

AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE OF ORDINANCES TO AMEND PORTIONS OF CHAPTER 245, ENTITLED "LAND USE AND DEVELOPMENT" TO REVISE SECTION 245-74.1, ENTITLED "MIXED-USE LAND DEVELOPMENT"

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Manchester, County of Ocean, State of New Jersey, that the Township Code is hereby amended and supplemented as follows:

SECTION 1. Chapter 245 of the Township Code of the Township of Manchester entitled "Land Use and Development" is hereby amended and supplemented so as to amend Section 245-74.1, which shall be entitled "Mixed-Use Development," and shall read as follows:

§ 245-74.1 Mixed Use Development

A. Purpose:

- (1) To provide for a mix of commercial, residential, and multifamily residential uses within the Township's Pinelands Zoning District Area PB-1, along County Route 547.
- (2) To permit flexibility in design standards in order to promote creative design concepts.
- (3) To attract additional businesses, employment opportunities, and places to live.
- (4) To serve as an appropriate transition to adjacent residential zones.
- (5) To create a place to live that represents Manchester Township in a unique and attractive way.

B. Permitted principal uses.

- (1) Townhouses (2.5 Story maximum building height).
- (2) Multifamily Residential Dwellings, which for purposes of this Section, shall mean a building containing 8 or more dwelling units located over a commercial use.
- (3) Mixed-use buildings.
- (4) Commercial uses.
 1. Shopping plaza, NAICS Sector #'s; 2, 311811, 323114(except manufacturing), 441310, 442110, 442291, 442299, 443111, 443112 (including cellular mobile devices), 443120, 443130, 444130, 445110 (grocery store only), 445120, 445210, 445220, 445230, 445291, 445292, 445299, 445310, 446110, 446120, 446130, 446191, 446199, 448110, 448120, 448130, 448140, 448150, 448190, 448210, 448310, 448320,451110, 451120, 451130, 451140, 451211, 451212, 451220,4531, 453210, 453220, 4533, 453910, 453920, 453998, 517110, 517212, 517310, 518111, 52, 531210, 531320, 531390, 541110, 541191, 541211, 541213, 541214, 541219, 541310, 541320, 541330, 541370, 541611, 541612, 541613, 541614, 541618, 541921, 561310, 561431, 561510, 561599, 561621, 561622, 621310, 621320, 621399 (including blood work testing & analysis facility), 621493 (including urgent care centers), 713940, 722410, 722511, 722513, 722514, 722515, 811213, 811430, 812111, 812112, 812113, 812191, 812199 (including day spa), 812320, 812331, & 812910, as permitted in use schedule G.
 2. Full & limited-service restaurants, including fast-food restaurants and drive-through restaurants. NAICS Sector #'s; 722511, 722513, 722514, 722515, & 722410, as permitted in use schedule G.
 3. Fitness & recreational sports centers. NAICS Sector# 713940, as permitted in use schedule G.
 4. Offices for professional, executive or administrative purposes, and related business support services. NAICS Sector #'s; 541213, 541214, 541110, 541211, 541219, 541310, 541320, 541330, 541370, 541611, 541612, 541613, 541614, 541618, & 561310, as permitted in use schedule G.
 5. Medical offices. NAICS Sector# 621 (including urgent care centers & blood work testing and analysis facilities), as permitted in use schedule G.
 6. Banks, financial institutions, insurance and real estate businesses. Sector #'s, 52, 531110, 531120, 531210, 531311, 531312, 531320, 531190, 541191, 561510, 561599, as permitted in use schedule G.
 7. Child-care centers in accordance with N.J.S.A. 40:55D-66.6. and subject to the following conditions:
 - (a) The facility shall be licensed by the Division of Youth and Family Services of the New Jersey Department of Human Services.

(b) A minimum of square footage as required by N.J.A.C. 3A:52-5.4-of outdoor play area shall be provided, which shall be entirely fenced and protected from hazards such as driveways and cars.

(c) All loading and unloading of children shall take place on-site and not in a public right-of-way.

C. Development standards.

(1) Minimum lot size: 5 acres.

(2) The maximum density for Residential Dwelling units, shall be 8 units per gross acre of the entire development tract for mixed use developments.

(3) The ground floor of a mixed-use building shall be utilized as a shopping plaza as specified here-in. No permitted principal use other than multifamily residential dwellings shall be located above the ground floor of any mixed-use building.

(4) Minimum setback distance:

(a) Minimum front yard:

(1) 70 feet from a collector road or arterial road as identified in the Master Plan;

(2) 50 feet from a local road as identified in the Master Plan;

(b) Minimum side yard setback: 45 feet;

(c) Minimum rear yard setback: 30 feet;

(d) When the rear of a residential structure abuts a side yard, the minimum rear yard setback of 30 feet shall apply.

