

Chapter 245

LAND USE AND DEVELOPMENT

GENERAL REFERENCES

Uniform construction codes — See Ch. 133.	Property maintenance — See Ch. 313.
Fire prevention — See Ch. 179.	Stormwater management — See Ch. 365.
Mobile homes and trailers — See Ch. 267.	Water and sewer — See Ch. 430.

ARTICLE I
Intent and Purposes

§ 245-1. Short title.

This article shall be known and may be cited as "Intent and Purposes Article of the Township of Manchester Municipal Land Use and Development Regulations Chapter."

§ 245-2. Intent and purpose.

It is the intent and purpose of this chapter:

- A. To encourage municipal action to guide the appropriate use and development of all lands in Manchester Township in a manner which will promote public health, safety, morals and general welfare;
- B. To secure safety from fire, flood, pollution, panic and other natural and man-made disasters;
- C. To provide adequate light, air and open space;
- D. To ensure that the development of Manchester Township does not conflict with the development and general welfare of neighboring municipalities, the county and the state as a whole;
- E. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons and neighborhoods in the community and preservation of the environment;
- F. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- G. To provide sufficient space in appropriate locations for a variety of agricultural, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all Manchester Township citizens;
- H. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- I. To promote a desirable visual environment through creative development techniques and good civic design and arrangements;
- J. To promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land;
- K. To encourage planned developments which incorporate the best features of design and relate the type, design and layout of residential,

commercial, industrial and recreational development to the particular site;

- L. To encourage senior citizen community housing construction consistent with good planning, site development and the natural environment;
- M. To encourage coordination of various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to promote the more efficient use of land;
- N. To do all things authorized in the general purposes and powers section as more fully set forth in N.J.S.A. 40:55D-1 et seq.;
- O. To implement the objectives of the Pinelands Protection Act and the Pinelands Comprehensive Management Plan and comply with minimum standards of the Plan;
- P. To protect, preserve, and enhance the unique and significant ecological, natural and other resources of the Pinelands area;
- Q. To accommodate regional growth in an orderly way by encouraging appropriate patterns of compatible residential, commercial and industrial development in or adjacent to areas already utilized for such purposes which are conducive to the protection of the Pinelands environment;
- R. To encourage innovations in residential development by permitting greater variety in design and layout of buildings and by the conservation and more efficient use of open space auxiliary to said buildings; and
- S. To avoid scattered or strip commercial development by encouraging commercial growth in the areas so designated at major intersections.

§ 245-3. Interpretation.

In their interpretation, the provisions of the Manchester Township Municipal Land Use and Development Regulations chapter shall be held to be minimum requirements. It is not the intent of this chapter to abrogate any permit or approval granted and previously issued pursuant to law relating to the use of buildings or land, nor shall it be interpreted to interfere with the provisions of existing codes, laws or ordinances regarding building construction, health, safety, or sanitation, or with any private restrictions placed upon a property by covenant or deed.

§ 245-4. Uses which are not permitted are prohibited; conflicts. [Amended 3-14-2016 by Ord. No. 16-015]

- A. It is intended that in interpretation of this chapter, any use not specifically permitted in an adopted Township zoning schedule shall be deemed prohibited.

- B. In the event that there is a conflict between the language in the chapter and an adopted Township zoning schedule, the schedules control the determination of a permitted use.

§ 245-5. Grandfather clause; nonconforming setback.

Any single-family dwelling on a conforming lot under this chapter which was constructed and in existence at the time of the adoption of the amendment of the Zoning Ordinance in December 1975, and which would be nonconforming solely by reason of the increase in front yard setback in the Zoning Ordinance of December 1975 and under this chapter, shall not be deemed nonconforming.

**§ 245-6. New Jersey Residential Site Improvement Standards.
[Amended 11-28-2005 by Ord. No. 05-053]**

The New Jersey Residential Site Improvement Standards (RSIS) approved on January 6, 1997 and effective on June 3, 1997, as may be amended, prepared in accordance with N.J.S.A. 40:55D-40.4 as contained in the New Jersey Administrative Code under N.J.A.C. 5:21, are hereby adopted by reference. The provisions of the residential site improvement standards shall supersede any and all contrary or inconsistent provisions of this chapter.

ARTICLE II Terminology

§ 245-7. Short title.

This article may be known as and cited as "Definitions Article of the Township of Manchester Municipal Land Use and Development Regulations Chapter."

§ 245-8. Definitions; word usage. [Amended 3-23-1998 by Ord. No. 98-008; 2-22-1999 by Ord. No. 99-001]

For the purpose of this chapter, unless the context clearly indicates a different meaning, the term "shall" indicates a mandatory requirement, and the term "may" indicates a permissive action. The terms used herein shall be defined pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and noted as (MLUL) and the New Jersey Pinelands Comprehensive Management Plan (N.J.S.A. 13:18A-1 et seq. and N.J.A.C. 7:50-1 et seq.) and noted as (Pinelands). For applicable residential development, terms defined in accordance with the New Jersey Residential Site Improvement Standards, N.J.S.A. 40:55D-40.1 and N.J.A.C. 5:21 et seq., effective June 3, 1997, shall be utilized in conjunction with such regulations.

ACCESSORY STRUCTURE OR USE (PINELANDS) — In the Pinelands Area and in the CAFRA Area, a structure or use which:

- A. Is subordinate to and serves a principal building or a principal use, including but not limited to the production, harvesting, and storage and washing, grading and packaging of unprocessed produce grown on-site;
- B. Is subordinate in area, extent and purpose to the principal structure or principal building or a principal use served;
- C. Contributes primarily to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served; and
- D. Is located on the same parcel as the principal structure or principal use served, except as otherwise expressly authorized by the provisions of this chapter and, in the Pinelands Area, the provisions of the Pinelands Comprehensive Management Plan.

ADMINISTRATIVE APPROVAL — A change or minor addition to an existing previously approved site plan, which are subject to the following: **[Added 12-13-2004 by Ord. No. 04-042]**

- A. Requires review by the Board; however, does not require application for a minor site plan.
- B. Is minor in nature and will not impact the original intent of approval by the Board, layout, or function of the existing infrastructure of the previously approved site plan.

- C. The submission requirements of which do not require a formal site plan submission (submission requirements pertaining to detail and content to be determined by the Board Engineer).

ADMINISTRATIVE OFFICER (MLUL) — Shall be, for the purpose of receiving applications, the Board Secretary/Coordinator; for the purpose of assigning applications to boards, completeness reviews and distribution of applications, the Township Engineer; for the purpose of preparing a certified list of property owners, the Tax Assessor; for the purpose of issuing certificates as to approval of subdivision of land pursuant to N.J.S.A. 40:55D-68 and certificates of preexisting nonconformities pursuant to N.J.S.A. 40:55D-68, the Zoning Officer (in conjunction with any request for a certificate as to approval of subdivision of land, the applicant shall submit a copy of the filed map or deed to the Zoning Officer); for the purpose of issuing default approvals pursuant to N.J.S.A. 40:55D-47, 40:55D-50 and 40:55D-76, the Township Administrator; for the purpose of record keeping of minutes of meetings and making them available to the public for the Planning Board, the Planning Board Secretary; and for the Zoning Board of Adjustment, the Zoning Board of Adjustment Secretary; and for all other purposes, the Township Administrator or his designee.

AGRICULTURAL COMMERCIAL ESTABLISHMENT (PINELANDS) — A retail sales establishment primarily intended to sell agricultural products produced in the Pinelands. An agricultural commercial establishment may be seasonal or year-round and may or may not be associated directly with a farm; however, it does not include supermarkets, convenience stores, restaurants and other establishments which coincidentally sell agricultural products, nor does it include agricultural processing facilities such as a farm itself, nor facilities which are solely processing facilities.

AGRICULTURAL EMPLOYEE HOUSING (PINELANDS) — Residential dwellings for the seasonal use of employees of an agricultural or horticultural use which because of their character or location are not to be used for permanent housekeeping units and which are otherwise accessory to a principal use of the parcel for agriculture.

AGRICULTURAL OR HORTICULTURAL PURPOSE OR USE (PINELANDS) — Any production of plants or animals useful to man, including but not limited to: forages or sod crops; grains and feed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, and including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forestry products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and green house products; or any land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agency or the federal government.

AGRICULTURAL PRODUCTS PROCESSING FACILITY (PINELANDS) — A facility designed, constructed, and operated for the express purpose of

processing agricultural products grown in the Pinelands, including washing, grading, and packaging of those products.

AGRICULTURAL USE, CUSTOMARY — A use primarily devoted to the raising or production of crops, livestock grazing, raising of hay for cows to produce milk and other dairy products, raising of poultry and sale of chickens and eggs, or growing of fruit.

ALTERATION — As applied to a building or structure, shall mean a change, rearrangement, or enlargement in the structural parts or in the existing facilities, any conversion of a building or part thereof, or removal of a building from one location or position to another, or demolition.

ALTERNATE DESIGN PILOT PROGRAM TREATMENT SYSTEM (PINELANDS) — An individual or community on-site wastewater treatment system that has the capability of providing a high level of treatment, including a significant reduction in the level of total nitrogen in the wastewater, limited to the following systems authorized for use for residential development by the pilot program established in N.J.A.C. 7:50-10, Part IV, and approved for Treatment Works Approval (Number 02-3487-4SG) by the NJDEP in accordance with N.J.A.C. 7:9A-3.9: **[Added 2-24-2003 by Ord. No. 03-001]**

- A. Ashco-A-Corporation RFS III; Rock Filtering System;
- B. Bio-Microbics FAST; Fixed Activated Sludge Treatment System;
- C. Cromaglass, Corp. Sequencing Batch Reactors;
- D. Naston, LTD Bioclere System; and
- E. Tetra Process Technologies, Inc. Amphidrome Sequencing Batch Reactors.

ALTERNATIVE TOWER STRUCTURE — Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANCILLARY STRUCTURE OR USE (PINELANDS) — A structure or use which:

- A. Is located on the same parcel but is not necessarily related to a principal structure or use; and
- B. Is subordinate in area, extent and purpose to the principal structure or principal building.

ANIMALS, THREATENED OR ENDANGERED (PINELANDS) — That wildlife which is listed in N.J.A.C. 7:50-6.32.

ANTENNA — Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

APPEAL — A request for a review of the Construction Official or Township Engineer interpretation of any provision of a request for a variance or interpretation of the delineation of a special flood hazard area in accordance with § 245-85, Flood damage prevention. **[Added 9-11-2006 by Ord. No. 06-020]**

APPLICANT (MLUL) — An individual or developer submitting an application for development or other purpose.

APPLICATION FOR DEVELOPMENT —

- A. (MLUL) The application form and all accompanying documents required by this chapter for approval of a site plan, subdivision plat, conditional use, planned development, zoning variance, or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-34 or 40:55D-36.
- B. (Pinelands) In the Pinelands Area, an "application for development" shall mean any application filed with any permitting agency, for any approval, authorization or permit which is a prerequisite to initiating development in the Pinelands Area, except as provided in § 245-32B(1)(b) and N.J.A.C. 7:50-4.1(a). **[Amended 6-14-2010 by Ord. No. 10-012]**

APPROVAL AGENCY or APPROVING AUTHORITY — The authority designated by this chapter when acting pursuant to the authority of N.J.S.A. 40:55D-1 et seq., and amendments thereto.

APPROVAL, FINAL —

- A. (MLUL) The official action of the approving agency taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.
- B. (Pinelands) In the Pinelands Area, "final approval" shall mean any approval to develop issued by a local permitting agency, including but not limited to final approval of major subdivisions and site plans, approval of minor subdivisions, and the issuance of zoning or construction permits.

APPROVAL, PRELIMINARY —

- A. (MLUL) The conferral of certain rights pursuant to N.J.S.A. 40:55D-46, 40:55D-48 and 40:55D-49 prior to final approval after specific elements of a development plan have been agreed upon by the approval agency and the applicant.
- B. (Pinelands) In the Pinelands Area, "preliminary approval" shall mean any approval to develop issued by a local permitting agency which is prerequisite to the issuance of a final approval by that agency, including but not limited to preliminary approvals of major subdivisions and site plans. **[Amended 6-14-2010 by Ord. No. 10-012]**

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year.**[Added 9-11-2006 by Ord. No. 06-020]**

ARTIFICIAL REGENERATION (PINELANDS) — The establishment of tree cover through direct or supplemental seeding or planting.**[Added 12-12-2011 by Ord. No. 11-025]**

AUTOMOBILE REPAIR SHOP — A building or place where body or major repair work is performed on motor vehicles.

BACKHAUL NETWORK — The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long-distance providers, or the public switched telephone network.

BASE FLOOD — The flood having a 1% chance of being equaled or exceeded in any given year.**[Added 9-11-2006 by Ord. No. 06-020]**

BASEMENT — A story of a building partly underground and having more than 1/2 of its height below the average level of the finished grade at the front of the building.

BEDDING (PINELANDS) — A silvicultural practice involving the preparation of land before planting in the form of small mounds so as to concentrate topsoil and elevate the root zone of seedlings above temporary standing water.**[Added 12-12-2011 by Ord. No. 11-025]**

BERM — A mound of soil, either natural or constructed, used for one or more of the following purposes: screen, buffer, separator, landscape feature, noise attenuator, dam, or stormwater control.

BICYCLE PATH — A paved path five feet wide limited to bicycles. This may also include a striped area along the edge of a road clearly indicating the area for bicycles.

BILLBOARD — Any structure or portion thereof upon which advertisements are used as an outdoor display not serving a business conducted on the same building lot. This definition does not include any signs used to display official court or government notices.

BIOMASS — An agricultural crop, crop residue, or agricultural byproduct that is cultivated, harvested, or produced on the farm and which can be used to generate energy in a sustainable manner. (N.J.S.A. 4:1C-32.4)**[Added 12-12-2011 by Ord. No. 11-026]**

BLOCK — A division of land containing one or more lots.

BOARD OF ADJUSTMENT (MLUL) — The Board established by N.J.S.A. 40:55D-1 et seq. and defined in this chapter and N.J.S.A. 40:55D-1 et seq.

BREAKAWAY WALL — A wall that is part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.**[Added 9-11-2006 by Ord. No. 06-020]**

BROADCAST SCARIFICATION (PINELANDS) — A silvicultural practice involving the dragging of cut trees or other objects across a parcel to remove or reduce aboveground shrub cover, debris, leaf litter and humus without disturbance to mineral soil horizons and associated roots.**[Added 12-12-2011 by Ord. No. 11-025]**

BUFFER — A landscaped and/or natural area designed to act as a visual and/or sound screen between adjacent properties and as further defined in Article IV, Zoning, of this chapter.

BUILDING —

- A. (MLUL) A combination of materials to form a structure adapted to permanent, temporary, or continuous occupancy, and having a roof.
- B. (Pinelands) Any structure, either temporary or permanent, having a roof and designed, intended or used for the sheltering or protection of persons, animals, chattel or property of any kind.

BUILDING AREA — The total area circumscribed by the outside dimensions on a horizontal plane measured at the outermost perimeter of the structure and all accessory buildings, exclusive of terraces or steps, having a vertical face less than three feet above the level of the ground from which the height of the building is measured.

BUILDING COVERAGE — The area of a lot covered by principal and accessory buildings and other roofed areas and overhangs. Building coverage is expressed as a percentage of lot area.

BUILDING HEIGHT —

- A. The vertical distance measured from the average elevation of the proposed finished grade to the highest point of the roof for flat roofs; to the deck lines of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs; but in no event exceeding the height limitation of this chapter.
- B. (Pinelands) The vertical distance from grade to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, PORTABLE — A structure, including tents, lunch wagons, trailers, dining cars, camping vehicles, carports, canopies or other structures on wheels or chassis, designed to be capable of being carried or transported from place to place.¹

BUILDING, PRINCIPAL — A building or buildings in which is conducted the main or principal use of the site on which it is situated.

CABLE TELEVISION COMPANY (MLUL) — A cable television company as defined pursuant to N.J.S.A. 48:5A-3.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

CAFRA — The Coastal Area Facility Review Act in accordance with N.J.S.A. 13:19-1 et seq. and regulations promulgated in accordance with N.J.A.C. 7:7-E-1.1 et seq.

CALIPER — The diameter of a tree trunk measured in inches, four feet above ground level.

CAMPER —

- A. Any person who occupies a campsite and shall include any person who registers his or her party for the occupation of a campsite or who otherwise assumes charge of, or is placed in charge of a campsite.
- B. (Pinelands) In the Pinelands Area, shall mean a portable structure which is self-propelled or mounted on or towed by another vehicle, designed and used for temporary living for travel, recreation, vacation or other short-term uses. "Camper" does not include mobile homes or other dwellings.

CAMPGROUND — A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary quarters for children or adults, or both, for recreation, or vacation purposes.

CAMPING TRAILER — A recreational vehicle that is mounted on wheels and constructed with collapsible partial sidewalls that fold for towing and unfold for use.

CAMPING UNIT — Includes any tent or recreational vehicle which is capable of being temporally located on a campsite; or a cabin, lean-to, or similar structure established or maintained and operated in a public campground. The term "camping unit" shall not include any camping unit kept by its owner on land occupied by him in connection with his dwelling or any camping unit which is kept at a campground for storage purposes only at a location reserved for the storage of such camping units.

