#26-9

AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, REPEALING ORDINANCE 2024-40 IN ITS ENTIRETY

WHEREAS, the Township of Manchester ("Township") adopted Ordinance 2024-40, seeking to modify permitted uses located within Pinelands areas within the Township, on November 25, 2024; and

WHEREAS, the Pinelands Commission ("Commission") notified the Township in writing that the proposed ordinance directly relates to the standards of the Pinelands Comprehensive Management Plan ("CMP") and must be formally reviewed and approved by the Commission; and

WHEREAS, the Commission noted Ordinance 2024-40 needed further review as it had concerns with the ordinance's consistency with CMP standards, particularly the removal of townhouse development as a permitted use in the POR-LI District; and

WHEREAS, over the course of 2025, the Commission and the Township conducted virtual meetings and exchanged correspondence related to the Commission's review of Ordinance 2024-40; and

WHEREAS, the Pinelands Commission's Executive Director, by written correspondence dated January 6, 2026, notified the Township that the Commission cannot certify Ordinance 2024-40; and

WHEREAS, Pinelands Commission certification is necessary, pursuant to N.J.A.C. 7:50-3.1 et seq., in order for local land use ordinances to be deemed valid; and

WHEREAS, the absence of certification by the Pinelands Commission renders Ordinance 2024-40 unenforceable and, therefore, the ordinance shall be repealed.

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

SECTION 1. Ordinance 2024-40 of the Township Code which revised Chapter 245 of the Township Code is hereby repealed in its entirety, pursuant to the Pinelands Commission's letter dated January 6, 2026, and its failure to certify the ordinance.

SECTION 2. This Ordinance shall be part of the code of the Township of Manchester as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Manchester in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION 3. If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION 4. All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

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SECTION 5. 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 6. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced at a meeting of the Township Council of the Township of Manchester, in the County of Ocean and State of New Jersey on the 26th day of January 2026 and was then read for the first time. The said ordinance will be further considered for final passage by the Township Council in the Town Hall at 6:00 p.m. on November 23, 2026. At such time and place or any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

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Teri Giercyk, RMC/CMC
Municipal Clerk

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