

#26-23

AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 245 ENTITLED “LAND USE AND DEVELOPMENT” OF THE TOWNSHIP OF MANCHESTER CODE TO CREATE A NEW PAF-2 PINELANDS AFFORDABLE HOUSING ZONE

WHEREAS, the Township of Manchester (the “Township” or “Manchester”) having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action on January 28, 2025; and

WHEREAS, the Court entered an order on March 27, 2025 setting the Township’s Fourth Round fair share obligations as a Present Need of 154 units and a Prospective Need of 412 units, which no party appealed, and ordering the Township to file a Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025; and

WHEREAS, the Township having filed its Adopted HEFSP on June 19, 2025; and

WHEREAS, three challenges were filed pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Township’s Adopted HEFSP, including EETTSA, LLC (August 13, 2025); DR Horton, Inc. - New Jersey (August 14, 2025); and Fair Share Housing Center (August 29, 2025); and

WHEREAS, Settlement conferences were held on October 6, November 3, November 13, December 3, December 10 and December 22, 2025. A framework for a settlement, agreed to by the parties, was placed on the record at the December 22, 2025 hearing in this matter; and

WHEREAS, The Township, FSHC, EETTSA, LLC, and DR Horton have agreed to amicably resolve the issues set forth in the challenges as it relates to the Heritage Minerals Site and prepared a draft agreement, dated January 19, 2026, setting forth the terms of such settlement. A separate draft agreement, dated January 20, 2026, between the Township and FSHC related to the remainder of the Township's HE&FSP has been prepared; and

WHEREAS, the Township is required to adopt Ordinances to effectuate the Housing Element & Fair Share Plan in accordance with N.J.A.C. 5:80-26.1, et seq. and N.J.A.C. 5:99 by March 15, 2026; and

WHEREAS, pursuant to N.J.S.A. 40:55D-62, the governing body of a municipality may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of the buildings and structures thereon; and

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Manchester, County of Ocean, and State of New Jersey, as follows:

Section 1.

The Township of Manchester Municipal Code, Chapter 245, Article IV entitled “Zoning,” is amended as follows [New language double underlined, deleted language ~~strikethrough~~]:

§245-23 Zoning Districts

C. Pinelands Area Zoning Districts.

PPA	Pinelands Preservation Area
PFA-R	Pinelands Forest Area - Receiving
PFA-S	Pinelands Forest Area - Sending
PRA	Pinelands Rural Agriculture
PR-40	Pinelands Single-Family Residential
PR-15	Pinelands Residential - 15,000 square feet
PRC	Pinelands Retirement Community
PRC/RCL	Pinelands Retirement Community/Residential Cluster
PMP	Pinelands Mobile Home Park
PB-1	Pinelands Business
POR-LI	Pinelands Office, Research and Light Industrial
BVR-40	Beckerville Village Single-Family Residential
WTRA	Whiting Town Rural Agricultural
WTR-40	Whiting Town Residential - 40,000 square feet
WTRC	Whiting Town Retirement Community
WTB-1	Whiting Town Business - 1 acre
WTO-P	Whiting Town - Office Professional
WTHD	Whiting Town - Highway Development
MI	Military Installation
PED	Pinelands Environmental Development
PRC-1	Pinelands Retirement Community
PAF-1	Pinelands Affordable Housing Zone
<u>PAF-2</u>	<u>Pinelands Affordable Housing Zone</u>

X. ~~PAF-1 Pinelands Affordable Housing Zone.~~-(repeal entire section)

X. (Reserved)

Y. PAF-2 Pinelands Affordable Housing Zone.

(1) Purpose.

(a) The purpose of the PAF-2 Pinelands Affordable Zone is to provide for mixed-

use commercial and multi-family housing for low- and moderate-income households on Lots 8 and 16 in Block 72 and Lots 9 and 17 in Block 72.01.

- (b) To permit flexibility in design standards in order to promote creative design concepts.
- (c) To attract additional businesses, employment opportunities, and places to live.
- (d) To serve as an appropriate transition to adjacent residential zones.
- (e) To create a place to live that represents Manchester Township in a unique and attractive way.

(2) Permitted uses.

- (a) Multi-family residential units, including garden apartments.
- (b) Attached single family residential units (i.e. townhomes).
- (c) Townhouses (2.5 story maximum building height).
- (d) Stacked Townhouses
- (e) Multifamily residential dwellings, which for purposes of this section, shall mean a building containing eight or more dwelling units located over a commercial use.
- (f) Mixed-use buildings.
- (g) Commercial uses:
 - i. Shopping plaza, NAICS Sector Nos.: 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 and 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, and 812910, as permitted in Use Schedule G.