CAMPING VEHICLE — Includes any camp trailer, travel trailer or other unit built or mounted on a vehicle or chassis, designed without permanent foundation, which is used for temporary dwelling or sleeping purposes and which, under the provisions of Title 39 of the Revised Statutes of New Jersey, may be legally driven or towed by a passenger automobile on a highway.

CAMPSITE —

- A. Any plot of ground within a campground intended for the exclusive occupation by a camping unit or units under the control of a camper.
- B. (Pinelands) In the Pinelands Area, "campsite" shall mean a place used or suitable for camping.

CAPITAL IMPROVEMENT (MLUL) — A governmental acquisition of real property or a major construction project.

CAR LOT, USED — A place of business for the sale of motor vehicles which may be permitted on the same premises or immediately adjacent to an automobile sales room.

CARTWAY — The actual road surface area from curbline to curbline which may include travel lanes, parking lanes, and deceleration and acceleration lanes. Where there are no curbs, the cartway is that portion between the edges of the paved, or hard surface, width.

CELLAR — That portion of a structure more than 1/2 below proposed finished grade.

CERTIFICATE OF APPROPRIATENESS (PINELANDS) — See N.J.A.C. 7:50-6.156 of the Pinelands Comprehensive Management Plan.

CERTIFICATE OF COMPLETENESS (PINELANDS) — See N.J.A.C. 7:50-4.11 through 4.27 of the Pinelands Comprehensive Management Plan.

CERTIFICATE OF FILING (PINELANDS) — See N.J.A.C. 7:50-4.34 and 4.82 of the Pinelands Comprehensive Management Plan.

CERTIFICATE OF OCCUPANCY, PERMANENT — An individual certificate issued by the Bureau of Inspections upon completion of a project allowing occupancy of a building or unit of a building.

CERTIFICATE OF OCCUPANCY, TEMPORARY — A certificate, issued by the Bureau of Inspections, upon completing of a particular building or unit within a building, which certifies that the building or unit within a building together with those improvements required to service that building or unit have been completed in accordance with the requirements of this chapter and whose effective period shall coincide with the developer's obligation to complete all improvements related thereto in accordance with the terms of this chapter; the purpose of such certificate shall be to allow occupancy prior to the completion of all applicable improvements as required by the approval agency.

CERTIFIED COUNTY MASTER PLAN OR REGULATION (PINELANDS) — Any county master plan or regulation certified by the Pinelands Commission pursuant to N.J.A.C. 7:50-3, Part II, as being in conformance with the minimum standards of the Pinelands Comprehensive Management Plan.

CERTIFIED MUNICIPAL MASTER PLAN OR LAND USE ORDINANCE (PINELANDS) — Any municipal master plan or land use ordinance certified by the Pinelands Commission pursuant to N.J.A.C. 7:50-3, Part IV, as being in conformance with the minimum standards of the Pinelands Comprehensive Management Plan. **[Amended 6-14-2010 by Ord. No. 10-012]**

CHANGE IN USE — A change in use from that of one district classification to another, in connection with alterations.

CIRCULATION (MLUL) — Systems, structures, and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits and the handling of people and goods by such means as

terminals, stations, warehouses, and other storage buildings or transshipment points pursuant to N.J.S.A. 40:55D-3.

CIRCULATION PLAN — A system of local roads, collector roads and arterial roads that constitute the circulation framework and the logical arrangement for a particular development. Such a plan shall clearly indicate how traffic will flow through a project and exit onto main roads, and shall be of sufficient design standard to handle anticipated traffic volumes. The volumes shall be presented in documented form. The circulation plan shall also comply with all state, county or local road proposals as indicated on the official Township master plan or other state or county plans.

CLEARCUTTING (PINELANDS) — A silvicultural practice involving removal of an entire forest stand in one cutting for purposes of regeneration either obtained artificially, by natural seed or from advanced regeneration. Clearcutting typically results in the removal of all woody vegetation from a parcel in preparation for the establishment of new trees; however, some trees may be left on the parcel. **[Added 12-12-2011 by Ord. No. 11-025]**

CLUBS, LODGES, FRATERNAL, SOCIAL AND RECREATIONAL BUILDINGS — A building or structure principally used to house any club, lodge, fraternal, social, recreational, athletic, patriotic or civic organization and their attendant activities, whether private or public.

CLUSTER — See "development, cluster."

COLLECTION FACILITY (PINELANDS) — A facility where source-separated or co-mingled waste is dropped off in a container and temporarily stored before transportation to another waste management facility.

COMMENCEMENT OF CONSTRUCTION (PINELANDS) — Actual construction on a parcel of land in accordance with a permit issued by the applicable jurisdiction if the cost of the physical improvements completed constitutes at least 25% of the projected total cost of the development or the completion of all required foundations, of a form and character such that the foundations are not usable for any other form of development except that authorized by the issued permit.

COMMON OPEN SPACE (MLUL) — An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development pursuant to N.J.S.A. 40:55D-3.

COMPOSTING FACILITY (PINELANDS) — A waste management facility which utilizes a controlled biological process of degrading nonhazardous solid waste or sewage sludge. For purposes of this definition, "composting facility" shall include a co-composting facility which utilizes a controlled biological process of degrading mixtures of nonhazardous solid waste, including sewage sludge.

COMPREHENSIVE MANAGEMENT PLAN (PINELANDS) — The Plan adopted by the Pinelands Commission pursuant to Section 7 of the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq., as adopted.

CONCEPT PLAN — A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

CONDITIONAL USE (MLUL) — A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in Article VIII, Conditional Use Permits, Procedures and Requirements, and upon issuance of an authorization by the approving agency.

CONSTRUCTION (PINELANDS) — The construction, erection, reconstruction, alteration, conversion, demolition, removal or equipping of buildings or structures.

CONSTRUCTION DEBRIS (PINELANDS) — Nonhazardous solid waste building material and refuse resulting from construction, remodeling, and repair operations on residences, commercial buildings, pavements and other structures.

CONTIGUOUS — Lands shall be considered contiguous so long as said lands are not separated by existing public streets, or railroad rights-of-way presently used; provided, however, that where an applicant is able to demonstrate to the satisfaction of the approving authority that the lands so separated lend themselves to an integrated community plan, without any substantial detriment to the public health, safety or welfare, the approving agency may waive the contiguity requirement.

CONTIGUOUS LAND (PINELANDS) — Land which is connected or adjacent to other land so as to permit the land to be used as a functional unit; provided that separation by lot line, streams, dedicated public roads which are not paved, rights-of-way, and easements shall not affect the contiguity of land unless a substantial physical barrier is created which prevents the land from being used as a functional unit.

CONVENTIONAL DEVELOPMENT (MLUL) — A development other than a planned development.

COPPICING (PINELANDS) — A silvicultural practice involving the production of forest stands from vegetative sprouting by the trees that are harvested (stump sprouts, root suckers, and naturally rooted layers). Coppicing typically involves short rotations with dense stands of short trees.**[Added 12-12-2011 by Ord. No. 11-025]**

COUNTY MASTER PLAN (MLUL) — A composite of the Master Plan for the physical development of Ocean County, with the accompanying maps, plats, charts and descriptive and explanatory matter, adopted by the Ocean County Planning Board pursuant to N.J.S.A. 40:27-2 and N.J.S.A. 40:27-4.

COUNTY PLANNING BOARD (MLUL) — The Planning Board of Ocean County.

CUL-DE-SAC — A street with a single means of ingress and egress and having a turnaround, the design of which may vary.

DAY —

- A. (MLUL) Calendar days in accordance with N.J.S.A. 40:55D-4.
- B. (Pinelands) In the Pinelands Area, for development applications to the Pinelands Commission, "day" means, for purposes of computing time limits, a calendar day; provided, however, that should the last day of a specified time limit be a Saturday, Sunday or holiday, then the time limit shall extend until the next working day following said Saturday, Sunday or holiday.

DENSITY —

- A. (MLUL) The permitted number of dwelling units per gross area of land to be developed per N.J.S.A. 40:55D-4.
- B. (Pinelands) In the Pinelands Area, "density" means the average number of housing units per unit of land per N.J.A.C. 7:50-2.11.

DESIGN FLOOD — The magnitude of a flooding event that a facility is designed to accommodate. This event can also be used as a basis of a water surface elevation, or the delineation of a floodway and flood hazard area.

DETENTION BASIN — A stormwater management basin or alternative structure designed to temporarily retain stormwater runoff.

DEVELOPABLE ACRE — Land which is not designated as freshwater wetlands or floodplains, land areas with slopes of 15% or greater and lands which are restricted by deeds, easements, or other covenants which prohibit or restrict residential structures. This definition shall apply only to § 245-31(S).**[Added 11-14-2016 by Ord. No. 16-036; amended 2-13-2017 by Ord. No. 17-002]**

DEVELOPER (MLUL) — The legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT (FEMA) — **[Amended 9-11-2006 by Ord. No. 06-020; 6-14-2010 by Ord. No. 10-012]**

- A. (MLUL) Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard. **[Amended 9-11-2006 by Ord. No. 06-020]**
- B. (Pinelands) The change of or enlargement of any use or disturbance of any land, the performance of any building or mining operation, the division of land into two or more parcels, and the creation or termination of rights of access or riparian rights, including, but not limited to:

- (1) A change in type of use of a structure or land.
- (2) A reconstruction, alteration of the size, or material change in the external appearance of a structure or land.
- (3) A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land.
- (4) Commencement of resource extraction, drilling or excavation on a parcel of land.
- (5) Commencement of forestry activities.
- (6) Demolition of a structure or removal of trees.
- (7) Deposit of refuse, solid or liquid waste or fill on a parcel of land.
- (8) In connection with the use of land, the making of any material change in noise levels, thermal condition or emissions of waste material.
- (9) Alteration, either physically or chemically, of a shore, bank or floodplain, seacoast, river, stream, lake, pond, wetlands or artificial body of water.

DEVELOPMENT APPROVAL (PINELANDS) — Any approval granted by the Pinelands Commission pursuant to N.J.A.C. 7:50-4, Part II, Part III or Part IV.

DEVELOPMENT, CLUSTER — A development of residential dwellings which will preserve desirable open spaces, conserve floodplains and wetlands, provide open space, recreational parks, and lands for other public or quasi-public purposes, compatible with residential uses, by permitting a reduction of lot size, and the application of certain other regulations hereinafter stated, without increasing the number of lots, i.e., the gross density, the total areas to be developed as more accurately defined in Article VIII, Conditional Use Permits, Procedures and Requirements, of this chapter.

DEVELOPMENT, MAJOR (PINELANDS) — Any division of land into five or more lots; any construction or expansion of any housing development of five or more dwelling units; any construction or expansion of any commercial or industrial use or structure on a site of more than three acres; or any grading, clearing or disturbance of an area in excess of 5,000 square feet.

DEVELOPMENT, MINOR (PINELANDS) — Any development other than major development.

DEVELOPMENT, PUBLIC (PINELANDS) — Any development by a public agency.

DEVELOPMENT REGULATION (MLUL) — The Manchester Township Municipal Land Use and Development Regulations Chapter, official map ordinance, or other municipal regulation of the use and development of land, or amendment thereto.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to Manchester Township. **[Added 9-11-2006 by Ord. No. 06-020]**

DISKING (PINELANDS) — A silvicultural practice involving the drawing of one or more heavy, round, concave, sharpened, freely rotating steel disks across a site for the purposes of cutting through soil and roots or cutting and turning a furrow over an area. **[Added 12-12-2011 by Ord. No. 11-025]**

DOMESTIC TREATMENT WORKS (PINELANDS) — A public or privately owned treatment works that processes primarily domestic wastewater and pollutants.

DOMESTIC WASTEWATER (PINELANDS) — Wastewater which results from the discharge of household, commercial or other wastes from bathrooms, toilet facilities, home laundries and kitchens.

DRAINAGE (MLUL, PINELANDS) — The removal of surface water or groundwater by drains, grading or other means, including control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

DRAINAGE, DETENTION OR RETENTION BASINS — A man-made or natural water collector facility, designed to collect and control surface and subsurface water so as to impede and gradually release the flow into natural or man-made outlets, (i.e., storm sewer system or stream) at a rate not greater than the flow prior to the development of the property.

DRAINAGE MASTER PLAN — The Master Storm Drainage Plan formally adopted by the Manchester Township Council providing for an overall scheme to deal with stormwater runoff, including any improvements for same.

DRAINAGE RIGHT-OF-WAY — The lands required for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

DREDGE AND/OR STRIP MINING — Placer mining operations to recover minerals with the use of a dredge boat or sluice washing plant whether fed by bucket lines as a part of said dredge or by separate dragline or other supply capable of moving at least 500 cubic yards of earth material per day.

DRIVE-IN — An establishment which accommodates the patrons' automobiles, from which the occupants may receive a service or obtain a product which may be used or consumed, in the vehicles on the same premises.

DRIVEWAY — A defined improved surface designed primarily for vehicular access from one or more buildings to a street. A driveway is not a road, street, boulevard, highway or parkway.

DRUM CHOPPING (PINELANDS) — A silvicultural practice involving the drawing of a large cylindrical drum with cutting blades mounted parallel to its axis across a site to break up slash, crush scrubby vegetation prior to burning or planting or to chop up and disturb the organic turf and roots in the upper foot of soil.**[Added 12-12-2011 by Ord. No. 11-025]**

DWELLING (PINELANDS) — Any structure or portion thereof which is designed or used for residential purposes.

DWELLING UNIT (PINELANDS) — In the Pinelands Area and in the CAFRA Area, any room or group of rooms located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation by one family. "Dwelling unit" shall include each separate apartment or unit where one or more individuals reside within an assisted-living facility or assisted-living residence and each room, apartment, cottage or other area within a continuing care retirement community set aside for the exclusive use or control of one or more individuals constituting a household unit.**[Amended 12-17-2001 by Ord. No. 01-034]**

DWELLING, ONE-FAMILY — A dwelling unit located within a detached building designed for or occupied exclusively by one family and having no walls in common with any adjacent house or houses.

DWELLING, TWO-FAMILY — A building containing two dwelling units only, and designed for occupancy by two families only, living independently of each other.

DWELLING, MULTIFAMILY — A building or group of buildings containing separate dwelling units for three or more families but which may have joint services or facilities or both.

ELECTRIC DISTRIBUTION LINES (PINELANDS) — All electric lines other than electric transmission lines.

ELECTRIC TRANSMISSION LINES (PINELANDS) — Electric lines which are part of an electric company's transmission and subtransmission system, which provide a direct connection between a generating station or substation of the utility company and:

- A. Another substation of the utility company;
- B. A substation of or interconnection point with another interconnecting utility company;
- C. A substation of a high-load customer of the utility.

ELEVATED BUILDING — A nonbasement building:**[Added 9-11-2006 by Ord. No. 06-020]**

- A. Built, in the case of a building in an area of special flood hazard, to have the top of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water; and
- B. Adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an area of special flood hazard, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

ENLARGEMENT (PINELANDS) — An addition to the floor area of an existing building, an increase in the size of any other existing structure or an increase in that portion of a tract of land occupied by an existing use.

ENVIRONMENTAL IMPACT STATEMENT — A report consisting of text and maps and other graphic material which assesses the effect of a proposed project on the environment. This report shall be prepared in compliance with the regulations of the Township of Manchester governing environmental impact statements. An environmental assessment shall be deemed to be an environmental impact statement for the purposes of this chapter.

ENVIRONMENTAL COMMISSION (MLUL) — A municipal advisory body created pursuant to N.J.S.A. 40:56A-1 et seq.

EROSION (FEMA) — The process of the gradual wearing away of land masses.**[Added 9-11-2006 by Ord. No. 06-020]**

EROSION (MLUL and PINELANDS) — The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

ESCROW — A deed, bond, money, or piece of property delivered to a third person, to be delivered by him to the grantee only upon fulfillment of a condition.

ESSENTIAL SERVICES — Underground gas, electrical, telephone, telegraph, sanitary sewer collection systems, or water transmission or distribution systems, including mains, drains, sewers, pipes, conduits, cables, and normal aboveground appurtenances such as fire alarm boxes, police call boxes, light standards, poles, traffic signals, and hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by public utilities or municipal or other government agencies for the public health or safety or general welfare. "Essential services" shall not be deemed to include wireless telecommunications towers and antennas.

FAA — The Federal Aviation Administration.

FCC — The Federal Communications Commission.

FAIR MARKET VALUE (PINELANDS) — The value of a parcel based on what a willing buyer will pay a willing seller in an arms-length transaction for the parcel if no waiver of strict compliance is approved. For undersized lots, the

determination of fair market value shall include consideration of the extent to which the parcel would contribute to the value of a developable parcel if combined with one or more parcels.

