannabis retailers and alternative treatment centers operating a medical cannabis dispensary shall provide one off-street parking space for every 500 square feet of floor area; and

ii. Cannabis cultivators, cannabis manufacturers, and alternative treatment centers operating a medical cultivation or medical manufacturing facility shall provide one off-street parking space for every 2,500 square feet of floor area;

13. Cannabis consumption areas. In addition to the rules applicable to all cannabis businesses set forth in this subchapter, this paragraph shall also apply to cannabis consumption areas in the COZ:

i. All cannabis consumption areas must comply with the requirements at N.J.S.A. 24:6I-21 and N.J.A.C. 17:30-14.10;

ii. The Authority may require a cannabis consumption area to include any ventilation features as the Authority deems necessary and appropriate; and

iii. Additional regulations applicable to cannabis consumption areas are as follows:

(1) A rooftop outdoor cannabis consumption area shall be located at least 50 feet from any window on an adjacent structure. Distance shall be measured from the extents of the outdoor cannabis consumption area to adjacent windows;

(2) In addition to the separation distances set forth in this subparagraph, an outdoor cannabis consumption area shall be at least 200 feet from any residential use as measured in a straight line from the nearest two points of the property lines; and

(3) An outdoor cannabis consumption area shall be set back at least 15 feet from any property line. Buffering shall be located within the setback area to shield activities from adjacent properties when necessary. Buffering may include, but not be limited to, fencing, walls, landscaping, open space, deciduous trees, or any combination thereof to achieve the stated objectives; and

14. Design guidelines are as follows:

i. Design guidelines shall be consistent with N.J.A.C. 19:66-7.1 and the 2012 CRDA Tourism District Master Plan, Section 4.8. In addition, the following storefront and façade design standards will be required;

ii. The City, upon the recommendation of the land use hearing officer, shall have the power to grant such exceptions or waivers from the requirements of this paragraph as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval, if literal enforcement of one or more provisions of this paragraph is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question;

iii. Scope and purpose. It is the purpose of this paragraph to establish reasonable design standards for retail cannabis businesses, whether the business will be located within a new building or occupy an existing storefront. These standards are also intended to promote consistency in urban development as it relates to storefront facades in order to improve and preserve the aesthetic quality of the City;

iv. General standards are as follows:

(1) The rules set forth in this subparagraph are supplementary to those regulations set forth in the existing code for the applicable zoning districts. All bulk, use, and other development standards set forth in the existing code shall apply to all cannabis businesses, except where otherwise noted. All cannabis businesses shall adhere to all applicable general building codes;

(2) Same or compatible material and design shall be used across any singular storefront system;

(3) Design features and elements must be reviewed by the City's planning offices;

(4) Plans include proposed locations for zero emission vehicle facilities and charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network, as required pursuant to P.L. 2021, c. 171;

(5) All cannabis cultivators, cannabis manufacturers, cannabis wholesalers, cannabis distributors, and alternative treatment centers operating medical cultivation and/or medical manufacturing facilities shall include air treatment systems with sufficient odor absorbing ventilation and exhaust systems, such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within the public right-of-way, or within any other unit located within the same building in the use occupied portion of the building;

(6) All cannabis cultivators, cannabis manufacturers, cannabis wholesalers, cannabis distributors, and alternative treatment centers operating medical cultivation and/or medical manufacturing facilities shall provide noise mitigation features designed to minimize disturbance from machinery, processing and/or packaging, loading, and other noise generating machinery and equipment; and

(7) No outdoor storage of any cannabis, cannabis products, or cannabis paraphernalia shall be permitted; and

v. Design standards. All cannabis businesses must present a modern, modest, and creative appearance in accordance with the following design standards:

(1) Color, as follows:

(A) All cannabis businesses shall utilize a muted color scheme and coordinate the colors of all storefront components. The use of colors to accentuate architectural details and storefront elements, such as dentils, rosettes, and cornice lines is encouraged;

