

AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 245, ENTITLED “LAND USE AND DEVELOPMENT” SO AS TO AMEND SECTION 245-74.1, ENTITLED “MIXED USE DEVELOPMENT”

BE IT ORDAINED by the Township Council of the Township of Manchester, County of Ocean, State of New Jersey, 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, entitled “Mixed Use Development,” which shall be revised 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 ~~eight~~ six or more dwelling units located over a commercial use.
- (3) Mixed-use buildings.
- (4) The following ~~Commercial~~ commercial uses:

<u>NAICS Code</u>	<u>Name</u>	<u>NAICS Code</u>	<u>Name</u>	<u>NAICS Code</u>	<u>Name</u>
52	Finance and Insurance	448320	Luggage and Leather Goods Stores	541613	Marketing Consulting Services
621	Medical offices (including urgent care centers and blood work testing and analysis facilities)	451110	Sporting Goods Stores	541614	Process, Physical Distribution, and Logistics Consulting Services
4531	Florists	451120	Hobby, Toy, and Game Stores	541618	Other Management Consulting Services
4533	Used Merchandise Store	451130	Sewing, Needlework, and Piece Goods Store	541921	Photography Studios, Portrait
311811	Retail Bakeries	451140	Musical Instrument and Supplies Store	561310	Employment Placement Agencies
323114	Commercial Printing (except manufacturing)	451211	Book Stores	561431	Private Mail Centers
441310	Automotive Parts and Accessories Stores	451212	News Dealers and Newsstands	561510	Travel Agencies
442110	Furniture Stores	451220	Prerecorded Tape, Compact Disc, and Record Store	561599	All Other Travel Arrangement and Reservation Services
442291	Window Treatment Stores	453210	Office Supplies and Stationary Stores	561621	Security System Services except Locksmiths
442299	All Other Furnishings Stores	453220	Gift, Novelty and Souvenir Stores	561622	Locksmiths

NAICS Code	Name	NAICS Code	Name	NAICS Code	Name
443111	Household Appliance Stores	453910	Pet and Pet Supplies Stores	621310	Offices of Chiropractors
443112	Radio, Televisions, and Other Electronic Store (including cellular mobile devices)	453920	Art Dealers	621320	Offices of Optometrists
443120	Computer and Software Store	453998	All Other Miscellaneous Store Retailers	621399	Offices of All Other Miscellaneous Practitioners (including blood work testing and analysis facility)
443130	Camera and Photographic Supplies Store	517110	Wired Telecommunications Carriers, Except Satellite	621493	Freestanding Ambulatory Surgical and Emergency Centers (including urgent care centers)
444130	Hardware Stores	517212	Cellular and Other Wireless Telecommunications	713940	Fitness and Recreational Sports Centers
445110	Supermarkets and Other Grocery Stores (grocery store only)	517310	Telecommunications Resellers	722410	Drinking Places for Alcoholic Beverages
445120	Convenience Stores	518111	Internet Service Providers	722511	Full-Service Restaurants
445210	Meat Markets	531110	Lessors of Residential Buildings and Dwellings	722513	Limited-Service Restaurants
445220	Fish and Seafood Markets	531120	Lessors of Nonresidential Buildings (except Miniwarehouses)	722514	Cafeterias, Grill Buffets, and Buffets
445230	Fruit and Vegetable Markets	531190	Lessors of Other Real Estate Property	722515	Snack and Nonalcoholic Beverage Bars
445291	Baked Goods Store	531210	Offices of Real Estate Agents and Brokers	811213	Communication Equipment Repair and Maintenance
445292	Confectionary and Nut Store	531311	Residential Property Managers	811430	Footwear and Leather Goods Repair
445299	All Other Specialty Food Stores	531312	Nonresidential Property Managers	812111	Barbershops
445310	Beer, Wine, and Liquor Store	531320	Offices of Real Estate Appraisers	812112	Beauty Salons
446110	Pharmacies and Drug Store	531390	Other Activities Related to Real Estate	812113	Nail Salons
446120	Cosmetics, Beauty Supplies, and Perfume Stores	541110	Offices of Lawyers	812191	Diet and Weight Reducing Centers
446130	Optical Goods Store	541191	Title Abstract and Settlement Offices	812199	Other Personal Care Services (including day spa)
446191	Food/Health Supplement Stores	541211	Offices of Certified Public Accountants	812320	Dry Cleaning and Laundry Services except Coin-Operated
446199	All Other Health and Personal Care Stores	541213	Tax Preparation Services	812331	Linen Supply
448110	Men's Clothing Stores	541214	Payroll Services	812910	Pet Care (except Veterinary) Services Limited to Dog Grooming
448120	Women's Clothing Stores	541219	Other Accounting Services		Shopping Plaza
448130	Children and Infants Clothing Stores	541310	Architecture Services		Fast-food restaurants and drive-through restaurants
448140	Family Clothing Stores	541320	Landscape Architecture Services		Offices for professional, executive or administrative purposes, and related business support services
448150	Clothing Accessories Store	541330	Engineering Services		Banks, financial institutions, insurance and real estate businesses
448190	Other Clothing Stores	541370	Surveying and Mapping (except Geophysical) Services		
448210	Shoe Stores	541611	Administrative Management and General Management Consulting Services		
448310	Jewelry Stores	541612	Human Resources and Executive Search Consulting Services		

(4)

(a) — 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.~~

~~(b) 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.~~

~~(c) Fitness and recreational sports centers. NAICS Sector No. 713940, as permitted in Use Schedule G.~~

~~(d) 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.~~

~~(e) Medical offices. NAICS Sector No. 621 (including urgent care centers and blood work testing and analysis facilities), as permitted in Use Schedule G.~~

~~(f) 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.~~

~~(g)~~(5) Child-care centers in accordance with N.J.S.A. 40:55D-66.6 and subject to the following conditions:

~~[1]~~(a) The facility shall be licensed by the Division of Youth and Family Services of the New Jersey Department of Human Services.