FAMILY —

- A. For the purposes of defining a single-family dwelling, shall consist of persons occupying no more than one nonprofit bona fide housekeeping unit per dwelling. The number of persons occupying such housekeeping unit is to be a reasonable number with consideration given to the size and living space of the particular dwelling and the bathroom facilities available to it, and is to be distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.
- B. (Pinelands) In the Pinelands Area, one or more persons related by blood, marriage, adoption or guardianship, or any number of persons not so related occupying a dwelling unit and living as a single housekeeping unit.

FEDERAL ACT (PINELANDS) — Section 502 of the National Parks and Recreation Act of 1978 (P.L. 95-625) creating the National Pinelands Reserve.

FEMA — The Federal Emergency Management Agency.**[Added 9-11-2006 by Ord. No. 06-020]**

FENCE — A structure forming an enclosure or barrier for an open area and designed to prevent straying from within or intrusion from without said enclosure or barrier for the purposes of assuring privacy constructed of wood, masonry, stone, wire or any other manufactured material or combinations of materials.

FINAL APPROVAL (MLUL) — The official action of the Planning Board taken on a preliminarily approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

FISH AND WILDLIFE MANAGEMENT (PINELANDS) — The changing of the characteristics and interactions of fish and wildlife populations and their habitats in order to promote, protect and enhance the ecological integrity of those populations.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from:**[Added 9-11-2006 by Ord. No. 06-020]**

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE STUDY (FIS) — The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as

the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.**[Added 9-11-2006 by Ord. No. 06-020]**

FLOODPLAIN —

- A. The area of relatively flatland adjoining a watercourse and subject to flooding from an overflow of said watercourse, due to the intensity of a one-hundred-year storm. Lands so mapped pursuant to the U.S. Department of Housing and Urban Development, Federal Emergency Management Agency (FEMA) Flood Management Program shall rebuttably be presumed to be floodplains.
- B. (Pinelands) In the Pinelands Area, the relatively flat land adjoining the channel of a natural stream which has been or may be hereafter covered by floodwater.

FLOODPLAIN MANAGEMENT REGULATIONS — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose regulations such as a floodplain, grading and erosion control regulations and other applications of the police powers of the Township. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.**[Added 9-11-2006 by Ord. No. 06-020]**

FLOOD-RELATED EROSION — The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by unusually high water level in a natural body of water, accompanied by a severe storm, or by unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.**[Added 9-11-2006 by Ord. No. 06-020]**

FLOOD-RELATED EROSION AREA MANAGEMENT — The operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.**[Added 9-11-2006 by Ord. No. 06-020]**

FLOOD-RELATED EROSION AREA or FLOOD-RELATED EROSION-PRONE AREA — A land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion.**[Added 9-11-2006 by Ord. No. 06-020]**

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.**[Added 9-11-2006 by Ord. No. 06-020]**

FLOOR AREA — The sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. In particular, the floor area of a building shall include:

- A. Basement space in commercial buildings; provided same has a ceiling height of seven feet or more.
- B. Stairwells.
- C. Attic space, whether or not a floor has actually been laid; however, just the area directly under a headroom of seven feet or more.
- D. Enclosed porches.
- E. First-floor areas shall have a clear height of at least seven feet three inches and shall not be more than three feet below the proposed average ground level, providing that the first floor elevation is a minimum of 1 1/2 feet above the center line of the street.
- F. Second-floor areas shall be considered as floor area only where the side walls are at least four feet in height over a finished floor and reach a ceiling height of at least seven feet or more.
- G. Split-level dwellings shall be considered as one-story or ground-level dwellings unless a third level is constructed. To be considered a split-level dwelling, a building shall contain three or more floor levels each separated from the adjoining floor level from a vertical distance or more than one foot three inches, but less than seven feet.
- H. Accessory buildings including garages shall not be included in computing minimum floor area.

FLOOR AREA RATIO (MLUL) — The sum of the area of all floors of buildings or structures compared to the total area of the site.

FLOOR PLANS AND ELEVATIONS, PRELIMINARY — Architectural drawings showing floor layout and front, side and rear view, prepared during early and introductory stages of the design of a project illustrating in a schematic form its scope, scale and relationship to its site and immediate environs.

FORESTRY (PINELANDS) — The planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices, including but not limited to artificial regeneration, bedding, broadcast scarification, clearcutting, coppicing, disking, drum chopping, group selection, individual selection, natural regeneration, root raking, seed tree cut, shelterwood cut and thinning. For purposes of this chapter, the following activities shall not be defined as forestry:**[Amended 12-12-2011 by Ord. No. 11-025]**

- A. Removal of trees located on a parcel of land one acre or less on which a dwelling has been constructed;
- B. Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;

- C. Removal of trees necessitated by the development of the parcel as otherwise authorized by this chapter;
- D. Removal of trees necessary for the maintenance of utility or public rights-of-way;
- E. Removal or planting of trees for the personal use of the parcel owner; and
- F. Removal of trees for public safety.

FOREST STAND (PINELANDS) — A uniform group of trees of similar species, composition, size, age and similar forest structure.**[Amended 12-12-2011 by Ord. No. 11-025]**

FORESTRY MANAGEMENT PLAN (PINELANDS) — A plan detailing forestry management programs in accordance with the provisions of N.J.A.C. 7:50-4.2(b)6ii.

GARAGE, PRIVATE — A building or space used for storing motor vehicles as an accessory to the main building and in which no occupation, business or service for profit is carried on.

GARAGE, PUBLIC — A building or space other than a private garage which is used for storage, repair, rental, greasing, servicing, adjusting or equipping of automobiles, or other motor vehicles.

GASOLINE FILLING STATION — Any area of land, including structures thereon, that is used for the retail sale of gasoline or other vehicle fuel, oil or lubricating substance, batteries, tires and automobile accessories and which may include the facilities for polishing, greasing, washing, dry cleaning or otherwise cleaning or servicing motor vehicles, and which provides minor automobile services and repairs, not amounting to rebuilding or major repairs.

GENERAL DEVELOPMENT PLAN (MLUL) — A comprehensive plan for the development of a planned development, as provided in N.J.S.A. 40:55D-45.2.

GOLF COURSE — An area of 50 or more contiguous acres containing a full-size golf course at least nine holes in length, together with the necessary and usual accessory uses and structures such as, but not limited to, club house facilities, dining and refreshment facilities, swimming pools, tennis courts and the like, provided that the operation of such facilities is incidental and subordinated to the operation of the golf course; provided, however, that this definition shall not apply to smaller golf facilities which are amenities serving residential developments.

GOVERNING BODY (MLUL) — The Township Council of the Township of Manchester.

GRADE — The inclination of a sloping surface, usually expressed in percentage terms.

GRADE, FINISHED — The elevation of the completed surface of lawns, walks and roads brought to grades shown on official plans or designs relating thereto, or already in existence.

GRANITE BLOCK CURB (also known as BELGIAN BLOCK CURB) — A curb constructed of rectangular-shaped stone or granite blocks, usually placed vertically in a concrete foundation.

GROUND SIGN — Any sign supported by either uprights affixed to the ground or supported by a base affixed to the ground.

GROUP SELECTION (PINELANDS) — A silvicultural practice whereby a group of trees is periodically selected to be removed from a large area so that age and size classes of the reproduction are mixed. **[Added 12-12-2011 by Ord. No. 11-025]**

GUTTER — A shallow channel, usually set along a curb or the pavement edge of a road, for purposes of catching and carrying runoff water.

HABITAT (PINELANDS) — The natural environment of an individual animal or plant, population or community.

HAZARDOUS OR TOXIC SUBSTANCES (PINELANDS) — Such elements, compounds and substances which pose a present or potential threat to human health, living organisms or the environment. They consist of all hazardous or toxic substances defined as such by the Department of Environmental Protection and the Environmental Protection Agency as of May 20, 1996 and any other substances defined as hazardous or toxic by the Department of Environmental Protection and the Environmental Protection Agency subsequent to May 20, 1996.

HAZARDOUS WASTE (PINELANDS) — Any waste or combination of wastes, including toxic, carcinogenic, corrosive, irritating, sensitizing, radioactive, biologically infectious, explosive or flammable waste, which poses a present or potential threat to human health, living organisms or the environment. They consist of all hazardous wastes defined as such by the Department of Environmental Protection and the Environmental Protection Agency as of May 20, 1996 and any other wastes as defined as hazardous by the Department of Environmental Protection and the Environmental Protection Agency subsequent to May 20, 1996.

HEIGHT OF BUILDING (PINELANDS) — See "building height."

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. **[Added 9-11-2006 by Ord. No. 06-020]**

HISTORIC DISTRICT —

- A. (MLUL) One or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic sites or site pursuant to N.J.S.A. 40:55D-4.
- B. (Pinelands) An area designated by the Pinelands Commission, pursuant to Section 6-1403 of the CMP (Comprehensive Management Plan pursuant to N.J.A.C. 7:50), as having such historic or prehistoric, cultural or archaeological importance as to merit special protection.

HISTORIC PRESERVATION COMMISSION (PINELANDS) — The Planning Board of the Township of Manchester unless a Historic Preservation Commission is otherwise designated by ordinance in accordance with N.J.S.A. 40:55D-107.

HISTORIC RESOURCE (PINELANDS) — Any site, building, area, district, structure or object important in American history or prehistory, architecture, archaeology and culture at the national, state, county, local or regional level.

HISTORIC SITE (MLUL) — Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archeological, cultural, scenic or architectural significance pursuant to N.J.S.A. 40:55D-5.

HOME OCCUPATION (PINELANDS) — An activity for economic gain, carried out in a residential dwelling or accessory structure thereto, in which an occupant of the residence and no more than two other individuals are employed and which is clearly secondary to the use of the dwelling as a residence.

HOSPITAL — A building or series of buildings primarily for treatment of patients to be housed on the premises, and providing health, medical and surgical care for sick or injured human beings, including as an integral part of the buildings such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices. The definition "hospital" shall not include nursing homes, outreach centers, and the like.

HOUSEHOLD HAZARDOUS WASTE (PINELANDS) — Any hazardous waste material derived from households, including single-family and multifamily residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas.

HYDROPHYTES (PINELANDS) — Any plant growing in water or in substance that is at least periodically deficient in oxygen as a result of excessive water content.

IMMEDIATE FAMILY (PINELANDS) — Those persons related by blood or legal relationship in the following manner: husbands and wives, great-grandparents, grandparents, great-grandchildren, grandchildren, parents, sons, daughters, brothers and sisters, aunts and uncles, nephews, nieces and first cousins.

IMPERMEABLE SURFACE (PINELANDS) — Any surface which does not permit fluids to pass through or penetrate its pores or spaces, typically having a maximum permeability for water of 10^{-7} cm/second at the maximum anticipated hydrostatic pressure. The term "impermeable" is equivalent in meaning. **[Amended 12-12-2011 by Ord. No. 11-025]**

IMPERVIOUS SURFACE (PINELANDS) — Any surface that has been compacted or covered with a layer of material so that it prevents, impedes or slows infiltration or absorption of fluid, including stormwater, directly into the ground, and results in either reduced groundwater recharge or

increased stormwater runoff sufficient to be classified as impervious in urban areas by the United States Department of Agriculture, Natural Resources Conservation Service, Title 210, Engineering; 210-3-1; Small Watershed Hydrology (WINTR-55) Version 1.0. Such surfaces may have varying degrees of permeability.**[Amended 12-12-2011 by Ord. No. 11-025]**

IMPROVABLE LOT AREA — The area of a lot for the placement of principal and accessory buildings, off-street parking lots, and off-street loading areas which is located within the building envelope delineated by the required yards or buffers of the zone district for principal structures and which is not encroached upon by a critical area or an existing or proposed public right-of-way. The exclusion of wetlands and any required wetlands transition area from the improvable lot area requirement shall be subject to preemption with respect to permits or exemptions issued by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:7A et seq., Freshwater Wetlands Protection Act Rules.**[Amended 7-25-2005 by Ord. No. 05-043;² 12-12-2011 by Ord. No. 11-025; 2-27-2012 by Ord. No. 12-008; 9-8-2014 by Ord. No. 14-017; 7-13-2015 by Ord. No. 15-008]**

INDIVIDUAL SELECTION (PINELANDS) — A silvicultural practice whereby single trees are periodically selected to be removed from a large area so that age and size classes of the reproduction are mixed.**[Added 12-12-2011 by Ord. No. 11-025]**

INDUSTRIAL PARK — A planned organized industrial area with comprehensive design for industrial buildings, utilities and street access which is systematically subdivided according to the needs of the tenants and contains more than two separate buildings, either individually owned or leased, occupied by acceptable manufacturing or industrial enterprises.

INSTITUTIONAL USE (PINELANDS) — Any land use for the following public or private purposes: educational facilities, including universities, colleges, elementary and secondary and vocational schools, kindergartens and nurseries; cultural facilities such as libraries, galleries, museums, concert halls, theaters and the like; churches; cemeteries; public office buildings; hospitals, including such educational, clinical, research and convalescent facilities as are integral to the operation of the hospital; medical and health service facilities, including nursing homes, rehabilitation therapy centers and public health facilities; law enforcement facilities; military facilities; and similar facilities. For purposes of this chapter, "institutional use" shall not include medical offices which are not associated with hospitals or other medical or health service facilities, nor shall it include assisted-living facilities.**[Amended 12-17-2001 by Ord. No. 01-034]**

INSTITUTIONS, FRATERNAL, BENEVOLENT, RELIGIOUS, AND/OR CHARITABLE — Organizations and associations and their buildings which are not operated for profit and which meet for social purposes or some other

2. Editor's Note: Ordinance No. 05-043 was declared void by court order pursuant to Docket No. OCN-L-4565-10.

common interest for pleasure such as assemblage for religious worship and instruction, pursuit of literature, science or politics, brotherhoods, orders and/or societies which promulgate good fellowship and acts of kindness and which perform a social service in providing care and living accommodations for their own members or special groups in society, such as homes for the aged and orphanages.

INTERESTED PARTY (MLUL) —

- A. In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; and
- B. In the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire or enjoy property is or may be affected by any action taken under N.J.S.A. 40:55D-1 et seq. or under any other law of this state or of the United States, has been denied, violated or infringed upon by an action or a failure to act under N.J.S.A. 40:55D-1 et seq.

INTERESTED PERSON (PINELANDS) — Any person whose right to use, acquire or enjoy property is or may be affected by any action taken under the CMP (Comprehensive Management Plan pursuant to N.J.A.C. 7:50), or whose right to use, acquire or enjoy property under the CMP or under any other law of this state or of the United States has been denied, violated or infringed upon by any action or a failure to act under the CMP (Comprehensive Management Plan pursuant to N.J.A.C. 7:50 et seq.).

INTERIM RULES AND REGULATIONS (PINELANDS) — The regulations adopted by the Pinelands Commission pursuant to the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq., to govern the review of applications from the adoption of the regulations until the Pinelands Comprehensive Management Plan took effect on January 14, 1981. These regulations were formerly codified as N.J.A.C. 7:1G-1 et seq.

JUNKYARD — The use of any lot or structure for junk, abandoned, discarded or salvaged materials (metal, paper, rags, waste, or glass) which are brought for sale, exchange, handling, storage, salvage, bailing or dismantling. "Junk" shall also be construed to include automobile and other motor vehicle wrecking, cars and parts, storage and sale.

LAND —

- A. (MLUL) Land including improvements and fixtures on, above or below the surface pursuant to N.J.S.A. 40:55D-4.
- B. (Pinelands) In the Pinelands Area, the surface and subsurface of the earth as well as improvements and fixtures on, above, or below the surface and any water found thereon.

LAND USE ORDINANCE or LAND USE REGULATION (PINELANDS) — Any county or municipal ordinance or regulation which, in any way, regulates or affects the development of land.

LANDFILL (PINELANDS) — A site where any waste is disposed of by application on or into the land, with or without the use of management practices or soil covering. It does not include a site where land application of waste or waste derived material occurs in accordance with N.J.A.C. 7:50-6.79.

LANDSCAPING (PINELANDS) — The installation of plant material or seed as part of development.

LATERALS — Pipes conducting sewage from individual buildings to larger pipes called trunk, or interceptor, sewers that usually are located in street right-of-way.

LAWFUL USE (PINELANDS) — A use of land, building or structure, or portion thereof, that is permitted under all relevant local, state and federal land use, nuisance and environmental statutes.

LEACHATE COLLECTOR (PINELANDS) — For the purposes of the CMP (Comprehensive Management Plan pursuant to N.J.A.C. 7:50), "leachate collector" shall have the meaning attributed to the phrase by, and each such "leachate collector" shall conform to, the requirements of the New Jersey Solid Waste Administration.

LOCAL COMMUNICATIONS FACILITY (PINELANDS) — An antenna and any support structure, together with any accessory facilities, which complies with the standards in N.J.A.C. 7:50-5.4 and which is intended to serve a limited, localized audience through point-to-point communication, including cellular telephone cells, paging systems and dispatch communications. It does not include radio or television broadcasting facilities or microwave transmitters.

LOCAL PERMITTING AGENCY (PINELANDS) — Any county or municipal official, department, agency or other body authorized to rule on any application for development.

LOCAL REVIEW OFFICER (PINELANDS) — An individual with experience in municipal land use and environmental permitting procedures and the Pinelands development review process who is designated by a certified municipality to administer the review procedures set forth in N.J.A.C. 7:50-4.34(b).