(B) Cannabis business owners are encouraged to use at least three colors or three shades of one color, but no more than five colors or five shades of one color;

(C) Individual cannabis businesses within a larger building shall select paint colors that complement the color of the larger building;

(D) Colors should not detract from the overall image of the storefront and building;

(E) Masonry, such as brick façades, which have not been painted before, shall not be painted;

(F) Paint or other colored storefront elements shall be maintained and faded colors, peeling, or flaking due to weather or age shall be repaired;

(G) Using neon or reflective colors is prohibited aside from certain instances relating to signage as further described at (f)14v(7)(P) below; and

(H) Pre-painted metal windows, door frames, and lighting fixtures that fit with the business's brand and color theme may be installed;

(2) Lighting, as follows:

(A) Light emanating from the building should be balanced with street lighting;

(B) Decorative lighting features are required. When utilizing exterior façade lighting, gooseneck fixtures are strongly recommended. However, exterior mounted light fixtures, such as sconces or downlights, should be used selectively;

(C) When installing lighting fixtures in the building, damage to masonry or other façade material should be avoided;

(D) Light sources should be concealed as much as possible;

(E) Interior display areas may be illuminated with focused, recessed, or track lighting;

(F) Lighting may be used to illuminate signage or special architectural details;

(G) Flashing, pulsating, or moving lights or lights that cause significant glare are prohibited;

(H) Fluorescent tubing on either the exterior or interior of the storefront is prohibited;

(I) Using neon tubing to border windows, doors, and storefronts is prohibited; and

(J) Non-commercial lighting fixtures are prohibited;

(3) Windows, as follows:

(A) All windows shall be no less than 70 percent transparent;

(B) Translucent windows with etching pattern(s) or design(s) in the glass are permitted;

(C) New cannabis businesses utilizing existing storefronts shall replace dark, tinted, or textured glass with clear glass;

(D) Preventing visibility into window display areas by covering, tinting, or blocking a display window, or otherwise obstructing views into a business by using glass block, woodwork, paint, signage, lowered ceilings, shelves, refrigeration units, cases, posters, or other items is prohibited;

(E) New windows installed into existing storefronts shall match the style of the existing windows, or existing windows shall be replaced to match the style of the new windows;

(F) Window heights shall be aligned, and window sizes shall be unified;

(G) New cannabis businesses utilizing existing storefronts shall repair chipped paint on window frames and maintain the paint;

(H) New cannabis businesses utilizing existing storefronts shall repair and maintain any broken or boarded window display, transom windows, and window bases;

(I) New cannabis businesses utilizing existing storefronts shall repair and maintain any original pattern of transom windows and upper story windows;

(J) New cannabis businesses utilizing existing storefronts shall restore stained glass panes in transom windows and upper story windows where appropriate and feasible;

(K) All interior items shall be kept at least 8 inches behind or away from transom windows in order to allow transom windows to function as a distinctive architectural element;

(L) Filling or covering display windows, transom windows, or upper story windows with paint, signs, awnings, wood panels, masonry, glass blocks, ventilation/mechanical systems, or other non-transparent materials, such as blinds or curtains, is prohibited;

(M) Covering or obscuring existing window trim with metal or other materials is prohibited;

(N) Concealed mechanical systems in a ceiling should be dropped no lower than the height of the display area or windows;

(O) When restoration and maintenance is possible, removing historic windows or window components is prohibited. Historic features on windows such as frames, special glazing, and decorative moldings, shall be preserved;

(P) The use of aluminum or wood frame windows to provide thermal insulation and prevent condensation shall be permitted;

(Q) New window bases shall use sturdy, easy-to-maintain materials, such as brick, concrete, hardwoods, metal panels, ceramic tiles, and other masonry materials. Non-durable materials, such as low-grade plywood, are discouraged;

(R) Window bases for multiple storefronts in a singular building shall have a consistent height (not elevation) and use consistent material;