~~[2]~~(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.

~~[3]~~(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: five acres.
- (2) The maximum density for residential dwelling units shall be eight 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 herein. 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] ~~Seventy~~50 feet from a collector road or arterial road as identified in the Master Plan;
- [2] ~~Fifty~~30 feet from a local road as identified in the Master Plan;

- (b) Minimum side yard setback: ~~45~~30 feet;
- (c) Minimum rear yard setback: ~~30~~20 feet;
- (d) When the rear of a residential structure abuts a side yard, the minimum rear yard setback of ~~30~~20 feet shall apply.
- (e) All setbacks shall be measured to the outermost building wall.
- (f) If a building contains an attached or otherwise adjoining deck or patio, then it shall comply in all respects with the requirements for principal buildings of this chapter.
- ~~(d)~~(g) The setback distances listed above shall also apply to community amenities, including clubhouses, swimming pools, and splash pads.
- (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 stories.
- (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 ~~eight~~six.
- (13) Maximum number of multifamily residential units per structure: 28.
- (14) Maximum number of townhouse units per structure: eight.
- (15) Maximum number of eight-unit townhouse structures shall not be more than 50% of all residential structures included in the townhouse development.
- (16) There shall be a 25-foot setback between buildings, as measured from the nearest building wall to nearest building wall, inclusive of any decks or patios.
- ~~(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 outdoor refuse and recycling storage area shall be required per 10 acres of residential development. All such outdoor refuse and recycling storage areas shall be appropriately located and 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 0.5 parking space per residential unit.

- (c) Parking for nursery schools, child-care centers shall be provided at a minimum of one 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 the exception ~~to of~~ 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 utility's ies 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.

- (1) 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.

- (2) 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.
- (3) Any townhomes abutting an external street frontage or property boundary shall be screened by a solid and continuous landscape buffer, measuring no less than half the required setback distance.
- (a) 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 of at least eight feet in height. Such screen shall consist of a minimum of double row of staggered plant materials planted 10 feet on center and staggered or parallel, serpentine, or broken rows as approved by the municipal agency.
- (b) Buffers shall utilize existing, established plantings where present, and supplement with additional trees and understory evergreen shrubs to minimize light trespass.
- (c) The buffer may also utilize a berm, in conjunction with the landscaping described above, to mitigate light and noise trespass.
- (d) The buffer shall also include a 6-foot-high black vinyl-coated chain link fence, located along the property line.
- (e) Shrubs and trees authorized by N.J.A.C. 7:50-6.25, Native Shrubs and Trees, shall be used for the buffer. Other shrubs and trees may be used when limited use of other shrubs or tree species is required for proper screening or buffering.

G.—

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. Signage shall comply with the following requirements:
- (a) Signs shall comply with Section 245-27 E (General Sign Regulations).
- (b) Signs identifying the mixed use development. The number, location, and setbacks for the sign shall be governed by Section 245-27 E (15)(a). Total area per each sign shall not exceed 36 square feet each.

~~(4)(c)~~ All other signage shall comply with Section 245-32N, governing signage in the Pinelands Area outside the PPA Preservation Area District.

- (5) Garbage storage and recycling enclosures.
 - (6) Centralized cluster 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. In accordance with Article XI (Affordable Housing) of this Chapter. The applicant shall provide for a 20% of the total number~~
- ~~K. 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.

N. Lighting.

- (1) All outdoor lighting fixtures, including residential lighting, shall be dark sky compliant and shall not exceed a color temperature of 3,000 kelvin.
- (2) To the extent practicable, lighting fixtures shall be designed and programmed to adjust to ambient lighting conditions (e.g. decreasing the intensity of illumination at nighttime).
- (3) Fixtures shall be fully shielded, pointing downward, to minimize skyglow, glare, and light trespass in accordance with International Dark Sky Association guidelines.
- (4) No light spillage shall be permitted onto any adjacent residential properties. For all other properties, a maximum of 0.25 footcandles at a height of five feet (5') above the property line and/or right-of-way line, excluding points of ingress and egress for vehicles shall be permitted.
- (5) Full cutoff flat lenses, directed downward, shall be utilized on all sites.
- (6) Fixtures shall be no brighter than necessary to illuminate the site, building, entrance, street, sidewalk, and/or area intended.
- (7) A lighting plan, including full photometrics of all site lighting, shall be submitted as part of the Site Plan package.

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 and to all other persons entitled to notice pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). 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 August 2026 at 6:00 pm. The Ordinance will be considered for second and final reading at a meeting of the Township Council which is scheduled for the 14th day of September 2026, at 6:00 pm 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, RMC/CMC
Municipal Clerk

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