LOCAL UTILITY (MLUL) — Any sewerage authority created pursuant to the Sewerage Authorities Law, N.J.S.A. 40:14A-1 et seq.; any utilities authority created pursuant to the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq.; or any utility, authority, commission, special district or other corporate entity not regulated by the Board of Regulatory Commissioners under Title 48 of the Revised Statutes that provide gas, electricity heat, power, water or sewer service to a municipality or the residents thereof.

LOT (MLUL) — A designated parcel, tract or area of land established by a plat or otherwise permitted by law and to be used, developed or built upon as a unit.

LOT AREA — The size of a lot measured within the lot lines and expressed in terms of acres, hectares, square feet or square meters, but excluding that part of a lot included within a street right-of-way.

LOT, CORNER — A parcel of land at the intersection of and fronting on two or more streets.

LOT COVERAGE — The surface area of a lot covered by principal buildings and structures and by accessory buildings or structures and shall include all parking areas, automobile access driveways, and/or storage areas, whether or not covered by an impervious surface, and all other impervious surfaces. Lot coverage is expressed as a percentage of gross lot area.

LOT DEPTH — A mean horizontal distance between the front and rear lot line, measured in the general direction of its side lot line, provided that in triangular lots having no rear lot line, the distance shall be measured to the midpoint of a line parallel to the front lot line which shall be not less than 10 feet in length measured between its intersection with the side lot lines. On a corner lot, the greater frontage is its depth and the lesser frontage is its width.

LOT FRONTAGE — The distance measured on a horizontal plane between the side lot lines measured along the street line. The minimum lot frontage shall not be less than the required lot frontage except that on curved alignments with an outside radius of less than 500 feet, the minimum distance between the side lot lines measured at the street line shall not be less than 70% of the required minimum lot frontage. Where the lot frontage is so permitted to be reduced, the lot width at the building setback line shall not be less than the required minimum frontage of the zone district. For the purpose of this chapter, only continuous uninterrupted lot lines shall be accepted as meeting the frontage requirements. **[Amended 11-28-2005 by Ord. No. 05-053]**

LOT WIDTH — The mean horizontal distance between the side lot lines measured at right angles to its depth. Required lot width shall be measured at the most forward allowable building line or setback line. However, the mean lot width shall not be less than the required lot width.

LOW-INCOME HOUSING — Housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 50% or less of the median gross household income for households of the same size within the housing region (as defined by the New Jersey Council on Affordable Housing) in which the housing is located. (Manchester Township is located in COAH Housing Region No. 4, consisting of Ocean, Monmouth and Mercer Counties.) **[Amended 11-28-2005 by Ord. No. 05-053]**

LOWEST FLOOR — The lowest floor of the lowest enclosed area, including a basement. An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other

applicable nonelevation design requirements.**[Added 9-11-2006 by Ord. No. 06-020]**

MAIN — In any system of contiguous piping, the principal artery of the system to which branches may be connected.

MAINTENANCE GUARANTEE (MLUL) — Any security which may be accepted by Manchester Township for the maintenance of any improvements required by N.J.S.A. 40:55D-1 et seq., including but not limited to surety bonds, letters of credit under the circumstances specified in N.J.S.A. 40:55D-53.5, and cash.

MAJOR SITE PLAN — Any site plan not classified as a minor site plan or exempt site development.

MAJOR SOLAR OR PHOTOVOLTAIC ENERGY FACILITY, STRUCTURE OR SYSTEM — A solar energy system and all associated components, including but not limited to panels, arrays, footings, supports, mounting and stabilization devices, inverters, electrical distribution wires and other on-site or off-site infrastructure necessary for the facility, which converts solar energy into usable electrical energy, heats water or produces hot air or other similar function that is not a minor solar or photovoltaic energy facility or structure.**[Added 12-12-2011 by Ord. No. 11-026]**

MAJOR SUBDIVISION — See "subdivision, major."

MANHOLE — An inspection chamber located at changes in horizontal and vertical directions for underground utility conduits whose dimensions allow entry, exit, and working room.

MANUFACTURED HOME (MLUL) — A housing unit defined in accordance with N.J.S.A. 40:55D-102c.

MANUFACTURED OR MOBILE HOME (FEMA) — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreation vehicle."**[Added 9-11-2006 by Ord. No. 06-020]**

MANUFACTURED OR MOBILE HOME PARK OR SUBDIVISION (FEMA) — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (Also see "new manufactured or mobile home park or subdivision.")**[Added 9-11-2006 by Ord. No. 06-020]**

MAP, OFFICIAL — See "Official Map."

MASTER PLAN (MLUL) — A composite of one or more written or graphic proposals for the development of the Township as set forth and adopted pursuant to N.J.S.A. 40:55D-28.

MEDIAN — That portion of a divided highway separating the traveled ways of traffic proceeding in opposite directions.

MEDIAN INCOME (PINELANDS) — The median of household income as determined from time to time by the United States Department of Housing and Urban Development to be the median.

METEROLOGICAL OR "MET" TOWER — A structure designed to support the gathering of wind energy resource data, and includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.**[Added 12-12-2011 by Ord. No. 11-026]**

MIDDLE INCOME HOUSEHOLD (PINELANDS) — A household with an annual income between 100% and 120% of the median income for the county or standard metropolitan statistical area.

MINOR SITE PLAN (MLUL) — A development plan for one or more lots which is (are) subject to development which:

- A. Requires site plan approval;
- B. Meets the requirements set forth in Article VI, Site Plan Requirements and Procedures, of this chapter and contains the information needed to make an informed determination as to whether the requirements established by this chapter for approval of a minor site plan have been met; and
- C. Meets the following conditions:
 - (1) The construction of drainage facilities is not required either on- or off-site;
 - (2) New building construction and/or building additions do not exceed 1,000 square feet of gross floor area;
 - (3) The proposed development does not increase parking requirements by more than five spaces;
 - (4) The proposed development does not involve planned development;
 - (5) The proposed development does not involve any new street or the extension of any existing street;
 - (6) The proposed development does not involve the extension or construction of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42; and
 - (7) The proposed development does not involve the disturbance of 5,000 or more square feet of ground area.

MINOR SOLAR OR PHOTOVOLTAIC ENERGY FACILITY, STRUCTURE OR SYSTEM — A solar energy system and all associated components, including but not limited to panels, arrays, footings, supports, mounting and

stabilization devices, inverters, electrical distribution wires and other on-site or off-site infrastructure necessary for the facility, which converts solar energy into usable electrical energy, heats water or produces hot air or other similar function that:**[Added 12-12-2011 by Ord. No. 11-026]**

- A. Uses solar energy as its fuel; is located on the power beneficiary's premises; is designed and intended primarily to offset part or all of the beneficiary's requirements for energy consumption on site; and is secondary to the beneficiary's use of the premises for other lawful purpose(s); or
- B. Is intended to mitigate electrical system improvement requirements; and
- C. Generates not more than 110% of the power consumed by the beneficiary's premises, which shall be documented through the submission of power company electricity usage bills for the 12 months prior to the date of application, or another form of documentation acceptable to the Manchester Township Zoning Officer. This documentation shall be provided at the time of application.

MINOR SUBDIVISION — See "subdivision, minor."

MLUL — The Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

MOBILE HOME — A dwelling unit factory built and factory assembled, designed for conveyance after fabrication, on streets and highways on its own wheels or on a flatbed or other trailer and arriving on site where it is to become a dwelling complete and ready for occupancy except for minor incidentals including utility hookups. A prefabricated home shall not be included in this definition.

MOBILE HOME PARK (MLUL) — A housing unit defined in accordance with N.J.S.A. 40:55D-102d.

MODERATE-INCOME HOUSEHOLD (PINELANDS) — A household with an annual income which is 80% to 100% of the median income for the county or standard metropolitan statistical area.

MODERATE-INCOME HOUSING — Housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to more than 50% but less than 80% of the median gross household income for households of the same size within the housing region (as defined by the New Jersey Council on Affordable Housing) in which the housing is located. (Manchester Township is located in COAH Housing Region No. 4, consisting of Ocean, Monmouth and Mercer Counties.)**[Added 11-28-2005 by Ord. No. 05-053]**

MOTEL or HOTEL — A building containing units used, rented or hired out to be occupied for sleeping purposes by guests and where no individual kitchen facilities are provided.

MOTOR HOME — A recreational vehicle built on or permanently attached to a self-propelled chassis, chassis cab or van that is an integral part of the completed vehicle.

MOUNTABLE CURB — A low curb with a flat slope designed to be crossed easily.

MULCH — A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, and aid plant growth.

MUNICIPAL MASTER PLAN (PINELANDS) — A composite of one or more written or graphic proposals for development of the municipality as set forth and adopted pursuant to N.J.S.A. 40:55D-28.

MUNICIPALITY —

A. (MLUL) Any city, borough, town, township or village.

B. (Pinelands) Any city, borough, town or township wholly or partially located within the Pinelands Area or Pinelands National Reserve.

MUNICIPAL RESIDENT (MLUL) — A person who is domiciled in the Township of Manchester.

NATURAL REGENERATION (PINELANDS) — The establishment of a plant or plant age class from natural seeding, sprouting, suckering or layering. **[Added 12-12-2011 by Ord. No. 11-025]**

NAVIGABLE WATERS (PINELANDS) — Water capable of being traversed by pleasure crafts.

N.J.A.C. — The New Jersey Administrative Code.

N.J.S.A. — The New Jersey Statutes Annotated.

N.J.S.A. 40:55D-1 ET SEQ. — Title 40, Chapter 55D-1 et seq., the Municipal Land Use Law, of the New Jersey Statutes adopted as Chapter 291 of the Laws of 1975, as amended.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date (October 10, 2006) of § 245-85, Flood damage prevention, and includes any subsequent improvements to such structures. **[Added 9-11-2006 by Ord. No. 06-020]**

NEW MANUFACTURED OR MOBILE HOME PARK OR SUBDIVISION — A manufactured or mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured or mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date (October 10, 2006) of § 245-85, Flood damage prevention. **[Added 9-11-2006 by Ord. No. 06-020]**

NONCONFORMING LOT (MLUL) — A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the

zoning district in which it is located by reasons of such adoption, revision or amendment.

NONCONFORMING STRUCTURE (MLUL) — A structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING USE (MLUL) — A use or activity which was lawful prior to the adoption, revision or amendment of the zoning provisions of this chapter, but which fails to conform to the requirements of the Zoning District in which it is located by reasons of such adoption, revision or amendment pursuant to N.J.S.A. 40:55D-5.

NURSING HOME — A building or series of buildings or institution used for the reception or care of persons who are dependent or not capable of properly caring for themselves because of age, medical or other physical disability, and shall include institutions for convalescence or medical patient aftercare. Nursing homes may include provisions for medical care for sick or injured persons as part of rehabilitative care for boarders.

OFFICIAL MAP (MLUL) — A map adopted in accordance with N.J.S.A. 40:55D-32.

OFF-SITE (MLUL) — Located outside the lot lines of the lot in question but within the property which is the subject of a development application or the closest half of the street or right-of-way abutting the property of which the lot is a part.

OFF-SITE COMMERCIAL ADVERTISING SIGN (PINELANDS) — A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

OFF-STREET PARKING SPACE — A storage area for a motor vehicle that is directly accessible to an access aisle and that is not located within a dedicated street right-of-way.

OFF-TRACT (MLUL) — Not located on the property which is the subject of a development application nor on the closest half of the abutting street or right-of-way.

ON-SITE (MLUL) — Located on the lot in question and excluding any abutting street or right-of-way.

ON-TRACT (MLUL) — Located on the property which is the subject of a development application or on the closest half of an abutting street or right-of-way.

OPEN SPACE (MLUL) — Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets,

and off-street parking and other improvements that are designated to be incidental to the natural openness of the land.

OWNER — The individual, firm, association, syndicate or copartnership or corporation in whom is vested the title of the property which is the subject of an application to commence and maintain proceedings to obtain approval under this chapter.

PARCEL (PINELANDS) — Any quantity of land, consisting of one or more lots, that is capable of being described with such definiteness that its location and boundaries may be established. (See also "lot.")

PARKING LOT, COMMERCIAL — Any lot which is devoted to the parking of automobiles for a fee.

PARKING SPACE — An off-street space available for the parking of a motor vehicle exclusive of passageways and driveways appurtenant thereto and giving access thereto.

PARTY IMMEDIATELY CONCERNED (MLUL) — For purposes of notice, any applicant for development, the owners of the subject property and all owners of the property and government agencies entitled to notice under N.J.S.A. 40:55D-12.

PARTY, INTERESTED — See "interested party."

PATIO — A level paved surface normally or customarily used as an exterior sitting area and having no integral structural connection to any building.

PERCOLATION TEST (PERC TEST) — A test designed to determine the ability of ground to absorb water and used in determining the suitability of a soil for drainage or for the use of a septic system.

PERFORMANCE GUARANTEE (MLUL) — Any security, which may be accepted by the Township, including, but not limited to, surety bonds, and letters of credit under the circumstances specified in N.J.S.A. 40:55D-53.5, and cash.

PERMEABILITY (PINELANDS) — The rate at which water moves through a unit area of soil, rock, or other material at hydraulic gradient of one. **[Added 12-12-2011 by Ord. No. 11-025]**

PERSON (PINELANDS) — An individual, corporation, public agency, business trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

PERVIOUS SURFACE — Any surface that permits a significant portion of surface water to be absorbed.

PINELANDS (PINELANDS) — The Pinelands National Reserve and the Pinelands Area.

PINELANDS AREA (PINELANDS) — That area designated as such by Section 10(a) of the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq.

PINELANDS COMMISSION (PINELANDS) — The Pinelands Commission created pursuant to Section 5 of the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq.

PINELANDS COMPREHENSIVE MANAGEMENT PLAN (CMP) (PINELANDS) — The plan adopted by the Pinelands Commission pursuant to Section 7 of the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq., as adopted.

PINELANDS DEVELOPMENT REVIEW BOARD (PINELANDS) — The agency responsible from February 8, 1979 until June 28, 1979 for the review of and action on applications for development in the Pinelands Area which required approvals of other state agencies except where the Pinelands Commission acted on applications during that time period.

PINELANDS NATIONAL RESERVE (PINELANDS) — That area designated as such by Section 3(i) of the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq.

PINELANDS NATIVE FOREST TYPES (PINELANDS) — As more fully described in the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50-6.43, includes the following upland native forest types:**[Added 12-12-2011 by Ord. No. 11-025]**

- A. Oak-dominated native forest type.
- B. Pine-dominated native forest type.
- C. Pine-shrub oak native forest type.
- D. Pine plains native forest type.
- E. Upland savannas and grassland native forest type.

PINELANDS PRESERVATION AREA (PINELANDS) — That area so designated by Section 10(b) of the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq., which is designed to preserve the land in its natural state and promote compatible agricultural, horticultural and recreational uses.

PINELANDS PROTECTION ACT (PINELANDS) — N.J.S.A. 13:18A-1 to 29.

PINELANDS PROTECTION AREA (PINELANDS) — All land within the Pinelands Area which is not included in the preservation area and which shall be used to accommodate needed development while preserving the essential character of the Pinelands environment.

PINELANDS RESOURCE-RELATED USE (PINELANDS) — Any use which is based on resources which are indigenous to the Pinelands including but not limited to forest products, berry agriculture, and sand, gravel, clay or ilmenite.

POTABLE WATER SUPPLY — Water suitable for drinking or cooking purposes.

PLANNED COMMERCIAL DEVELOPMENT (MLUL) — An area of a minimum contiguous or noncontiguous size as specified by this chapter to

be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses incidental to the predominant use as may be permitted by this chapter.

PLANNED DEVELOPMENT (MLUL) — Planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development, as defined pursuant to N.J.S.A. 40:55D-1 et seq.

PLANNED INDUSTRIAL DEVELOPMENT (MLUL) — An area of a minimum contiguous or noncontiguous size as specified by this chapter to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate industrial uses and any uses incidental to the predominant use as may be permitted by this chapter.

PLANNED RETIREMENT COMMUNITY (PRC) — A land area to be used as a development which, through its corporation or homeowners' association, restricts the property therein with bylaws, rules, regulations and restrictions of record, to use by permanent residents of the age indicated as follows: All dwelling units within a planned retirement community shall be occupied by at least one person 55 years of age or older; however, in no event shall a child 19 years of age or under reside in the PRC in conformance with the United States Fair Housing Act of 1988, P.L. 100-430 U.S.C. § 3601 et seq. Ownership of the residential units may be in any form recognized under the laws of the State of New Jersey. **[Added 11-28-2005 by Ord. No. 05-053]**

PLANNED UNIT RESIDENTIAL DEVELOPMENT (MLUL) — An area with a minimum contiguous or noncontiguous acreage of five acres or more to be developed as a single entity according to plan containing one or more residential clusters, which may include appropriate commercial, or public or quasi-public uses all primarily for the benefit of the residential development.

PLANNING BOARD (MLUL) — The municipal Planning Board of the Township of Manchester established pursuant to N.J.S.A. 40:55D-23.