(S) Window bases shall measure no higher than two feet from the ground;

(T) Existing window bases that were part of the original building or that were also used to conceal any portion of a cannabis business's mechanical systems shall not be removed; and

(U) Painting of any window sashes and trims should be done with accent colors that coordinate with the storefront, cornices, and any other existing architectural details;

(4) Doors, as follows:

(A) All new door installations must follow the existing building codes and accessibility requirements;

(B) Storefront doors shall be recessed from the storefront wall, when possible;

(C) New cannabis businesses utilizing existing storefronts shall replace residential-style doors with appropriate commercial doors;

(D) Storefront doors shall utilize non-tinted glass and contain significant clear glass to allow additional visibility into the business;

(E) Loading or service entrances shall be located on the side or rear of a building, where possible;

(F) Durable wood or metal framed doors shall be utilized;

(G) Folding or sliding doors that allow the activity of a business to be opened up to the sidewalk should be permitted only by express written approval by the Authority Planning and Development Department;

(H) Additional doors that are not required by code or that are inconsistent with the building or storefront image are not permitted;

(I) Sealing or closing off existing entrances or doorways with any material is prohibited;

(J) Blocking doors with merchandise, or any other obstruction is prohibited;

(K) Doors that swing out directly onto sidewalks are prohibited;

(L) Covering or replacing glass door panels with any opaque substance or material that would prevent or limit visibility is prohibited; and

(M) Covering doorways with signage, interior cases, or woodwork is prohibited;

(5) Awnings, as follows:

(A) The use of awnings over openings at the front(s) and side(s) of the building are encouraged. Awnings must be constructed of durable cloth material;

(B) The use of individual awnings for individual storefronts in a building should be designed so that the structural frame, detail, and rhythm are readable;

(C) For a single building with multiple storefronts, awnings should be of a consistent size, profile, and location, although font style may vary from business to business;

(D) Creative awning shapes that are complementary to the overall building are permitted;

(E) Both retractable and fixed type awnings are permitted;

(F) Storefronts and sidewalks may be lit from beneath an awning;

(G) Backlighting or internally illuminating awnings is prohibited;

(H) Signage about the cannabis business's products or service may be displayed on the valance of the awning;

(I) Applying large signage on the sloped portion of an awning is prohibited; and

(J) Concealing architectural details, including transoms and cornices with awnings is prohibited;

(6) Cornices, as follows:

(A) New cannabis businesses utilizing existing storefronts shall restore and maintain historic cornices and are encouraged to add replica cornices if the original cornices have been removed;

(B) Cornices that have been previously painted may be painted overusing colors that tie into the storefront to highlight the cornice, unless it is made from masonry. Cornices that have not been painted before shall not be painted;

(C) Historic cornices shall not be removed; and

(D) Placing signage or other objects hiding existing cornices is prohibited;

(7) Signage, as follows:

(A) The word "cannabis" shall not be displayed in any exterior signage;

(B) Exterior signage shall be complementary to the overall design of the storefront or larger building;

(C) Signage shall be appropriately scaled for the building, storefront, and nature of the cannabis business;

(D) New cannabis businesses utilizing existing storefronts shall replace or restore and maintain existing signs;

(E) New cannabis businesses utilizing existing storefronts shall restore and maintain historic signs;

(F) Letters indicating the name and address of the facility should be slightly raised when utilizing an opaque material such as wood or metal;

(G) Graphics and materials should maintain high standards of legibility and character;

(H) Signs may be installed on the frieze or sign band, windows, doors, awnings, or other architecturally appropriate locations;

(I) Sign bands may be established on buildings that may not have a clearly demarcated area for signs;

(J) Signs should use durable wood, painted plastics, painted metals, or prefabricated pin mounted letters;

(K) Fin or blade signs projecting from the building wall are permitted;

(L) Bold and vibrant colors that fit with the traditional cultural styles of the community, according to good graphic design practice, are permitted;

(M) Painted window signs should be limited to store hours;

