



**Borough of Manville
Ordinance #2024-1317**

**AN ORDINANCE AMENDING CHAPTER 31, ARTICLE 6
OF THE BOROUGH OF MANVILLE LAND USE CODE
ENACTING AN AMENDED ZONING ORDINANCE AND ZONING MAP,
IN ACCORD WITH THE ADOPTED RE-EXAMINATION OF THE BOROUGH MASTER PLAN**

Statement of Purpose

The purpose of this Ordinance is to amend Chapter 31, Article 6 of the Borough of Manville Land Use Code, enacting an amended Zoning Ordinance and Zoning Map, in accord with the adopted Re-examination of the Borough Master Plan

WHEREAS, the Borough of Manville Planning Board (“Joint Land Use Board”) on April 4, 2024 approved and adopted a periodic Re-Examination of the Borough Master Plan in accord with N.J.S.A. §40:55D-89, which adopted Re-Examination includes, with the recommendation of the Borough Planner, the following proposed revisions to Chapter 31, Article 6 of the Borough Land Use Code ; and

WHEREAS, the Mayor & Council have determined that it is in the best interests of the citizens of the Borough of Manville to amend Chapter 31, Article 6 of the Borough of Manville Land Use Code, in order to hereby enact a new Zoning Ordinance and Zoning Map, as set forth below, in accord with the adopted Re-Examination of the Master Plan

NOW, THEREFORE, BE IT ORDAINED by the Mayor & Council of the Borough of Manville, as follows:

SECTION 1: Chapter 31, Article 6 of the Borough of Manville Land Use Code is hereby amended to now read as follows:

31-601: R-Residential

31-601.01 – Intent:

The purpose of this zone is for residential use. The schedule of regulations controlling this zone are intended to be flexible based on the size of the lot. The majority of the zone is intended for single-family residential dwelling, however duplexes and townhouses may be permitted provided all of the criteria of the bulk schedule are met, including parking requirements as established by the Residential Site Improvement Standards (R.S.I.S.) and impervious coverage is not exceeded. Parking is always intended to be accommodated on-site, however impervious coverage should always be minimized over this requirement if sufficient street parking is available.

31-601.02 – Permitted Uses:

- a. Single-family dwelling.
- b. Two-family dwelling (where parking is fully accommodated on-site and no impervious coverage variances are required, on lots greater than 8,000 square feet)
- c. Townhouses. (where parking is fully accommodated on-site and no impervious coverage variances are required, , on lots greater than 8,000 square feet)
- d. A home professional office for a person residing on the premises, provided that no more than one-half of the floor area of one story of the dwelling be devoted to such use.
- e. Temporary buildings for uses incidental to construction work, provided such buildings are removed upon completion or abandonment of the construction work.

31-601.03 – Permitted Accessory Uses:

- a. Private garages.
- b. Signs, subject to the provisions of Article 9.
- c. Fences, subject to the provisions of Article 10.
- d. Other normal, incidental residential secondary structures such as private swimming pools, tool sheds, outdoor barbecues, fireplaces, trellises, lamp posts or the like.
- e. Off-street parking facilities, subject to the provisions of Article 8.
- f. Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

31-601.04 – Area and Bulk Requirements

(See Table)

31-601.05 – Uses Permitted Upon Application to the Planning Board as Conditional Uses, Subject to Article 7

- a. Public utilities.
- b. Schools.
- c. Churches.
- d. Quasi-public buildings and recreation areas.

31-602: C-Commercial

31-602.01 – Intent:

The purpose of this zone is for commercial use. Various types of businesses are permitted as well as residential dwellings located on the second floor of the buildings. Off-street parking shall be provided on these lots to accommodate consumers visiting and/or living on the lots. Spacing of buildings, especially along Main Street, is a function of lighting and shall be considered by the Board on a case by case basis provided that there is never a continuous building face exceeding 200 linear feet. Generally, the maximum size of commercial vehicle anticipated for uses in this zone is a standard SU-40 box truck.