PLANTS, THREATENED OR ENDANGERED (PINELANDS) — A Pinelands species whose survival worldwide, nationwide, or in the state is in jeopardy.

PLAT (MLUL) — A map or maps of a site plan or subdivision.

PLAT, PRELIMINARY SUBDIVISION (MLUL) — A reasonably accurate map indicating the proposed layout of a development and related information that is submitted for preliminary approval in accordance with the provisions of this chapter.

PLAT, FINAL (MLUL) — The final map of all or a portion of the subdivision which is presented to the approving agency for final approval in accordance with these regulations and which, if approved, shall be filed with the County Recording Officer.

PRELIMINARY APPROVAL (MLUL) — The conferral of certain rights pursuant to N.J.S.A. 40:55D-23.

PRELIMINARY FLOOR PLANS AND ELEVATIONS (MLUL) — The architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form, its scope, scale and relationship to its site and immediate environs.

PRESERVATION AREA (PINELANDS) — That area so designated by Section 10(b) of the Pinelands Protection Act.

PRESERVED FARMLAND — Land on which a development easement was conveyed to, or retained by, the committee, a board, or a qualifying tax-exempt nonprofit organization pursuant to the provisions of section 24 of P.L.1983, c.32 (N.J.S.A. 4:1C-31), section 5 of P.L.1988, c.4 (N.J.S.A. 4:1C-31.1), section 1 of P.L.1989, c.28 (N.J.S.A. 4:1C-38), section 1 of P.L.1999, c.180 (N.J.S.A. 4:1C-43.1), sections 37 through 40 of P.L.1999, c.152 (N.J.S.A. 13:8C-37 through 13:8C-40), or any other state law enacted for farmland preservation purposes. (N.J.S.A. 4:1C-32.4) **[Added 12-12-2011 by Ord. No. 11-026]**

PROFESSIONAL OFFICE, HOME — The office of a member of a recognized profession which shall include only the offices of: attorneys, artists, architects, authors, doctors and physicians, dentists, land surveyors, ministers, musicians, optometrists, professional engineers and such other similar professional occupations which may be designated by the approving agency upon finding by the approving agency such occupation is truly "professional" in character by virtue of the need for similar training and experience as a condition for the practice thereof, and that the practice of such occupations shall in no way adversely affect the safe and comfortable enjoyment of property rights in any zone to any greater extent than would the professional activities listed herein. The granting of a state or local license shall not be indicative of professional standing. When such office is combined with the residence, the office shall be the individual office of only one member, and one member only, without associates or partners, and with office personnel limited to not more than two, and the area of said office shall not exceed 25% of the total floor area of the building.

PROTECTION AREA (PINELANDS) — All land within the Pinelands Area which is not included in the Preservation Area.

PUBLIC AREAS (MLUL) —

- A. Public parks, playgrounds, trails, paths and other recreational areas;
- B. Other public open spaces;
- C. Scenic and historic sites; and
- D. Sites for schools and other public buildings and structures.

PUBLIC AGENCIES (PINELANDS) — The government of the United States of America, the State of New Jersey or any other state; their political

subdivisions, agencies or instrumentalities; and interstate and regional agencies exercising sovereign powers of government.

PUBLIC DEVELOPMENT (PINELANDS) — Development by any federal, state or Township agency.

PUBLIC DEVELOPMENT PROPOSAL (MLUL) — A Master Plan, capital improvement program or other proposal for land development adopted by the appropriate public body, or any amendment thereto.

PUBLIC DRAINAGEWAY (MLUL) — The land reserved or dedicated for the installation of stormwater sewers and structures or drainage ditches, or required along a natural stream or watercourse for preserving the biological as well as drainage function of the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion and to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the groundwater where practical, and to lessen nonpoint pollution.

PUBLIC OPEN SPACE (MLUL) — An open space conveyed or otherwise dedicated to the Township, Township agency, Board of Education, state or county agency, or other public body for recreational or conservational uses.

PUBLIC SERVICES (PINELANDS) — Sewer service, gas, electricity, water, telephone, television and other public utilities, roads and streets, and other similar services provided or maintained by any public or private entity.

PUBLIC SERVICE INFRASTRUCTURE (PINELANDS) — Sewer service, gas, electricity, water, telephone, cable television, and other public utilities developed linearly, roads and streets and other similar services provided or maintained by any public or private entity.

PUBLIC UTILITY (MLUL) — Any public utility regulated by the Board of Regulatory Commissioners and defined pursuant to N.J.S.A. 48:2-13.

QUORUM (MLUL) — The majority of the full authorized membership of a Township agency.

RECHARGE BASIN — A detention and/or retention basin designed not only to release water gradually into a natural or man-made outlet but also to percolate into the ground consistent with subsurface strata.**[Amended 11-28-2005 by Ord. No. 05-053]**

RECOMMENDED MANAGEMENT PRACTICE (PINELANDS) — The management program which employs the most efficient use of available technology, natural, human and economic resources.

RECORD TREE (PINELANDS) — The largest tree of a particular species in New Jersey based on its circumference at 4.5 feet above ground level. A listing of the largest known tree of each species and its location is maintained at the principal office of the Pinelands Commission.

RECREATIONAL FACILITY, INTENSIVE (PINELANDS) — Any recreational facility which does not satisfy the definition of low-intensive recreational facility including but not limited to golf courses, amusement parks, hotels, and motels.

RECREATIONAL FACILITY, LOW INTENSIVE (PINELANDS) — A facility or area which complies with the standards in N.J.A.C. 7:50-5, Part III, utilizes and depends on the natural environment of the Pinelands and requires no significant modifications of that environment other than to provide access, and which has an insignificant impact on surrounding uses or on the environmental integrity of the area. It permits such low-intensity uses as hiking, hunting, trapping, fishing, canoeing, nature study, orienteering, horseback riding, and bicycling.

RECREATIONAL VEHICLE — A vehicular-type unit primarily designed as temporary living quarters for recreational camping or travel use. The vehicle shall have its own motive power or be mounted on or towed by another vehicle. Recreational vehicles include, but are not limited to, camping trailers, fifth wheel trailers, motor homes, park trailers, travel trailers and truck campers as defined in N.J.A.C. 8:22-1, Public Campgrounds.

RECREATIONAL VEHICLE (FEMA) — A vehicle which is:**[Added 9-11-2006 by Ord. No. 06-020]**

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the longest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECYCLABLE MATERIAL (PINELANDS) — The following materials which would otherwise become solid waste and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products: source-separated, nonputrescible metal, glass, paper, plastic containers, corrugated and other cardboard; vegetative waste, waste containers, waste concrete; asphalt; brick; block; asphalt-based roofing scrap and wood waste; other waste resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings, pavements and other structures; whole trees, tree trunks, tree parts, tree stumps, brush and leaves that are not composted; scrap tires; petroleum-contaminated soil that is delivered to a nonmobile in-state asphalt plant, concrete production plant or brick-making facility for incorporation as a raw material; and petroleum contaminated soil that is processed at its point of generation by mobile recycling equipment which produces asphalt, concrete or bricks by incorporating it as a raw material in its mobile production process.**[Amended 12-12-2011 by Ord. No. 11-025]**

RECYCLING CENTER (PINELANDS) — A facility designed and operated solely for receiving, storing, processing or transferring recyclable materials, except that a recycling center shall not include a manufacturer.

For purposes of this definition, processing may include, but is not necessarily limited to, separating by type, grade or color, crushing, grinding, shredding or baling.

REGULATED MEDICAL WASTE (PINELANDS) — Any waste regulated pursuant to the New Jersey Comprehensive Regulated Medical Waste Management Act, N.J.S.A. 13:1E-48.1 et seq.

REMEDIATION (PINELANDS) — A process to remove or treat a waste or hazardous or toxic substance from soil or water but does not include any subsequent burial or land application of contaminated soil or other solids.

RENEWABLE ENERGY FACILITY — A facility that engages in the production of electric energy from solar technologies, photovoltaic technologies, or wind energy. (N.J.S.A. 40:55D-66.11)**[Added 12-12-2011 by Ord. No. 11-026]**

RESIDENTIAL CLUSTER (MLUL) — A contiguous or noncontiguous area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

RESIDENTIAL DENSITY (MLUL) — The number of dwelling units per gross acre of residential land including streets, easements and open space portions of a development.

RESOURCE CONSERVATION PLAN (PINELANDS) — A plan, prepared for review by the Soil Conservation District, which details the proposed use of agricultural recommended management practices.

RESOURCE EXTRACTION (PINELANDS) — The dredging, digging, extraction, mining and quarrying of sand, gravel, clay or ilmenite for commercial purposes, not including, however, the private or agricultural extraction and use of extracted material by a landowner.

RESOURCE MANAGEMENT SYSTEM PLAN (PINELANDS) — A plan, prepared in accordance with the United States Department of Agriculture, Natural Resources Conservation Service, New Jersey Field Office Technical Guide, dated June 2005. Such plans shall prescribe needed land treatment and related conservation and natural resources management measures, including forest management practices, for the conservation, protection and development of natural resources, the maintenance and enhancement of agricultural or horticultural productivity, and the control and prevention of nonpoint source pollution; and establish criteria for resource sustainability of soil, water, air, plants and animals.**[Added 12-12-2011 by Ord. No. 11-025]**

RESOURCE-RELATED ACTIVITY (PINELANDS) — That activity which is normally conducted in the Pinelands area such as but not including berry agriculture, forestry, recreation, beekeeping, horticulture, wildlife management, etc.

RESUBDIVISION (MLUL) —

- A. The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or
- B. The alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

RETAINING WALL — A structure that is designed and constructed to stabilize two generally horizontal surfaces which are vertically displaced.

RETENTION BASIN — A stormwater management basin designed to retain some water on a permanent basis.

RIGHT-OF-WAY — A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade tree, or for another special use.

ROOT RAKING (PINELANDS) — A silvicultural practice involving the drawing of a set of tines, mounted on the front or trailed behind a tractor, over an area to thoroughly disturb tree and vegetation roots and/or to collect stumps and slash. **[Added 12-12-2011 by Ord. No. 11-025]**

SALES ROOMS, AUTOMOBILE — A place of business, where the primary purpose is the sale of new motor vehicles having a building with showrooms, office space and enclosed repair and maintenance facilities.

SCS — The U.S. Department of Agriculture Soil Conservation Service.

SEASONAL HIGH WATER TABLE (PINELANDS) — The level below the natural surface of the ground to which water seasonally rises in the soil in most years.

SEDIMENTATION (MLUL) — The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion.

SEED TREE CUT (PINELANDS) — A silvicultural practice involving the removal of old forest stand in one cutting, except for a small number of trees left singly, in small groups or narrow strips, as a source of seed for natural regeneration. **[Added 12-12-2011 by Ord. No. 11-025]**

SEPTIC SYSTEM — An underground system with a septic tank used for the decomposition of domestic wastes.

SEPTIC TANK — A watertight receptacle which receives the discharge of sanitary sewage from a building sewer or part thereof, and is designed and constructed so as to permit settling of settleable solids from the liquids, partial digestion of the organic matter, and discharge of the liquid portion into a disposal field or seepage pit.

SERVICES, EMERGENCY — Those services which are critical to protect the health, welfare and safety of residents, such as police and fire protection, first aid, etc.

SERVICES, ESSENTIAL — Facilities installed or maintained by a public utility or governmental agency including gas, electric, phone, water, sewerage and other similar services necessary to provide adequate utility services necessary to the general health, safety and welfare of the public.

SETBACK — The minimum horizontal distance between the street, rear or side lines of the lot and the front, rear or side setback line.

SETBACK LINE — A building line parallel to a lot line delineating the minimum required yard area.

SEWAGE SLUDGE (PINELANDS) — The solid residue and associated liquid resulting from the physical, chemical or biological treatment of wastewater in a domestic treatment works.

SEWER — Any pipe conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants or receiving streams.

SHELTERWOOD CUT (PINELANDS) — A silvicultural practice involving the establishment of a new, essentially even-aged forest stand from release, typically in a series of cuttings, of new trees started under the old forest stand. A shelterwood cut involves the establishment of the new forest stand before the old forest stand is removed.**[Added 12-12-2011 by Ord. No. 11-025]**

SHOPPING CENTER, NEIGHBORHOOD SHOPPING CENTER, SHOPPING PLAZA — A site occupied by a group of commercial establishments planned, developed and managed as a unit in utilizing such common facilities as customer parking areas, pedestrian walks, truck loading and unloading space, and utilities and central sanitary treatment facilities. Such centers and plazas may include facilities that are operated independently from each other within the same overall structure on the same site or a single establishment within one structure that provides a variety of separate commercial activities such as groceries, bakery, garden center, auto services and/or other commercial activities that are permitted uses, permitted accessory uses or conditional uses within the zoning district.**[Amended 7-25-2005 by Ord. No. 05-043;³ 2-27-2012 by Ord. No. 12-008; 9-8-2014 by Ord. No. 14-017; 7-13-2015 by Ord. No. 15-008]**

SHOULDER — That portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

SIDEWALK — An improved path for pedestrian use outside the cartway.

3. Editor's Note: Ordinance No. 05-043 was declared void by court order pursuant to Docket No. OCN-L-4565-10.

SIGHT TRIANGLE — A triangular-shaped portion of land established at street intersections in which nothing is erected, placed planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN —

- A. Any device, structure, or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge, or insignia of any public, quasi-public, civic, charitable or religious group.
- B. (Pinelands) Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, colors, illumination or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state or city; or any fraternal, religious or civic organizations; merchandise, pictures or models of products or services incorporated in a window display; works of art which in no way identify a product; or scoreboards located on athletic fields.⁴

SIGN, COMMERCIAL — Any sign which is owned and displayed by any person, firm or corporation engaged in the business of outdoor advertising for direct profit gained from the rental of such signs, or any sign advertising a commodity not sold or produced on the premises. This shall include billboards and off-premises signs indicating the direction to a particular place.

SIGNABLE AREA — That portion of a building fronting on a public roadway or public parking facility free of any projection, relief, cornice, column, change of building material, window or door opening extending from the finished grade of the building to the bottom of the lowest second floor window sill or to a height of 20 feet, whichever is less, and along the entire length of the building which fronts the public street or public parking facility.

SIGN FACE — The area made available by a sign structure for the purpose of displaying a message.

SIGN, GRAPHIC CONTENT — All words, letters, numbers, symbols, colors, shapes, etc. which appear on the sign face and are intended to convey a visual message. Total graphic content coverage of a sign shall be measured by computing the area of the smallest geometric figure which can encompass all words, letters, figures, logos and other elements of the sign message.

SIGN SETBACK — The horizontal distance between a sign measured from the nearest portion of the sign, and any front, side or rear lot line.

4. Editor's Note: The definition of "sign, graphic content," which previously followed this definition, was repealed 6-14-2010 by Ord. No. 10-012. Refer to the current definition of "sign, graphic content," below.

SIGN WITH BACKING — Any sign that is displayed upon, against or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.

SIGN WITHOUT BACKING — Any word, letter, emblem, insignia, figure or similar character, or group thereof, that is neither backed by, incorporated in or otherwise made part of any larger display area.

SITE IMPROVEMENT — Any construction work on, or improvement in connection with development of streets, roads, parking facilities, sidewalks, drainage structures, utilities and other improvements regulated by this chapter.

SITE IMPROVEMENT RATIO — The usable building area compared to the improvable lot area and required minimum yard area of a lot. The ratio is calculated by dividing usable building area by the sum of the improvable lot area plus the area of the lot contained within the minimum yard required by the zoning district. The minimum yard for this purpose is established by the nearest distance to a property line permitted by the zoning district for the location of either an off-street parking lot, or an off-street loading area, or an accessory building or a principal building.

SITE PLAN (MLUL) — A development plan of one or more lots on which is shown:

- A. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways;
- B. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices; and
- C. Any other information that may be reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval of site plans by the planning board adopted pursuant to N.J.S.A. 40:55D-37 et seq.

SMALL WIND ENERGY SYSTEM — **[Added 12-12-2011 by Ord. No. 11-026]**

- A. An energy conversion system, consisting of a wind turbine, a tower, and associated control or conversion electronics, that is used to generate electricity and has a nameplate capacity of 100 kilowatts or less which converts wind energy by means of a rotor into electrical power for the primary purpose of meeting all or a part of a dwelling's energy requirements and has a rated capacity consistent with applicable provisions of the State Uniform Construction Code promulgated pursuant to the "State Uniform Construction Code Act" (N.J.S.A.52:27D-119).

- B. As used in these regulations, the primary application of a small wind energy system is the conversion of wind by a machine with turbine apparatus (includes base, rotor blades, nacelle, tower, inverter, batteries or other component used in the system) capable of producing electricity by converting the kinetic energy of wind into electrical energy. The term does not include electrical distribution or transmission lines, or electrical substations.

SOIL EROSION — The gradual alteration of soil by crustal movement or by processes of weathering, transportation, and sedimentation.

SOLAR PANEL — A solar panel is an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes, but is not limited to, flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy or array. (N.J.S.A. 13:19-3)[**Added 12-12-2011 by Ord. No. 11-026**]

SOLID WASTE TRANSFER STATION (PINELANDS) — A facility at which solid waste is transferred from collection vehicles to haulage vehicles for transportation to a landfill.