(5) A swimming pool of 1,000 square feet minimum size and/or a splash pad of 1,500 square feet minimum size shall be provided for all development of 90 units or more.

(6) Minimum width of any residential unit shall be 20 feet.

(7) Minimum floor area per any residential unit shall be 600 square feet.

(8) Maximum floor area per multifamily residential unit shall be 1,500 square feet.

(9) Maximum building height: Same as underlying zone.

(10) Maximum number of stories per townhome: 2.5 story.

(11) Maximum building coverage for commercial and mixed use buildings: Same as underlying zone.

(12) Minimum number of multifamily residential units per structure shall be 8.

(13) Maximum number of multifamily residential units per structure: 28.

(14) Maximum number of townhouse units per structure: 8.

(15) Maximum number of eight-unit townhouse structures shall not be more than 50% of all residential structures included in the townhouse development.

(16) The minimum distance between townhouse buildings shall be as follows:

(a) For townhouse dwellings oriented essentially at 90° to each other, the minimum distance between same shall be 25 feet.

(b) For townhouse dwellings oriented essentially end-to-end to each other, the minimum distance between same shall be 30 feet.

(c) For townhouse dwellings oriented essentially with parallel axis facing each other, the minimum distance between same shall be 50 feet.

(17) A minimum of one (1) outdoor refuse and recycling storage area shall be required per ten (10) acres of residential development. All such outdoor refuse and recycling storage areas shall be appropriately located & screened by a wall enclosure constructed of materials similar to the facades of the buildings and with appropriate landscaping as required by the Planning Board.

D. Recreation requirement.

(1) Playground area or areas shall be provided at the rate of 500 square feet per four dwelling units for all development of 90 units or more. A swimming pool of 1,000 square feet minimum size and/or a splash pad of 1,500 square feet minimum size shall be provided. Outdoor playground equipment shall be installed in each playground in sufficient amount and variety to service the occupants of the project. No certificate of occupancy shall be issued until recreation areas are completed.

(2) All areas of mixed use development not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be fully landscaped or grassed.

E. Off-street parking requirements.

(1) Off-street parking, loading and vehicular access.

(a) Unless specifically set forth herein, minimum off-street parking, loading and vehicular access shall be provided in accordance with the standards set forth in § 245-28 of this chapter as defined for that particular use.

(b) Guest parking areas shall be provided at a minimum of .5 parking spaces per residential unit.

(c) Parking for nursery schools, child-care centers shall be provided at a minimum of 1 space for every 500 feet of gross floor area.

(2) Garage facilities or off-street parking areas shall be provided and shall be developed and maintained in accordance with the following:

(a) Garages and parking area shall be used for automobile parking only. The sale of automobiles, dead storage of automobiles, repair work, dismantling or servicing of any kind is strictly prohibited.

(b) Parking areas shall be paved and curbed and provided with an adequate system of stormwater drainage.

(c) No garages or off-street parking areas shall be located nearer than five feet from any tract property line.

(d) No detached garages shall be located between the main building or buildings and the street line on which the building(s) fronts.

(e) Where the rear or side yard of a lot abuts on a street, no garage or off-street parking area shall be located nearer than 25 feet from such street line.

(f) No parking area, with exception to townhome driveways, shall be placed closer to a building than 12 feet.

(g) All garage walls facing any street shall be screened from street view by dense evergreen planting or hedge planting at least six feet in height maintained in good condition.

(h) All off-street parking shall be efficiently screened along all side and rear lot line by a six-foot high fence landscaped with dense evergreen planting, or a dense evergreen shrub or hedge screening at least six feet in height maintained in good condition.

F. Utility requirements.

(1) The applicant for the site plan approval shall arrange with the serving utility for the underground installation of the utilities distribution supply lines and service connections in accordance with the provisions of the applicable standard terms and conditions incorporated as part of its tariff on file with the State of New Jersey Board of Public Utility Commissioners.

(2) All mixed use developments shall be served by public water and sewer in accordance with the requirements of the Manchester Township Division of Utilities.

G. Landscaping and buffer requirements.

All areas of mixed use developments not used for the construction of buildings, roads, accessways, recreational areas, parking areas or sidewalks shall be fully landscaped, and/or grass. Where a mixed use development boundary line abuts a lot in a residential zone, which lot is not owned by the mixed use developer, which there shall not be cut, uprooted, destroyed or taken away any existing trees, shrubbery or other planting within the area of 20 feet inside the boundary line of the mixed use development abutting a residential lot. If inadequate trees, shrubs or planting exists in the twenty-foot area in the natural state of the premises before development, the area shall be provided with an adequate approved planting plan to provide a belt of screening within the twenty-foot area.