31-602.02 – Permitted Uses:

- a. Club.
- b. Residential dwelling units on second story or above.
- c. Rooming or boarding houses on second story or above, hotels.
- d. Retail stores.
- e. Barber shops, beauty parlor or similar personal service establishment.
- f. Restaurants.
- g. Banks.
- h. Business, professional or government offices, office buildings.
- i. Business schools or studios conducted for gain.
- j. Theater or motion picture theater, including such theaters and motion picture theaters that serve alcoholic beverages on premises, subject to all applicable local, state, and federal regulations including but not limited to those regulations concerning the consumption, sale, and provision of alcoholic beverages.
- k. Motor vehicle sales establishment entirely within a building.
- l. Bakeries, confectionery, or catering establishment, for sale at retail on the premises only.
- m. Drycleaning, dyeing or laundry establishments, employing not more than five persons.
- n. Cabinetmaking or upholstering.
- o. Printing offices, newspaper offices.
- p. Wholesale establishments.
- q. Police Station, fire house
- r. Municipal parking areas.
- s. Townhouses.

31-602.03 – Area and Bulk Requirements

(See Table)

31-602.04 – Uses Permitted Upon Application to the Planning Board as Conditional Uses, Subject to Article 7

- a. Public utilities.
- b. Service stations, public garages.
- c. Funeral homes.
- d. Bowling alleys.
- e. Indoor entertainment for profit.
- f. Bar, tavern, or other establishment for consumption of alcoholic beverages on the premises, except uses pursuant to subsection 31-602.02j shall be considered permitted uses pursuant to that subsection.
- g. Veterinarian's establishment or animal hospital.
- h. Apartments on the Second and Third floors if located on Main Street and parking provided R.S.I.S. parking requirements are fully accommodated.

31-602.05 Other Requirements

- a. Off-Street Parking. Off-street parking shall be provided; see Article 8. All off-street parking shall be in rear of premises, and subject to site plan review and approval.

31-603: I-Industrial

31-603.01 – Intent: The purpose for this is zone is for industrial and large, central office use. The lot is permitted to contain light manufacturing and fabricating, warehousing, research and development facilities, and central/headquarter-type buildings. On arterial roads, there is no anticipated maximum size for delivery and industrial vehicles for this zone.

31-603.02 – Permitted Uses:

- a. Plants and facilities engaged in light manufacturing, fabricating, compounding assembling, storing, warehousing, handling, or other processing of commodities, materials, or equipment.
- b. Research laboratories and product development facilities.
- c. Executive and administrative offices, including central or headquarter-type buildings occupied by single companies or affiliated members of a corporation entity, which do not include separate offices for rent or lease.
- d. Employee education and training facilities operated by a corporation or firm for use by its employees or employees of other corporations or firms.
- e. Temporary buildings for uses incidental to construction work, provided such buildings are removed upon completion or abandonment of the construction work.

31-603.03 – Permitted Accessory Uses:

- a. Signs, subject to the provisions of Article 9.
- b. Fences and landscaping, subject to the provisions of Article 10.
- c. Off-street parking facilities, subject to the provisions of Article 8.
- d. Loading and unloading ramps and structures, subject to the provisions of Article 8.
- e. Private garage and storage buildings which are necessary to store any vehicles, equipment, or materials on the premises.

31-603.04 – Area and Bulk Requirements
(See Table)

31-603.05 – Uses Permitted Upon Application to the Planning Board as Conditional Use, Subject to Article 7

- a. Public utilities.

31-603.06 – Performance Standards

- a. Standards for All Permitted Uses. The following performance standards shall apply to all permitted uses in this district:
 - 1. Any noise produced on the premises shall not be in excess of the standards listed below when measured at any property line of the lot in which the use is located.