- ii. Full and limited-service restaurants, including fast-food restaurants and drive-through restaurants. NAICS Sector Nos.: 722511, 722513, 722514, 722515, and 722410, as permitted in Use Schedule G.
- iii. Fitness and recreational sports centers. NAICS Sector No. 713940, as permitted in Use Schedule G.
- iv. Offices for professional, executive or administrative purposes, and related business support services. NAICS Sector Nos.: 541213, 541214, 541110, 541211, 541219, 541310, 541320, 541330, 541370, 541611, 541612, 541613, 541614, 541618, and 561310, as permitted in Use Schedule G.
- v. Medical offices. NAICS Sector No. 621 (including urgent care centers and blood work testing and analysis facilities), as permitted in Use Schedule G.
- vi. Banks, financial institutions, insurance and real estate businesses. Sector Nos.: 52, 531110, 531120, 531210, 531311, 531312, 531320, 531190, 541191, 561510, 561599, as permitted in Use Schedule G.
- vii. Child-care centers in accordance with N.J.S.A. 40:55D-66.6 and subject to the following conditions:
 - 1. The facility shall be licensed by the Division of Youth and Family Services of the New Jersey Department of Human Services.
 - 2. 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.
 - 3. All loading and unloading of children shall take place on-site and not in a public right-of-way.

(3) Development standards.

- (a) Minimum lot size: twelve acres.
- (b) The maximum density for residential dwelling units shall be 8.65 units per gross acre of the entire development tract for mixed use developments.
- (c) The ground floor of a mixed-use building shall be utilized for commercial uses as specified herein. No permitted principal use other than business and professional offices, medical offices and multifamily residential dwellings shall be located above the ground floor of any mixed-use building.

- (d) Minimum setback distance:
 - i. 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;
 - ii. Minimum side yard setback: 45 feet;
 - iii. Minimum rear yard setback: 30 feet;
 - iv. When the rear of a residential structure abuts a side yard, the minimum rear yard setback of 30 feet shall apply.
- (e) Minimum width of any residential unit: 20 feet.
- (f) Minimum gross habitable floor area requirements:
 - i. One-bedroom units: 750 square feet.
 - ii. Two-bedroom units: 800 square feet.
 - iii. Three-bedroom units: 1,000 square feet.
 - iv. Affordable units shall comply with N.J.A.C. 5:80-26.5.b(2).
- (g) Maximum floor area per multifamily residential unit: 1,500 square feet.
- (h) Maximum building height: 40 feet
- (i) Maximum number of stories per townhome or stacked townhome: 2.5 stories.
- (j) Maximum building coverage for commercial and mixed use buildings: 20%
- (k) Minimum number of multifamily residential units per structure: 8.
- (l) Maximum number of multifamily residential units per structure: 28.
- (m) Maximum number of townhouse units per structure: 8.
- (n) Maximum number of stacked townhouse units per structure: 16.
- (o) Maximum number of 8-unit townhouse structures shall not be more than 50% of all residential structures included in the townhouse development.
- (p) The minimum distance between townhouse buildings shall be as follows:

street parking area shall be located nearer than 25 feet from such street line.

- vi. No parking area, with exception to townhome driveways, shall be placed closer to a building than 12 feet.
- vii. 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.
- viii. 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.

(5) Utility requirements.

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

(6) 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.

(7) Interior roads and driveway location.

- (a) All roads and other accessways within the mixed use development shall be constructed, paved and curbed to a right-of-way width of not less than 28 feet. All such construction, paving and curbing shall be completed in accordance with the subdivision regulations of Manchester Township.
- (b) 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.

- (8) Accessory uses. Accessory uses incidental to the above uses, as specified below:
 - (a) Noncommercial garages for exclusive use of site residents only.
 - (b) Parking, including for residential dwellings as provided herein.
 - (c) 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.
 - (d) Signage for residential and commercial uses subject to the approval of the Manchester Township Planning Board.
 - (e) Garbage storage and recycling enclosures.
 - (f) Centralized mail cluster boxes as required by the USPS.
 - (g) Any other uses which are subordinate and customarily incidental to a permitted use, subject to the approval of the Manchester Township Planning Board.
 - (h) Accessory structures attached to or abutting the principal structure shall comply with the principal building setback requirements.
- (9) Sign regulations. Signs shall be installed in accordance with § 245-27E General sign regulations, except that two ground signs shall be permitted for the residential portion of a mixed-use development and one ground sign shall be permitted for the commercial portion of a mixed-use development.
- (10) Outdoor lighting. Interior development roads, parking areas, dwelling entranceways and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and motor vehicles utilizing the same, but in no case shall such lighting be less than is required to provide a minimum lighting level of 0.5 horizontal foot-candles throughout such areas from dusk to dawn. Where necessary, lights shall be shielded to avoid glare disturbing to occupants of the buildings. Lighting shall be so arranged as to reflect away from all adjoining residential buildings.
- (11) Recreation. Passive recreation areas, such as pathways, natural woods and fields, seating areas and lawns, shall be provided, and suitably arranged throughout the multi-family development. In addition, an active recreation area or areas shall be provided at the rate of at least 125 square feet per dwelling unit. Outdoor play equipment shall be installed in each recreation area in sufficient amount and variety to service the occupants of the project. If a swimming pool area or areas are to be installed, they are to include a pool of a size at least equivalent to 6 square feet per

unit, except that no pool less than 500 square feet will be allowed, and no pool greater than 3,000 square feet shall be required. A clubhouse, auxiliary building or buildings providing for lavatories and storage shall also be erected in conjunction with pools.