H. Interior roads and driveway location.

(1) All roads and other accessways within the mixed use development shall be private roads constructed, paved and curbed to a right-of-way width of not less than 26 feet. All such construction, paving and curbing shall be completed in accordance with the subdivision regulations of Manchester Township.

(2) Driveways for ingress and egress for the project shall not be located within 200 feet of an existing intersection or create any hazardous conditions. Acceleration and deceleration lanes shall be installed where a traffic hazard exists or where substantial traffic congestion shall be created.

I. Accessory uses. Accessory uses incidental to the above uses, as specified below:

(1) Noncommercial garages for exclusive use of site residents only.

- (2) Parking, including for residential dwellings as provided herein.
- (3) Active and passive non-commercial recreational facilities for residents, which may include, but not be limited to, a clubhouse, swimming pool, splash pad, fitness and exercise areas and bicycle/walking paths for exclusive use of site residents only.
- (4) Signage for residential and commercial uses subject to the approval of the Manchester Township Planning Board.
- (5) Garbage storage and recycling enclosures.
- (6) Centralized mail cluster boxes as required by the USPS.
- (7) Any other uses which are subordinate and customarily incidental to a permitted use, subject to the approval of the Manchester Township Planning Board.

J. Association required.

Any applicant requesting a townhouse project approval shall provide for the creation of an association. Such documents creating the association shall specifically provide for the association to have responsibility for maintenance for all common areas and shall provide for assurances that the Township shall in no way be held responsible for and shall be held harmless for the cost of maintenance of the common elements.

K. Affordable housing requirement.

The applicant shall provide for a twenty percent of the total number of market rate units as an inclusionary component or such other requirement that is in effect in accordance with a court-approved housing plan or a housing plan approved by the New Jersey Council on Affordable Housing (COAH) at the time of final site plan approval. The inclusionary component shall not require integration of affordable units with market rate units. The type, construction and distribution of affordable housing units shall conform to the regulations in effect by COAH, by the Department of Community Affairs or such other state agency designated as the regulatory agency for affordable housing and affordable housing construction in New Jersey at the time of the issuance of the first building permit for the development.

L. Pinelands development credits.

In the PB-1 and PRC-1 Zoning Districts, Pinelands development credits shall be purchased and redeemed for 30% of all units, excluding up to 20% of the total project units that are made affordable for low- and moderate-income households in accordance with applicable state law. Units made affordable for low- and moderate-income households that account for more than 20% of the total project units shall purchase and redeem Pinelands development credits for 30% of all such units.

M. Technical Subdivision.

1. It is acknowledged that a project to be developed pursuant to this subsection may be of such a size or type so as to make sectionalization by subdivision and the use of different forms of ownership a practical necessity. Therefore, a technical subdivision for such a project may be required for marketing or financing purposes.
2. An application for technical subdivision approval may be submitted with an application for approval of a site plan, or subsequent to the issuance of such an approval.
3. Such an application shall be considered as a technical subdivision and treated as a minor subdivision application without the necessity to obtain bulk variances that would technically be required.
 - a) The purpose of the application is to create a new lot for the purpose of financing or transfer of ownership within a development which is, or has been, the subject of site plan approval.
 - b) A technical subdivision may not substantially modify or otherwise adversely impact on the integrity of a previously approved development plan.
 - c) A technical subdivision must not reduce, limit or modify parking or access to parking.
 - d) If a technical subdivision includes the division of parking or other common areas or facilities, the subdivision shall be conditioned upon appropriate easements for parking, access, drainage and/or utilities where necessary.
4. The application for a technical subdivision shall set forth the manner in which lot lines for the subdivision shall be determined. Approval by the reviewing board of such lot lines is required.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. After introduction of this ordinance, the Township Clerk shall send a copy of this ordinance to the Township Planning Board for its review and comment. The Township Clerk shall also send a copy of the ordinance to the Ocean County Planning Board pursuant to N.J.S.A. 40:55D-16.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Council of the Township of Manchester on first reading at a meeting held on the 24th day of June, 2024 at 6:00 p.m. The Ordinance was considered for second and final reading at a meeting of the Township Council on the 8th day of July, 2024 at 6:00 p.m. or as soon thereafter as the matter may be reached, at the Municipal Building located at 1 Colonial Drive, Manchester, New Jersey 08759, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

Teri Giercyk / mcs

TERI GIERCYK, RMC/CMC

Municipal Clerk