Frequency Band (Hertz)	Sound Pressure Level (Decibels 2) (0.002 dyne/cm ²)
20-75	69
75-150	54
150-300	47
300-600	4
600-1200	37
1200-2400	34
2400-4800	31
4800-10000	28

If the noise is not smooth and continuous but is of an impulsive or periodic character, the decibel levels indicated above shall be reduced by 5%. Sound levels shall be measured with a sound level meter and associated frequency analyzer or filter, manufactured in compliance with standard prescribed by the American Standards Association. The Environmental Impact Statement shall address this subsection.

- 2. Any smoke emitted from any source on the premises shall be of a density less than that described as No. 1 on the Ringleman Chart, as published by the United States Bureau of Mines.

3. No fly ash, dust fumes, vapors, gases, or other forms of air pollution which can cause any damage to health of animals or vegetation, or damage or soiling of other forms of property shall be permitted.
 4. No objectionable odors shall be transmitted beyond the property lines of the lot on which the use is located.
 5. No activity shall be maintained on the premises which will produce heat or glare beyond any property line.
 6. No machinery or operation shall be permitted which shall cause perceptible earth shaking vibration beyond the property lines of the lot on which the use is located.
 7. No use or activity shall be maintained on the premises which will violate any laws of the State of New Jersey relating to air or environmental pollution.
- b. Residential uses of any type and retail business establishments are categorically prohibited uses in this District. Also prohibited is any use which by its nature would tend to create or in any way result in a detrimental effect upon the surrounding area and the general community.
 - c. Industrial uses located in this zone shall set aside not less than 20% of the tract for lawns for landscaping and shall use said area for no other purpose.
 - d. Parking areas may be permitted in the front yard, but not closer than 25 feet to the street nor nearer than 10 feet to any building or any property line; parking areas may be permitted in side yards up to 75% of the total area of each side yard, but not closer than 10 feet to any property line or building.
 - e. Wherever an industrial zone or use abuts a residential zone, a solid and continuous landscape screen shall be planted and maintained. Said landscaping shall consist of massed evergreen and deciduous trees and shrubs of such species and size as will produce, within two growing seasons, a screen at least six feet in height, and of such density as will effectively obscure the light of automobile headlamps emitted from the premises throughout the full course of the year. Such buffer planting shall be at least 10 feet wide. In addition to such buffer planting, the owner of the business or office property shall erect on the buffer area a fence six feet in height for the purpose of protecting the residential property from litter, debris, and light glare and such other nuisances that would disturb peaceful possession. Such fence shall not be less than 75% solid, and shall be located only as shown on the site plan approved by the Planning Board.
 - f. The landscape screen described above shall be at least 50 feet in depth from any residential property line.
 - g. Whenever the property line abuts an arterial highway a buffer zone 100 feet in width as measured from said property line or right-of-way shall be provided. Within said buffer zone, no use, activity, or sign shall be established other than the following:
 1. Such driveways as may be necessary to provide proper means of ingress and egress for the parking areas and should be on conformance with those standards as set forth in Article 8 of the Ordinance.
 2. Directional signs in conjunction with said driveway which are necessary for the proper guidance and control of vehicular traffic provided that not more than one such sign is erected in conjunction with each driveway.

31-604: M-Municipal

31-604.01 – Intent:

The purpose of this zone is to promote municipal or municipally beneficial uses. The property does not have to be owned or maintained by the Borough of Manville, but its existence is one that enhances the character of the community or provides similar function for the Borough's residents and visitors. Stormwater management and parking areas are inherently beneficial uses that are supported by this zone. Previously approved uses within this zone are permitted to continue, however any future development of parcels following the adoption of this ordinance within this zone must conform to the intent of this chapter – future uses must be of benefit and use to the greater municipality.

31-604.02 – Permitted Uses:

- a. Municipal Facilities, including administrative buildings, police departments, fire departments and fire houses, emergency response buildings and Department of Public Work Yards
- b. Parks and Open Space, including unoccupied or vacant land.
- c. Municipally Beneficial Uses including parking lots, stormwater management facilities, affordable housing, EV Charging facilities, and any other manner of built environment that serves public need as determined by Mayor and Council.
- d. All current uses on each lot are considered permitted for the respective lot at the time of ordinance adoption. All future uses must be in conformance with item "c" above.