- (12) Interior roads and driveway location roads. Roads may be private or public, at the election of the developer. In the event the roads are private, then such private roads shall be the responsibility of a homeowners' association. In such event, the provisions of the Municipal Services Act shall be applicable. In the event such roads are public, then such public roads shall be the responsibility of the Township of Manchester, including the maintenance of drainage facilities in such public roadways.
- (13) 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.
- (14) Affordable housing requirement.
 - (a) Affordable housing requirements shall comply with municipal code Chapter 245 (Land Use & Development) Article XI (Affordable Housing) for new construction, except as modified by this section.
 - (b) The minimum number of affordable housing units that shall be constructed shall be 20 percent of the total number of units approved by the Land Use Board. All affordable housing units shall comply with the Township's Affordable Housing Ordinance, the Uniform Housing Affordability Controls ("UHAC"), applicable affordable housing regulations, including but not limited to phasing and bedroom distribution requirements, any applicable order of the Court, and other applicable laws.
 - (c) The developer shall be responsible for managing the affordable housing units to assure compliance with all applicable laws and regulations. The developer shall contract with an Administrative Agent to oversee the affordable rental units in accordance with the Township's Affordable Housing Ordinance, applicable COAH regulations and procedures (N.J.A.C. 5:96-18), and UHAC (N.J.A.C. 5:80-26.14), or any other applicable requirement as determined by the Court or other appropriate jurisdiction.
 - (d) Calculation of number of units. If the minimum number of low- and moderate-income units to be provided includes a fraction, the number provided shall be rounded up. If the number of market rate (non-low- and moderate-income) units permitted includes a fraction, the number provided shall be rounded down.

- (e) The developer shall submit with the application for development a narrative description of the mechanism to be used to ensure that the required affordable dwelling units are sold only to low- and moderate-income households and that such units will continue to be occupied by low- and moderate-income households for a period not less than 30 years or 40 years, as applicable per UHAC regulations. In addition to such description, actual samples of language to be included in the nature of covenants shall be submitted. The submitted description shall indicate the entity or entities responsible for monitoring the occupancy of the low- and moderate-income units and shall provide a detailed discussion concerning resales, permitted increases in price, prequalification of occupants and other relevant considerations.
- (15) Pinelands development credits. 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.
- (16) Technical subdivision.
- (a) 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.
- (b) 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.
- (c) 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.
- i. 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.
- ii. A technical subdivision may not substantially modify or otherwise adversely impact on the integrity of a previously approved development plan.
- iii. A technical subdivision must not reduce, limit or modify parking or access to parking.
- iv. 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.

- (d) 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.

(17) Approval.

- (a) All lands associated with the townhouses shall be dedicated to a homeowners' association, and the approving agency shall condition final approval upon the establishment of a homeowners' association.
- (b) As a condition of approval, the developer shall enter into a Developer's Agreement with the Township. The Developer's Agreement shall provide for the type and amount of performance and maintenance guarantee required, the amount of inspection fee deposit, a preconstruction conference, a timeline for the phasing of development, traffic control, a summary of improvements to be installed by the developer and the itemized cost estimate for same and, in accordance with N.J.S.A. 40:55D-42, any off-tract improvements which shall be constructed by the developer and the calculation of the developer's fair share of costs as well as any other such matters as the Planning Board shall determine to be necessary to protect public health, welfare and safety.
- (c) The Developer's Agreement shall be approved by the Township Council, upon recommendation of the Planning Board, and subject to the approval by a court maintaining jurisdiction of the Township's Mt. Laurel program that governs, among other related items, the following aspects of the project: site and building design criteria; development, operation and management guidelines; staging of the project construction in relation to the market rate development, including financial contingency arrangements governing willful default by an applicant of said staging program; and provisions for the continuation of a portion of units as affordable units beyond the prescribed thirty-year time limit required of such units.

Section 2.

The Township of Manchester Zoning Map is hereby amended as follows:

Block	Lot	Location	Tax Map Sheet	From Zone	To Zone
72	8	2590 Ridgeway Blvd	5	POR-LI	PAF-2
72	16	2590 Ridgeway Blvd	5	POR-LI	PAF-2
72.01	9	2582 Ridgeway Blvd	5	POR-LI	PAF-2

72.01	17	2582 Ridgeway Blvd	5	POR-LI	PAF-2
62	15	Ridgeway Road	3	PAF-1	PR-40
62	16	Ridgeway Road	3	PAF-1	PR-40
62	33	Ridgeway Road	3	PAF-1	PR-40

Section 3.

All ordinances of the Township of Manchester which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

Section 4.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 5.

This Ordinance shall take effect upon final passage, adoption, and publication in the manner prescribed by law.

Section 6.

The Planning Board, within twenty (20) days of referral of the Proposed Ordinance Amendment from the Township, shall review and issue its referral report on the Ordinance as required by N.J.S.A. 40:55D-26a.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Manchester, in the County of Ocean, State of New Jersey, held on March 9, 2026 and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 13th day of April, 2026 at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 1 Colonial Drive, Manchester, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

TERI GIERCYK, RMC/CMC
Municipal Clerk