SPACE, OPEN — See "open space."

SPECIMEN TREE (PINELANDS) — Any tree of exceptional size which is listed by the New Jersey Division of Parks and Forestry. A listing of such trees and a map showing their location is maintained at the principal offices of the Pinelands Commission.

STABILIZATION — As it pertains to streets, the ability of a surface to resist deformation from imposed loads. Stabilization can be accomplished by adequate thicknesses of asphalt base and surface course, dense graded aggregates, cement-treated soil aggregates, or concrete or precast masonry units set forth on a base course.

STABILIZED BASE COURSE (BITUMINOUS) — Stabilized base course or asphalt concrete base consists of soil aggregate and bituminous material uniformly mixed and placed on a previously prepared surface.

STABILIZED EARTH — Earth or soil, strengthened usually by the mixing of cement or lime with the original material to achieve increased strength, thereby reducing shrinkage and movement.

STABILIZED TURF — Established, mowable vegetation.

STANDARD SUBSURFACE SEWAGE DISPOSAL SYSTEM (PINELANDS) — A system for the disposal of sanitary sewage into the ground, which meets the standards of N.J.A.C. 7:9-2.1 et seq., and which is designed and constructed to treat sewage in a manner that will retain most of the settleable solids in a septic tank and to discharge the liquid effluent to an adequate disposal field, excluding those systems which utilize a dosing tank or other comparable system to store and deliver doses of septic tank effluent to the disposal field and those systems that utilize sand filtration.

STANDARDS, GENERAL — That which is set up and established by authority as a rule for the measure of quantity, weight, extent, value or quality.

STANDARDS OF PERFORMANCE (MLUL) — Standards:

- A. Adopted by ordinance pursuant to N.J.S.A. 40:55D-37 et seq., regulating noise levels, glare, earthborne or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters, explosive and inflammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the Township; or
- B. Required by applicable federal or state laws or Township ordinances.

START OF CONSTRUCTION — **[Added 9-11-2006 by Ord. No. 06-020]**

- A. For other than new construction or substantial improvements under the Coastal Barrier Resources Act, (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.
- B. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STORMWATER DETENTION — A provision for temporary storage of stormwater runoff, and the controlled release of such runoff during and after a flood or storm.

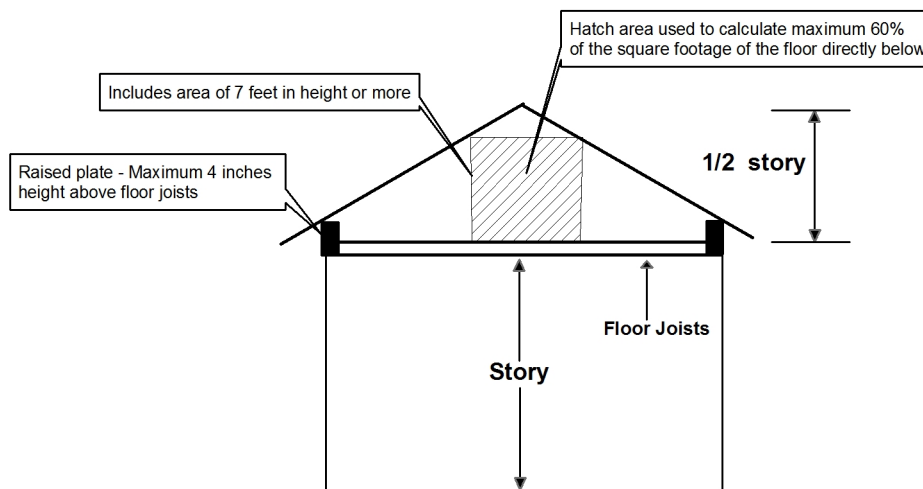
STORMWATER MANAGEMENT MEASURES — A broad term for structural and nonstructural control of stormwater runoff and nonpoint pollution.

STORMWATER RETENTION — A provision for the permanent storage of a fixed volume of water.

STORY — That part of a building between the surface of any floor and the next floor above it, or in its absence, the finished ceiling or roof above it. A "split-level" story shall be considered a second story if its floor level is four feet or more above the level of the line of the finished floor next

below it, except a cellar. A residential basement shall not be considered a "story." **[Amended 6-24-2013 by Ord. No. 13-005]**

STORY, HALF — The finished area of an attic where the intersection of the roof rafters and the exterior wall occurs within four inches of the floor/ceiling system, and in which space the maximum floor area at a ceiling height of seven feet or more, inclusive of stairwells and roofed-over porches, does not exceed 60% of the square footage of the floor directly below, inclusive of roofed-over porches. All dormers, except stairwells, must be stepped back a minimum of 24 inches from the exterior wall face beneath. **[Amended 6-24-2013 by Ord. No. 13-005]**



STREAM CORRIDOR — Any river, stream, pond, or lake, including its floodway or permanent channel and one-hundred- and five-hundred-year floodplains. The stream corridor shall also include any adjoining bands of vegetation that lie outside any floodplain, wetlands or wetlands transition area within a specified distance from the stream as measured parallel to the stream and measured perpendicular to the top of the channel's bank. In areas served by public sewer, the specified distance shall be measured not more than 50 feet from each bank. In areas not served by public sewer, the specified distance shall be measured not more than 150 feet from each bank.

STREET (MLUL) —

- A. Any street, avenue, boulevard, road, parkway, viaduct, drive or other way:
 - (1) Which is an existing state, county or township roadway;
 - (2) Which is shown upon a plat heretofore approved pursuant to law;
 - (3) Which is approved by official action as provided by this chapter;
 - (4) Which is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning

Board and the grant to such Board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other area within the street lines.

- B. The right-of-way width and design standards shall be in accordance with state, county or Township requirements, depending upon street jurisdiction in accordance with the Township Master Plan and subject to the following classifications: principal arterial, minor arterial, major collector, minor collector and local street, as identified in the Manchester Township Master Plan.

STREET, ALLEY — Minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street or open space.

STREET, IMPROVED PUBLIC — For development purposes, any street which complies in width and construction with the standards set forth in Article IX, Improvements, Requirements and Design Standards, of this chapter and any amendments thereto, that have been accepted by the Township of Manchester.

STREET, MARGINAL ACCESS — Streets which are parallel to and adjacent to arterial streets and highways, which provide access to abutting properties and protection from through traffic.

STREET, PRIVATE — A street not dedicated or deeded to the public for public use.

STREET, RESIDENTIAL SERVICE — Streets which are designed for limited access to abutting residential properties.

STREET, RIGHT-OF-WAY — The line determining the limit between the access rights of the public and adjoining private property.

STUB STREET — A street which is to be extended when the adjacent property is developed.

STRUCTURAL ALTERATION (PINELANDS) — Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

STRUCTURE — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.**[Amended 9-11-2006 by Ord. No. 06-020]**

SUBDIVIDER — Any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or for another.

SUBDIVISION (MLUL) —

A. The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this chapter, if no new streets are created:

- (1) Divisions of land found by the Planning Board or Subdivision Committee thereof appointed by the Chairman to be for agricultural purposes where all resulting parcels are five acres or larger in size;
- (2) Divisions of property by testamentary or intestate provisions;
- (3) Division of property upon court order including, but not limited to, judgments of foreclosure;
- (4) Consolidation of existing lots by deed or other recorded instrument; and
- (5) The conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the Administrative Officer (Zoning Officer) to conform to the requirements of the development regulations contained in this chapter for frontage on an improved street, zoning district regulations, and for design standards and improvement specifications; and further provided that each lot, tract, or parcel of land is shown and designated as separate lots, tracts, or parcels on the Official Tax Map of the Township. Those adjoining lots, tracts, or parcels of land shown on the Official Tax Map of the Township which are owned by the same person or persons but which individually do not conform to the zoning district regulations and/or which do not meet the required frontage on an improved street shall be treated under this chapter as a single parcel of land no portion of which may be conveyed without subdivision approval as prescribed by this chapter.

B. The term "subdivision" shall also include the term "resubdivision."

SUBDIVISION COMMITTEE — A committee of at least three Planning Board members appointed by the Chairman of the Board for the purpose of classifying subdivisions in accordance with the provisions of N.J.S.A. 40:55D-1 et seq. and such other duties relating to land subdivision which may be conferred on this committee by the Board.

SUBDIVISION, MAJOR (MLUL) — Any proposed subdivision which would not qualify as a minor subdivision shall be treated as a major subdivision if the subdivision under consideration represents a further subdivision of an original tract of land for which previous minor subdivisions have been approved by the Planning Board and the combination of the proposed and approved minor subdivision(s) constitute a major subdivision. The original tract of land shall be considered any tract in existence as shown on the existing tax maps as of December 1977.

SUBDIVISION, MINOR (MLUL) — A subdivision of land for the creation of a number of lots specifically permitted by ordinance as a minor subdivision, provided that such subdivision does not involve:

- A. The creation of more than four lots;
- B. A planned development;
- C. Any new street;
- D. Extension of any off-tract improvements;
- E. An adverse effect upon the development of the remainder of the parcel or adjoining property;
- F. Any lot fronting on an unimproved street;
- G. A conflict with any provision or portion of the Master Plan, Official Map, Sanitary Code or this chapter.

SUBGRADE — The prepared surface upon which pavements and shoulders are constructed.

SUBMERGED LAND (PINELANDS) — Those lands which are inundated with water throughout the year.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.**[Added 9-11-2006 by Ord. No. 06-020]**

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:**[Added 9-11-2006 by Ord. No. 06-020]**

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure or resource, provided that the alteration will not preclude the structure's continued designation as a historic structure or resource.

SUITABLE SEWAGE SLUDGE (PINELANDS) — Sewage sludge in which the concentrations of any metals, measured on a dry-weight basis, do not exceed the following limits: 10 parts per million arsenic; 40 parts per million cadmium; 1,000 parts per million chromium; 1,200 parts per million copper; 4,800 parts per million lead; 10 parts per million mercury; 1,250 parts per million nickel; 2,400 parts per million zinc. The metal concentration limits used to define suitable sewage sludge are identical to those set forth in

the Department of Environmental Protection's September 1993 draft Solid Waste Management State Plan Update for Class B sludge.

SURFACE COURSE — The placement of the asphalt concrete material on a previously prepared base course.

SWALE — A low-lying or depressed land area commonly wet or moist, which can function as an intermittent drainageway.

SYSTEM HEIGHT — The height above grade of the tower plus the wind generator. (N.J.S.A. 40:55D-66.12)[**Added 12-12-2011 by Ord. No. 11-026**]

THINNING (PINELANDS) — A silvicultural practice involving the removal of competing trees to favor certain species, sizes and qualities of trees.[**Added 12-12-2011 by Ord. No. 11-025**]

TOPSOIL —

- A. The natural, undisturbed surface layer of soil having more organic matter than subsequent layers, a pH of 5.0 to 7.5, and suitable for satisfactory growth and maintenance of permanent, locally adapted vegetation.
- B. Where the original surface layer has been removed, the reapplication of soil material used to cover an area so as to improve soil conditions for establishment and maintenance of adapted vegetation. The reapplied material must be friable, loamy soil reasonably free of debris, objectionable weeds, and stones; have a natural pH of 5.0 to 7.5; have an organic matter content greater than 2%; and contain no toxic substance which may be harmful to plant growth.

TOWER — See "wireless telecommunications tower."

TOWER HEIGHT — When referring to a wireless telecommunications tower or other structure, the distance measured from the finished grade to the highest point on the tower or other structure, including the base pad and any antenna. (See also the definition of "building height.")

TOWER HEIGHT (SMALL WIND ENERGY SYSTEM) — The height above grade of the fixed portion of the tower, excluding the wind generator. (N.J.S.A. 40:55D-66.12)[**Added 12-12-2011 by Ord. No. 11-026**]

TOWNHOUSE — An attached residential unit sharing at least one common wall with another unit consisting of no more than eight units per a single structure. Ownership of a townhouse development can be in the form of condominium, whereby ownership of common areas is through homeowners' associations.[**Added 11-14-2016 by Ord. No. 16-036; amended 2-13-2017 by Ord. No. 17-002**]

TRANSCRIPT (MLUL) — A typed or printed verbatim record of the proceedings or reproduction thereof.

TRANSFER STATION OR FACILITY (PINELANDS) — A facility at which waste is transferred from one waste vehicle to another waste vehicle for transportation to a waste management facility.

TRAVELED WAY — The portion of a cartway used for vehicular travel.

TRIP — A single or one-way vehicle movement to or from a property or study area.

UNCERTIFIED MUNICIPALITY OR COUNTY (PINELANDS) — A municipality or county whose master plan and land use ordinances or regulations have not been certified by the Pinelands Commission under N.J.A.C. 7:50-3.

USABLE BUILDING AREA — The sum of the gross horizontal area of the floors of a nonresidential building exclusive of the following: major vertical penetrations (such as stairwells and elevator shafts); floor space used for mechanical equipment needed in the operation of the building; and cellar, basement, or attic space not intended for human occupancy and having a clear standing head room of seven feet or less.

USE, CHANGE — See "change in use."

USE, CONDITIONAL — See "conditional use."

USE, PERMITTED — All uses specified in a particular zone, quoted in the sections labeled "Permitted uses," within the text of this chapter.

USE OR USES, PRINCIPAL — The primary or main purpose for which a lot or building is being utilized.

USE, PROHIBITED — Uses, specified or not, which are contrary to the intent of the Master Plan, this chapter, and N.J.S.A. 40:55D-1 et seq.

UTILITY DISTRIBUTION LINES (PINELANDS) — Lines, conduits, or pipes located in a street, road, alley or easement through which natural gas, electricity, telephone, cable television, water, sewage, or stormwater discharge is distributed to or from service lines extending from the main line to the distribution system of the building or premises served. Utility distribution lines do not include electric transmission lines.

VARIANCE (MLUL) — Permission to depart from the literal requirements of a zoning ordinance pursuant to N.J.S.A. 40:55D-60 and N.J.S.A. 40:55D-40b and N.J.S.A. 40:55D-70c and d.

VEGETATION (PINELANDS) — Any plant material including grasses, shrubs and trees.

VEGETATION, THREATENED AND ENDANGERED (PINELANDS) — That vegetation which is listed in N.J.A.C. 7:50-6.24, Pinelands Comprehensive Management Plan.

VEGETATIVE WASTE (PINELANDS) — Leaves, grass clippings, twigs, shrubbery and residue from the raising of plants, such as stalks, hulls and leaves. It includes vegetative processing wastes which do not contain nonvegetative additives; and whole trees, branches, tree trunks and stumps processed through a wood chipper.

WALL SIGN — Any sign which is affixed to an exterior wall of any building, not projecting more than one foot beyond the building wall.

WALKWAYS — A system of pedestrian walks within a development and connecting the main features of a development. The walks shall be left in their natural state with minor path improvements for the safety and convenience of the residents.

WASTE DERIVED MATERIAL (PINELANDS) — A waste which has been separated, collected or processed such that it is converted into an economically valuable raw material or product which is not hazardous.

WASTE MANAGEMENT FACILITY (PINELANDS) — Any property, site, system, equipment or structure which is utilized for the storage, collection, processing, transfer, transportation, separation, recycling, reclamation, recovery, reuse or disposal of waste. It includes, but is not necessarily limited to, landfills, composting facilities, recycling facilities and centers, incinerators, materials recovery facilities, reclamation facilities, resource-recovery facilities, waste reuse facilities and transfer facilities.

WASTE (PINELANDS) — Any hazardous waste, regulated medical waste, garbage, refuse, septage, sludge, discarded materials, and other by-products and substances which become unsuitable for their original purpose, resulting from industrial, commercial and agricultural operations and from domestic and community activities. They shall include solid and liquid waste materials. For purposes of this definition, liquids which are released from a sewage treatment plant or on-site septic wastewater treatment system and solid animal and vegetable wastes collected by swine producers licensed by the New Jersey Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms shall not be considered waste.

WASTEWATER COLLECTION FACILITY (PINELANDS) — Any part of a system used to carry wastewater and includes laterals, mains, trunks, interceptors and other similar facilities.

WETLANDS, IMPAIRED (PINELANDS) — Any wetland that meets each of the following three tests:

A. The wetland meets at least one of the following two criteria:

- (1) The entire wetland is less than one acre; or
- (2) The overall wetland area is larger than one acre but the portion of the wetland that is to be directly impacted is less than one acre and the impacted area is separated from the remainder of the wetland by a substantial hydrologic barrier; and

B. The wetland meets at least one of the following three criteria:

- (1) The wetland is within an area that is predominantly developed, has direct access to a paved public road and is serviced by a municipal wastewater treatment system; or
- (2) The wetland was filled prior to February 8, 1979, the fill is at least one foot in depth, and the seasonal high water table is not within one foot of the altered land surface; or

- (3) The wetland is an actively cultivated nonberry agricultural field which was cleared and in production prior to February 8, 1979; and

C. The wetland is not:

- (1) An Atlantic white cedar swamp;
- (2) A wetland which is frequently ponded or flooded for a period of at least seven days during the growing season;
- (3) A herbaceous- or shrub-dominated wetland type found in naturally occurring circular or neatly circular depressions within upland or wetland complexes;
- (4) Located within 300 feet of a lake, pond, river or permanent stream; or
- (5) A wetlands supporting plant species which are designated as endangered pursuant to N.J.S.A. 13:1B-15.151 et seq. or supporting plant or wildlife species designated as threatened or endangered pursuant to N.J.A.C. 7:50-6.27 and N.J.A.C. 7:50-6.33.