31-604.03 – Permitted Accessory Uses:

- a. Any permitted use within this ordinance is an acceptable accessory use. For the purposes of bulk-schedule interpretation, all uses are considered principal, however setback requirements are only enforceable on structures, (e.g. parking and stormwater management have no restrictions)
- b. Any use considered customarily accessory to the principal use, subject to review and approval by the Planning Board.

31-604.04 – Area and Bulk Requirements

(See Table)

Borough of Manville Bulk Schedule


Zone District	Minimum Lot Size		Minimum Yard Requirements									Maximum Building Height		Total Impervious Coverage
	Area	Width (FT)	Principal						Accessory			Stories	Feet	
			Front (FT)	Rear (FT)	Side (FT)			Front (FT)	Side (FT)	Rear (FT)				
					One	Both	Corner							
R - Residential ^[1]	5000 SF	50	25	25	8	18	12	25	8	10	2.5	35	40%	
	6000 SF	60	25	25	8	18	15	25	10	10	2.5	35	40%	
	7500 SF	75	30	25	10	22	18	30	10	10	2.5	35	40%	
	8000 SF	80	25	25	8	18	15	25	8	25	2.5	35	40%	
	10000 SF	100	30	25	12	27	25	30	10	10	2.5	35	40%	
C - Commercial	10000 SF	100	10	50	-	-	-	10	-	20	4	50	70%	
I - Industrial	1 AC	300	50	50	25	35% Width		50	50	50	2	35	40%	
M - Municipal	5000 SF	50	25	25	8	18	12	25	8	10	4	50	70%	


1. For Residential lots 8,000 square feet and greater, duplexes and townhouses are permitted provided no variances are required for impervious coverage and parking counts. For these lots, the height is permitted to extend to 3 stories or 40 feet.

Proposed Zoning Manville Borough





Sources: NJGIN, ModIV Data,
NJDOT, U.S.G.S.