(N) Three-dimensional, fixed signs that include an icon of the cannabis business type or are the cannabis business name and/or logo are permitted; however, the image of the cannabis leaf is prohibited;

(O) Signs may be illuminated from above or below. Backlit box signs and other internally lit plastic or plastic faced signs are prohibited;

(P) Neon signs, if appropriate to the business type, to indicate a cannabis business name or trade may be used. Neon signs may not be used to advertise products or sales;

(Q) The number of signs on site shall conform with the sign requirements of this section;

(R) Signs shall not be used to cover windows, cornices, or other architectural decorative details;

(S) Signs shall not block visibility into the storefront;

(T) Signs shall not advertise branded alcoholic, tobacco, cannabis, or other merchandise in general;

(U) Obsolete advertisements or other temporary signs shall be removed at the time the product, sale, or service is no longer available;

(V) Signs shall not be painted directly onto the building surface;

(W) Signs shall not be installed above the rooftop;

(X) If a frieze or sign band exists, installing or replacing storefront signage shall be within the original frieze or sign band location;

(Y) The visibility of a frieze or sign band should be maintained by not covering it with awnings or other additions to the façade or storefront;

(Z) Air conditioning, ventilation equipment, or other obstructions should not obstruct the frieze or sign band;

(AA) Signage may be used to cover HVAC units or ventilation equipment; and

(BB) The frieze or sign band area of the façade shall not be covered with anything other than an acceptable sign; and

(8) Security, as follows:

(A) Solid rolling security gates covering the storefront or openings at the front(s) and side(s) of the building are prohibited;

(B) Exterior roll-down grates and grate boxes shall be removed and replaced with open wire-mesh type security grates with a minimum of 70 percent transparency;

(C) Concealing existing grate systems with an awning is only permissible when circumstances would make removal of the grate prohibitive;

(D) Where possible, exterior wire-mesh grates should be built into the storefront itself;

(E) Where a display window exists, wire mesh grates must have the grate box or mechanical unit installed into the interior ceiling of the display window;

(F) Where a display window exists, vertical and horizontal guide tracks should be installed parallel to a display window's vertical and horizontal framing elements;

(G) Colors for all roll-down elements should be painted or purchased as black or brown to decrease their visibility;

(H) Old single-pane storefront windows shall be replaced with clear laminated safety glass;

(I) Ornamental grates to secure entry areas in front of storefront doors are encouraged; and

(J) Crime Prevention Through Environmental Design (CPTED) principles should be applied whenever possible to ensure that the look and feel of the perimeter security facilities will enhance the surrounding environment, rather than detract from it, while ensuring there are no potential blind spots for intruders to conceal themselves.

SUBCHAPTER 6. CONDITIONAL USE STANDARDS

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.-3. (No change.)

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 or restaurant within the City with all required government approvals.

ii. (No change.)

5.-9. (No change.)

SUBCHAPTER 7. SITE PLAN DESIGN STANDARDS

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.-iii. (No change.)

iv. Decorative metal, vinyl, or similar material picket fences, maximum four feet in height, are permitted in the front yard.

v. Trash enclosures of solid fencing, metal, vinyl, or similar materials, maximum five feet in height are permitted in the front yard.

vi. Gates are not permitted to open over public property.

2.-5. (No change.)

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] 3, 2025, 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.

APPENDIX



SUBCHAPTER 12. NON-CONFORMING USE CERTIFICATIONS

19:66-12.1 Nonconforming lots, uses, and structures

Any nonconforming use or structure existing as of January 2, 2018, 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,] **owner** 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

January 2, 2018, which rendered the use or structure nonconforming. The applicant shall have the burden of proof. An application pursuant to this subchapter, **together with the designated fee**, may be made to the [LURE official so designated to review such applications by January 2, 2023, or thereafter to the land use hearing officer, who shall review the application in accordance with the provisions of this chapter] **land use regulation enforcement officer**.