WETLANDS MANAGEMENT (PINELANDS) — The establishment of a characteristic wetland or the removal of exotic species or *Phragmites* from a wetland in accordance with the standards of N.J.A.C. 7:50-6.10, Wetlands management. For purposes of this definition, exotic species are those that are not indigenous to North America.**[Added 12-12-2011 by Ord. No. 11-025]**

WETLANDS or FRESHWATER WETLANDS — In the CAFRA area of the Township, those areas defined and regulated in accordance with New Jersey Freshwater Wetlands Protection Act Rules as contained in N.J.A.C. 7:7A-1.4.

WETLANDS (PINELANDS) — Lands which are inundated or saturated by water at a magnitude, duration and frequency sufficient to support the growth of hydrophytes. Wetlands include lands with poorly drained or very poorly drained soils as designated by the National Cooperative Soils Survey of the Soil Conservation Service of the United States Department of Agriculture. Wetlands include submerged lands. (See N.J.A.C. 7:50-6.3.)

WETLAND SOILS (PINELANDS) — Those soils designated as very poorly drained or poorly drained by the Soil Conservation Service of the United States Department of Agriculture, including but not limited to Atsion, Bayboro, Berryland, Colemantown, Elkton, Keansburg, Leon, Muck, Othello, Pocomoke, St. Johns and freshwater marsh and tidal marsh soil types.

WET POND — See "retention basin."

WILDLIFE CORRIDOR — Linear tracts of existing woodland or open space that serve to link and extend significant wildlife habitat locations.

WIND GENERATOR — Blades and associated mechanical and electrical conversion components mounted on top of the tower. (N.J.S.A. 40:55D-66.12)**[Added 12-12-2011 by Ord. No. 11-026]**

WIND TOWER — The monopole, freestanding, or guyed structure that supports a wind generator.**[Added 12-12-2011 by Ord. No. 11-026]**

WINDOW SIGN — Any sign which is part of or affixed or attached to the interior or exterior of a window or otherwise part of a window and located within 18 inches of the interior of the window and which can be seen from a public street or public parking facility.

WIRELESS TELECOMMUNICATIONS TOWER — Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

YARD, FRONT — An open space, unoccupied by a building, extending the full width of the lot and situated between the setback line and the street right-of-way line of that lot. The term "setback line" shall be synonymous with the rearmost limit of the required front yard area.

YARD, REAR — The area created by the rear yard setback.

YARD, SIDE — The area created by the side yard setback.

ZONING PERMIT (MLUL) — A document signed by the Administrative Officer (Zoning Officer) which:

- A. Is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building; and
- B. Acknowledges that such use, structure or building complies with the provisions of this chapter or variance therefrom duly authorized by a municipal agency, pursuant to this Municipal Land Use and Development Regulations Chapter.

ARTICLE III
Administrative Procedures

§ 245-9. Short title.

This article shall be known and may be cited as "Administrative Procedures Article of the Township of Manchester Municipal Land Use and Development Regulations Chapter."

§ 245-10. Planning Board.

A. Establishment. There is hereby established in the Township of Manchester, pursuant to N.J.S.A. 40:55D-1 et seq., a Planning Board of seven members. All members of the Planning Board, except for the Class II members set forth below, shall be municipal residents. The membership shall consist of, for convenience in designating the manner of appointment, the following four classes: **[Amended 2-22-1999 by Ord. No. 99-001]**

- (1) Class I. The Mayor or the Mayor's designee in the absence of the Mayor.
- (2) Class II. One of the officials of the Township other than a member of the Township Council to be appointed by the Mayor; providing that if there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1, Environmental Commissions, shall be deemed to be the Class II Planning Board member if there is both a member of the Board of Adjustment and a member of the Board of Education among the Class IV or alternate members of the Board.
- (3) Class III. A member of the Township Council to be appointed by it.
- (4) Class IV. Four other citizens of the Township to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment. For the purposes of this section, membership on a Township board or commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of municipal office.

B. Terms. The term of the member composing Class I shall correspond to the Mayor's, or if the member is the Mayor's designee, in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three years

or terminate at the completion of his/her term of office as a member of the Environmental Commission, whichever occurs first. The term of a Class IV member who is also a member of the Board of Adjustment or Board of Education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first. The terms of all Class IV members shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four years after their appointments; provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the term for which they were appointed. Thereafter, all Class IV members shall be appointed for terms of four years except as otherwise herein provided. All terms shall run from January 1 of the year in which the appointment is made. **[Amended 2-22-1999 by Ord. No. 99-001; 2-9-2015 by Ord. No. 15-001]**

C. Alternate members. **[Amended 2-22-1999 by Ord. No. 99-001]**

- (1) The Mayor shall appoint two alternate members. Alternate members may consist of an alternate member of Class II, one may be an alternate member of Class III, or two alternate members of Class IV. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years. A vacancy occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term only.
- (2) No alternate member shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he or she requests one, be removed by the Township Council for cause.
- (3) Alternate members may participate in all matters but may not vote except in the absence or disqualification of a regular member of any class. Participation of alternate members shall not be deemed to increase the size of the Planning Board established by the Township Council in Subsection A above pursuant to N.J.S.A. 40:55D-23. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

D. Vacancies. If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term.

- E. Organization of Planning Board. **[Amended 2-22-1999 by Ord. No. 99-001]**
- (1) The Planning Board shall elect a chairman and vice chairman from the members of Class IV, select a secretary who may or may not be a member or alternate member of the Planning Board or a municipal employee, and create and fill such other offices as established by ordinance. An alternate member shall not serve as chairman or vice chairman of the Planning Board.
 - (2) The Planning Board may employ, or contract for, and fix the compensation of legal counsel, other than the municipal attorney, and experts, and other staff and services as it may deem necessary, not exceeding, exclusive of gifts or grants, the amount appropriated by the governing body for its use. The governing body shall make provision in its budget and appropriate funds for the expenses of the Planning Board.
- F. Planning Board Attorney. There is hereby created the office of Planning Board Attorney. The Planning Board may annually appoint, fix the compensation of or agree upon the rate of compensation of the Planning Board Attorney, who shall be an attorney other than the Municipal Attorney.
- G. Planning Board Engineer. There is hereby created the office of the Planning Board Engineer. The Planning Board may annually appoint, fix the compensation of or agree upon the rate of compensation of the Planning Board Engineer, who may be the Municipal Engineer.⁵ **[Amended 2-22-1999 by Ord. No. 99-001]**
- H. Citizens Advisory Committee. The Mayor may appoint one or more persons as a Citizens Advisory Committee to assist or collaborate with the Planning Board in its duties, but such person or persons shall have no power to vote or take other action required of the Board. Such person or persons shall serve at the pleasure of the Mayor. **[Amended 2-22-1999 by Ord. No. 99-001]**
- I. Rules and regulations. The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigation Law, N.J.S.A. 2A:67A-1 et seq., shall apply.
- J. Powers and duties, generally, of Planning Board. The Planning Board is authorized to adopt bylaws governing its procedural operation. It shall also have the following powers and duties: **[Amended 2-22-1999 by Ord. No. 99-001]**

5. Editor's Note: Original Sec. 35-10.1h, regarding experts and staff for the Planning Board, which previously followed this subsection, was deleted 6-14-2010 by Ord. No. 10-012. See now § 245-10E(2).

- (1) To make and adopt and from time to time amend a master plan for the physical development of the Township, including any areas outside its boundaries which, in the Board's judgment, bear essential relation to the planning of the Township, in accordance with the provisions of N.J.S.A. 40:55D-28;
- (2) To administer the provisions of the Manchester Township Municipal Land Use and Development Regulations Chapter;
- (3) To approve conditional use applications in accordance with provisions of this chapter as permitted by N.J.S.A. 40:55D-1 et seq.;
- (4) To participate in the preparation and review of programs or plans required by state or federal law or regulations;
- (5) To assemble data on a continuing basis as part of the continuous planning process;
- (6) To annually prepare a program of municipal capital improvement projects projected over a period of six years and amendments thereto, and recommend same to the Township Council;
- (7) To consider and make a report to the Township Council within 35 days after referral as to any proposed development regulations submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26(b);
- (8) When reviewing applications for approval of subdivision plats, site plans or conditional uses, to grant to the same extent and subject to the same restrictions as the Zoning Board of Adjustment, the following:
 - (a) Variances pursuant to the provisions of N.J.S.A. 40:55D-70 from lot area, lot dimensional setback and yard requirements, provided that such relief from lot area requirements shall not be granted for more than one lot.
 - (b) Direction pursuant to the provisions of N.J.S.A. 40:55D-34 for issuance of a permit for a building or structure in the bed of a mapped street or public drainageway.
 - (c) Direction pursuant to the provisions of N.J.S.A. 40:55D-36 for issuance of a permit for a building or structure not related to a street. Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit, as the case may be.
 - (d) To perform such other advisory duties as are assigned to it by ordinance or resolution of the Township Council for the aid and assistance of the Township Council or other agencies or officers.

- (e) To grant exceptions from the regulations and requirements of subdivision and site plan approval as set forth in N.J.S.A. 40:55D-51.
- K. Lack of quorum. If the Planning Board lacks a quorum because any of its regular or alternate members is prohibited by N.J.S.A. 40:55D-23b or N.J.S.A. 40:55D-23.1 from acting on a matter due to the member's personal or financial interest therein, regular members of the Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board in order of seniority of continuous service to the Board of Adjustment until there are a minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between regular members of equal seniority, the Chairman of the Board of Adjustment shall make the choice.

§ 245-11. Board of Adjustment. [Amended 2-22-1999 by Ord. No. 99-001]

- A. Establishment. A Zoning Board of Adjustment is hereby established pursuant to N.J.S.A. 40:55D-69 consisting of seven regular and two alternate members appointed by the Mayor to serve terms of four years. All regular and alternate members shall be municipal residents of the Township of Manchester.
- B. Terms and requirements of members. The terms of the members first appointed shall be so determined that to the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first four years after their appointment; provided that the initial term of no regular member shall exceed four years. Thereafter, the term of each regular member of the Zoning Board of Adjustment shall be four years and shall run from January 1 of the year in which the appointment was made. Present members of the Board of Adjustment shall continue in office until the completion of the term for which they were appointed. No regular or alternate members of the Zoning Board of Adjustment may hold any elective office or position under the municipality. No regular or alternate member of the Board of Adjustment shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest. **[Amended 2-9-2015 by Ord. No. 15-001]**
- C. Alternate members. The Mayor shall appoint two alternate members to the Zoning Board of Adjustment. The term of each alternate member shall be two years. Alternate members may participate in all matters but may not vote except in the absence or disqualification of a regular member. Participation of alternate members shall not be deemed to increase the size of the Zoning Board of Adjustment established by the Township Council pursuant to N.J.S.A. 40:55D-69. A vote shall not be delayed so a regular member may vote instead of an alternate member.

In the event that a choice must be made which alternate member is to vote, Alternate No. 1 shall vote.

- D. Vacancies. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.
- E. Organization. The Zoning Board of Adjustment shall elect a chairman and vice chairman from its members and shall also select a secretary, who may or may not be a Board member or a municipal employee.
- F. Board of Adjustment Attorney. There is hereby created the office of Attorney to the Zoning Board of Adjustment. The Zoning Board of Adjustment may annually appoint, fix the compensation of or agree upon the rate of compensation of the Zoning Board of Adjustment Attorney, who shall be an attorney other than the Municipal Attorney.
- G. Experts and staff. The Zoning Board of Adjustment may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the Township Council for its use.
- H. Rules and regulations. The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigation Law, N.J.S.A. 2A:67A-1 et seq., shall apply.
- I. Powers and duties, generally, Board of Adjustment. The Board of Adjustment shall have the power to:
 - (1) Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an Administrative Officer based on or made in the enforcement of this chapter;
 - (2) Hear and decide requests for interpretation of the zoning map or this chapter, or for decisions upon other special questions upon which such Board is authorized to pass by any Zoning or Official Map ordinance, in accordance with N.J.S.A. 40:55D-1 et seq.;
 - (3) Lot variance.
 - (a) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property; or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property; or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to N.J.S.A. 40:55D-62 et seq. would result in peculiar and exceptional practical difficulties to, or exceptional and undue

hardship upon, the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship;

- (b) Where, in an application or appeal relating to a specific piece of property, the purposes of this chapter or the purposes of the Educational Facilities Construction and Financing Act (N.J.S.A. 18A:7G-1 et seq.) would be advanced by a deviation from the zoning requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to N.J.S.A. 40:55D-62 et seq.; provided, however, that the fact that a proposed use is an inherently beneficial use shall not be dispositive of a decision on a variance under this subsection and provided that no variance from those departures enumerated in Subsection I(4) of this section shall be granted under this subsection; and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use, in conjunction with which the Planning Board has the power to review a request for a variance pursuant to N.J.S.A. 40:55D-60a; and⁶
- (4) Use variance.
 - (a) In particular cases and for special reasons, grant a variance to allow departure from regulations pursuant to N.J.S.A. 40:55D-62 et seq. to permit:
 - [1] A use or principal structure in a district restricted against such use or principal structure;
 - [2] An expansion of a nonconforming use;
 - [3] Deviation from a specification or standard pursuant to N.J.S.A. 40:55D-67 pertaining solely to a conditional use;
 - [4] An increase in the permitted floor area ratio as defined in N.J.S.A. 40:55D-4;
 - [5] An increase in the permitted density as defined in N.J.S.A. 40:55D-4, except as applied to the required lot area for a lot or lots for detached one- or two-dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision; or
 - [6] A height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

- (b) A variance under this subsection shall be granted only by affirmative vote of at least five members.
 - (c) If an application for development requests one or more variances but not a variance for a purpose enumerated in Subsection I(4) above, the decision on the requested variance or variances shall be rendered under Subsection I(3) above.
 - (d) No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and this chapter.⁷
 - (e) An application under this section may be referred to any appropriate person or agency for its report; provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.
- (5) Direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved on the official map. The Board of Adjustment shall not exercise the power granted by this subsection if the proposed development requires approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to direct the issuance of a permit pursuant to N.J.S.A. 40:55D-60b.
 - (6) Direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street. The Board of Adjustment shall not exercise the power granted by this subsection if the proposed development requires approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to direct the issuance of a permit pursuant to N.J.S.A. 40:55D-60c.
 - (7) Grant to the same extent and subject to the same restrictions as the Planning Board, subdivision or site plan approval pursuant to N.J.S.A. 40:55D-37 et seq. or conditional use approval pursuant to N.J.S.A. 40:55D-67 whenever the Board is reviewing an application for approval of a variance pursuant to N.J.S.A. 40:55D-70d.
 - (8) Report on variance applications, amendment recommendations. The Board of Adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report on its findings on zoning ordinance provisions which were the subject of variance requests and its

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

recommendations for zoning ordinance amendment or revision, if any. The Board of Adjustment shall send copies of the report and resolution to the Township Council and Planning Board.

§ 245-12. Applicant's general submission procedures; fees.

All applicants shall comply with the following procedures:

- A. Applications for relief from ordinance regulations. Any form of relief as provided in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., shall be commenced by filing one original and six copies of a complete application form as defined herein with the Administrative Officer. The application form shall, in the case of a variance, be accompanied by nine sets of drawings as set forth in Article VII of this chapter. The application form shall, in the case of a request for preliminary and/or final subdivision and/or site plan approval, be accompanied by 20 sets of drawings as set forth in Article V and/or Article VI of this chapter. In any event, all applications shall be accompanied by the requisite fees as hereinafter provided to determine completeness. Nothing herein shall preclude an applicant from requesting multiple forms of relief including but not limited to combination preliminary and final applications.
- B. Application for development form. There is hereby established the following form to be used to commence all requests for relief pursuant to this chapter.⁸
- C. Fees.
 - (1) Fee schedule. Fees for development applications and related development activities are hereby adopted in accordance with the following Fee Schedule, Schedule 1. **[Amended 11-27-2000 by Ord. No. 00-040; 12-13-2004 by Ord. No. 04-042; 7-9-2007 by Ord. No. 07-029; 3-10-2008 by Ord. No. 08-011; 6-14-2010 by Ord. No. 10-012; 6-25-2012 by Ord. No. 12-015; 6-24-2013 by Ord. No. 13-005; 9-8-2014 by Ord. No. 14-015; 7-13-2015 by Ord. No. 15-010]**

8. Editor's Note: The Application for Development before the Zoning Board of Adjustment and the Planning Board is included as Appendix 7, an attachment to this chapter.