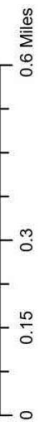


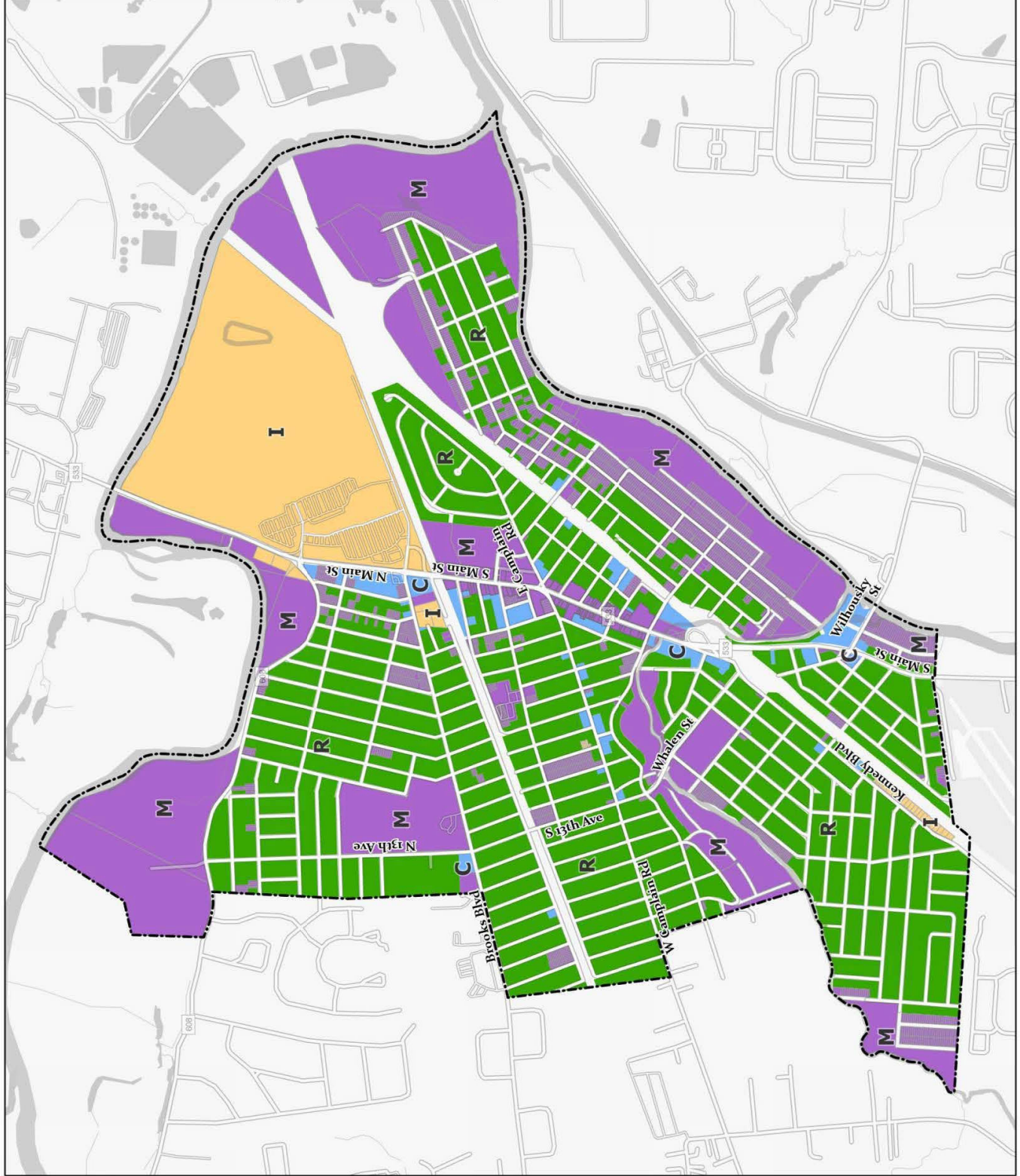
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 Municipal Boundary

Proposed Zoning

-  C - Commercial
-  I - Industrial
-  M - Municipal
-  R - Residential





SECTION 2: Exhibits: The Chart and Zoning Map as annexed hereto are hereby adopted and made a part of this Ordinance.

SECTION 4: Referral. Upon the governing body's Introduction and First Reading of this Ordinance, the Borough Clerk shall submit a true copy of same to the Borough Planning Board {"Joint Land Use Board"} for Consistency Review with the Re-Examination of the Master Plan as adopted by the Planning Board on April 4, 2024.

SECTION 5: Severability. In the event that any provision of this Ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 6: Repealer. Should there exist any inconsistency with other ordinances of the Borough, or should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, the inconsistent provisions of such other prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 7: Purpose of Captions. The captions contained in this Ordinance have been inserted only for the purpose of facilitation reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 8: Effective Date. This Ordinance shall take effect after adoption, passage, and signature by the Mayor in accord with N.J.S.A. §40A:60-5(d).

Borough of Manville,



Richard M. Onderko
Mayor

INTRODUCED this

6th day of May:

Attest:

William Bray
Borough Clerk

ORDINANCE # 2024-1317

FIRST READING:

5/6/2024

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		Agans				X
		Camacho				X
X		DeVito	X			
		Madak	X			
	X	Puia	X			
		Skirkanish	X			
		Onderko				

ADOPTED this

20th day of May, 2024:

Attest:

William Bray
Borough Clerk

ORDINANCE # 2024-1317

SECOND READING AND FINAL ADOPTION:

5/20/2024

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		Agans	X			
		Camacho	X			
	X	DeVito	X			
		Madak	X			
		Puia	X			
X		Skirkanish	X			
		Onderko				

ADOPTED this 20th day of May 2024