Township of Manchester**Schedule 1****Fee Schedule**

Each developer shall, at the time of filing an application, pay a nonrefundable fee to the Township of Manchester by cash, check or bank draft in accordance with the current fee schedule adopted by the Township Council on file in the Township Clerk's office. The fee to be paid shall be the sum of the fees for the component elements of the plat or plan. Proposals requiring a combination of approvals, such as preliminary and final subdivision, site plan and/or variances, shall pay a fee equal to the sum of the fee for each element. Additional fees may be assessed for extraordinary review costs otherwise covered by this section. However, the actual payment to the Township shall be in the form of two separate checks in the following amounts:

Application Type		Application Fee		Escrow Amount	
A.	Street vacation application and review of street vacation	\$500		0	
B.	Application for zoning permit	\$25		0	
C.	Administrative approval application	\$350		0	
D.	Subdivision approval				
1.	Concept plan/informal review	\$150		\$350	
2.	Minor subdivision	\$150		\$1,000	
3.	Preliminary major subdivision	\$250 + \$5/lot	Number of Lots	Escrow	
			1 to 10	\$500 + \$200/lot (unit)	
			11 to 24	\$2,500 + \$150/lot (unit)	
			25 to 49	\$6,100 + \$100/lot (unit)	

Application Type	Application Fee	Escrow Amount	
		50 to 149	\$11,000 + \$75/lot (unit)
		150 to 499	\$22,175 + \$50/lot (unit)
		500 +	\$47,125 + \$25/lot (unit)
4. Final major subdivision	\$125 + \$2.50/lot	50% of preliminary application escrow amount	
E. Site plan approval			
1. Sketch plat/informal review	\$150	\$500	
2. Minor site plan	\$200	\$1,000	
3. Preliminary major site plan:			
a. Residential	\$500	See "Subdivision approval, preliminary major subdivision" (Item D3)	
b. Nonresidential	\$500		
		Site Plan Area	
		(acres)	Escrow
		Less than 0.5	\$1,000
		0.5 to 2.49	\$1,000 + \$200 per acre
		2.50 to 9.99	\$1,500 + \$175 per acre
		10.0 to 24.99	\$3,250 + \$150 per acre
		25 or more	\$7,000 + \$100 per acre
		Building Area	
		(square feet)	Escrow
		Less than 5,000	\$1,000
		5,000 to 19,999	\$1,000 + \$0.15 per sf

Application Type	Application Fee	Escrow Amount
		20,000 to \$4,000 + 49,999 \$0.10 per sf
		50,000 to \$9,000 + 99,000 \$0.07 per sf
		100,000 or \$16,000 + more \$0.05 per sf
4. Final major site plan	\$500	50% of preliminary escrow amount
5. Escrow amount special factor		Multiply total of site area and building area by: Extremely 1.50 circulation intensive: parking ratios above 6/1,000 square feet, major drive- through facilities, grade- separated access, multiple overlapping uses, transit or major truck facilities

Application Type		Application Fee	Escrow Amount
			Very highly circulation intensive: parking ratios above 5/1,000 square feet, drive- through facilities, signals or similar traffic controls, more than one use, significant loading facilities
			1.25
			Highly circulation intensive: Parking ratios above 4/1,000 square feet, multiple access points, multiple occupancies
			1.10
F.	Appeals of decision by administrative officials to Board of Adjustment		
1.	Single- and/or two-family residential uses	\$50	0
2.	Other uses	\$75	0

Application Type		Application Fee		Escrow Amount
G.	Interpretation of the Land Use and Development Regulations or Zoning Map by Board of Adjustment	\$50		0
H.	Variances			
	1. Hardship or bulk variances			
	a. Single- and two-family residential (in-ground pools, detached garages, decks, sheds, fences, etc.)	\$250 ¹		0
	b. Vacant undersized/ nonconforming lots	\$250 ¹		\$3,500
	c. Multifamily or commercial	\$750 ¹		\$2,000
	2. Variances per N.J.S.A. 40:55D-70d			
	a. Single- or two-family residential	\$250 ¹		\$1,500
	b. Multifamily or commercial	\$500 ¹		\$3,500
	c. Uses other than a. or b. above with floor areas totaling 5,000 square feet or less	\$300		\$750

Application Type		Application Fee	Escrow Amount
	d. Uses other than a. or b. above with floor areas totaling more than 5,000 square feet	\$500	\$3,500
	e. Mixed uses: Proposals for mixed uses shall pay a fee equal to the sum of the fee for each element	\$0	\$3,500
I.	Variance for frontage on unimproved street (Board of Adjustment)	\$50	\$750
J.	Building permit in conflict with official map or building permit for but not related to a street	\$100	\$0
K.	Conditional uses	\$250	\$750
L.	Request for extension of time		
	1. Minor subdivisions	\$50	\$100
	2. Minor site plans	\$75	\$100
	3. Major subdivisions and site plans	\$100	\$100
M.	List of adjacent property owners	\$0.25 per name or \$10, whichever is greater	0

Application Type		Application Fee	Escrow Amount
N.	Copy of Land Use and Development Ordinance	\$65	0
O.	Zoning permit		0
	1. For awnings, storage containers, dumpsters, canopies, sheds and fences	\$25	
	2. For decks, garages, pole barns, swimming pools, additions and alterations	\$25	
	3. Signs	\$25	
	4. New homes and replacement of mobile homes	\$100	
	5. Gazebos, pergolas covers, retaining walls, tenant fix up, driveways (new or replacement)	\$25	
	6. Handicap ramp	\$25	
	7. Tree removal	\$75	
P.	Temporary permit	\$25	0
Q.	Fence permit	\$25	0
R.	Copy of Township Master Plan	\$100	0
S.	Copy of Zoning or Master Plan Map (24" x 36")		0
	1. Black line	\$10	
	2. Color	\$25	

Application Type		Application Fee	Escrow Amount
T.	Copy of Zoning or Master Plan Map (11" x 17")		0
	1. Black line	\$3	
	2. Color	\$5	
U.	Tax Map Revisions (includes lot subdivisions and consolidations and individual condominium parcels)	0	\$500 plus \$75 per lot subdivision or consolidation and individual condominium parcel
V.	Special meeting	\$2,000	0

NOTES:

Plus \$150 per each additional bulk variance

(2) Payment for professional and staff costs.

- (a) Professional and staff charges, costs and method of determination. The Township shall make all of the payments to professionals for services rendered to the Township for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of N.J.S.A. 40:55D-1 et seq. Such fees or charges shall be based upon the Fee Schedule adopted by resolution of the Council. The application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents and inspections of developments under construction and review by outside consultants when an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the Township. The only costs that shall be added to any such charges shall be actual out-of-pocket expenses of any such professionals or consultants including normal and typical expenses incurred in processing applications and inspecting improvements. The Township shall not bill the applicant or charge any escrow account or deposit authorized under Subsection C(2)(b) of this section for any municipal clerical or administrative functions, overhead expenses, meeting room charges, or any other municipal costs and expenses except as provided for in this section, nor shall a municipal professional add any such charges to his bill. If the salary, staff support and overhead for a professional are provided by the Township, the charge shall

not exceed 200% of the sum of the products resulting from multiplying: the hourly base salary, which shall be established annually by ordinance, of each of the professionals; by the number of hours spent by the respective professional on review of the application for development or the developer's improvements, as the case may be. For other professionals, the charge shall be at the same rate as all other work of the same nature by the professional for the Township when the fees are not reimbursed or otherwise imposed by on applicants or developers.

- (b) Escrow deposit. The developer shall make a deposit with the Township toward anticipated municipal expenses for these professional services. Such deposit shall be placed in an escrow account pursuant to N.J.S.A. 40:55D-53.1. The amount of the deposit shall be as set forth on the Fee Schedule.
- (c) Escrow payments. Each payment charged to the deposit for review of applications, review and preparation of documents and inspection of improvements, shall be pursuant to a voucher from the professional, which voucher shall identify the personnel performing the service, and for each date the service is performed, the hours spent to one-quarter increments, the hourly rate and the expenses incurred. All professionals shall submit vouchers to the Chief Financial Officer of the Township on a monthly basis in accordance with schedules and procedures established by the Chief Financial Officer. If the services are provided by a municipal employee, the municipal employee shall prepare and submit to the Chief Financial Officer a statement containing the same information as required on a voucher, on a monthly basis. The professional shall send an informational copy of all vouchers or statements submitted to the Chief Financial Officer simultaneously to the applicant. The Chief Financial Officer shall prepare and send to the applicant a statement which shall include an accounting of funds listing all deposits, interest earnings, disbursements, and the cumulative balance of the escrow account. The information shall be provided on a quarterly basis, if monthly charges are \$1,000 or less, or on a monthly basis if monthly charges exceed \$1,000. If the escrow account or deposit contains insufficient funds to enable the Township approving authority to perform required application reviews or improvement inspections, the Chief Financial Officer shall provide the applicant with a notice of the insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall within a reasonable time period post a deposit to the account in an amount to be agreed upon by the municipal approving authority and the applicant. In the interim, any required health

and safety inspections shall be made and charged back against the replenishment of funds.

- (d) Escrow closeout procedures. The following closeout procedure shall apply to all deposits and escrow accounts established under the provisions of N.J.S.A. 40:55D-1 et seq. and shall commence after the approving authority has granted final approval and signed the subdivision plat or site plan, in the case of application review escrows and deposits, or after the improvements have been approved as provided in N.J.S.A. 40:55D-53, in the case of improvement inspection escrows and deposits. The applicant shall send written notice by certified mail to the Township Council addressed in care of the Township Clerk, and by regular mail to the relevant municipal professional and the Chief Financial Officer, that the application or the improvements, as the case may be, are completed. After receipt of such notice, the professional shall render a final bill to the Chief Financial Officer within 30 days, and shall send a copy simultaneously to the applicant. The Chief Financial Officer shall render a written final accounting to the applicant on the uses to which the deposit was put within 45 days of receipt of the final bill. Any balances remaining in the deposit or escrow account, including interest in accordance with N.J.S.A. 40:55D-53.1, shall be refunded to the developer along with the final accounting. **[Amended 12-13-2004 by Ord. No. 04-042]**
- (e) Professional charges. All professional charges for review of an application for development, review and preparation of documents or inspection of improvements shall be reasonable and necessary, given the status and progress of the application or construction. Review fees shall be charged only in connection with an application for development presently pending before the approving authority or upon review of compliance with conditions of approval, or review of requests for modification or amendment made by the applicant. A professional shall not review items which are subject to approval by any state governmental agency and not under municipal jurisdiction except to the extent consultation with a state agency is necessary due to the effect of state approvals in the subdivision or site plan. Inspection fees shall be charged only for actual work shown on a subdivision or site plan or required by an approving resolution. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work and such inspections shall be reasonably based on the approved development plans and documents.

- (f) If the Township retains a different professional or consultant in the place of the professional originally responsible for development, application review, or inspection of improvements, the Township or approving authority shall be responsible for all time and expenses of the new professional to become familiar with the application or the project, and the Township or approving authority shall not bill the applicant or charge the deposit or the escrow account for any such service.
- (3) Township Engineer to estimate cost of installation of improvements. The cost of the installation of improvements for the purposes of N.J.S.A. 40:55D-53 shall be estimated by the Township Engineer based on documented construction costs for public improvements prevailing in the general area of the Township. The developer may appeal the Township Engineer's estimate to the County Construction Board of Appeals established under N.J.S.A. 52:27D-127.
- (4) Applicant notification on dispute of escrow charges; appeals; rules, regulations. An applicant shall notify, in writing, the Township Council, with copies to the Chief Financial Officer, the approving authority and the professional whenever the applicant disputes the charges made by a professional for service rendered to the Township in reviewing applications for development, review and preparation of documents, inspection of improvements, or other charges made pursuant to the provisions of N.J.S.A. 40:55D-1 et seq. The Township Council, or its designee, shall within a reasonable time period attempt to remediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the County Construction Board of Appeals established under N.J.S.A. 40:55D-53.4. An applicant or his authorized agent shall submit the appeal in writing to the County Construction Board of Appeals. The applicant or his authorized agent shall simultaneously send a copy of the appeal to the Township, approving authority, and any professional whose charge is the subject of the appeal. An applicant shall file an appeal within 45 days from receipt of the informational copy of the professional's voucher required by N.J.S.A. 40:55D-53.2. An applicant may file an appeal for an ongoing series of charges by a professional during a period not exceeding six months to demonstrate that they represent a pattern of excessive or inaccurate charges. An applicant making use of this provision need not appeal each charge individually.
- (5) Processing during appeals. During the pendency of any appeal, the Township or approving authority shall continue to process, hear, and decide the application for development, and to inspect the development in the normal course, and shall not withhold, delay, or deny reviews, inspections, signing or subdivision plats or site plans, the reduction or the release of performance or maintenance

guarantees, the issuance of construction permits or certificates of occupancy, or any approval or permit because an appeal has been filed or is pending under this section. The Chief Financial Officer of the Township may pay charges out of the appropriate escrow account or deposit for which an appeal has been filed. If a charge is disallowed after payment, the Chief Financial Officer of the Township shall reimburse the deposit or escrow account in the amount of any such disallowed charge or refund the amount to the applicant. If a charge is disallowed after payment to a professional or consultant who is not an employee of the Township, the professional or consultant shall reimburse the Township in the amount of any such disallowed charge.

D. Determination of completeness. Upon receipt of a favorable determination of completeness, notification of hearing date, and notification of appropriate Board, the applicant shall submit the requisite fees for the type of relief requested by the applicant and give notice in all cases as hereinafter provided.

E. Notice of applications.

(1) Public notice of a hearing shall be given for an extension of approvals for five or more years under Subsection d. of N.J.S.A. 40:55D-49 and Subsection b. of N.J.S.A. 40:55D-52; for modification or elimination of a significant condition or conditions in a memorializing resolution in any situation wherein the application for development for which the memorializing resolution is proposed for adoption required public notice, and for any other applications for development, with the following exceptions: minor conventional site plan review pursuant to N.J.S.A. 40:55D-46 and § 245-14F(1) of this chapter; minor subdivisions pursuant to N.J.S.A. 40:55D-47; or final approval pursuant to N.J.S.A. 40:55D-50. Public notice shall also be given in the event that relief is requested pursuant to N.J.S.A. 40:55D-60 or 40:55D-76 as part of an application for development otherwise excepted herein from public notice. Public notice shall be given by publication in the official newspaper of the Township, if there be one, or in a newspaper of general circulation in the Township.

(2) Notice of public hearing.

(a) Notice of a public hearing requiring public notice shall be given to the owners of all real property as shown on the current tax duplicates, and within 200 feet in all directions of the property which is the subject of such hearing; provided that this requirement shall be deemed satisfied by notice to the condominium association, in the case of any unit owner whose unit has a unit above or below it; or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by: serving a copy thereof on the property owner as shown on the said

current tax duplicate, or his agent in charge of the property; or mailing a copy thereof by certified mail to the property owner at his address as shown on the said current tax duplicate.

- (b) Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within 200 feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners or homeowners on account of such common elements or areas.
 - (c) Notice of a hearing requiring public notice pursuant to Subsection E(1) above shall also be given to public utilities and cable television companies in accordance with Subsection E(7) below.
- (3) Notice of hearings for applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of the municipality.
 - (4) Notice shall be given by personal service or certified mail to the Ocean County Planning Board of a hearing on an application for development of property adjacent to a county road or proposed road shown on the official county map or on the county master plan, adjoining other county land or situate within 200 feet of a municipal boundary.
 - (5) Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.
 - (6) Notice shall be given by personal service or certified mail to the State Planning Commission of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. The notice shall include a copy of any maps or documents required to be on file with the Municipal Clerk pursuant to N.J.S.A. 40:55D-10b.
 - (7) Notice to public utilities.
 - (a) Notice of hearings on applications for approval of a major subdivision or a site plan not defined as a minor site plan requiring public notice pursuant to Subsection E(1) above shall be given in the case of a public utility, cable television company or local utility which possess a right-of-way or easement within

the Township and which has registered with Manchester Township in accordance with Subsection E(7)(b) below, by: serving a copy of the notice on the person whose name appears on the registration form on behalf of the public utility, cable television company or local utility; or mailing a copy thereof by certified mail to the person whose name appears on the registration form at the address shown on the form.

- (b) Every public utility, cable television company and local utility interested in receiving notice pursuant to Subsection E(7)(a) above and N.J.S.A. 40:55D-12h, may register with the Township if the public utility, cable television company or local utility has a right-of-way or easement in the Township. The registration shall remain in effect until revoked by the public utility, cable television company, or local utility or by its successor in interest.
- (c) The Administrative Officer (Tax Assessor) shall adopt a registration form and shall maintain a record of all public utilities, cable television companies, and local utilities which have registered with the Township pursuant to Subsection E(7)(b) above. The registration form shall include the name of the public utility, cable television company or local utility and the name, address and position of the person to whom notice shall be forwarded, as required pursuant to Subsection E(7)(a) above and N.J.S.A. 40:55D-12h. The information contained therein shall be made available to any applicant, as provided in Subsection F and N.J.S.A. 40:55D-12c.
- (d) A registration fee of \$10 shall be required for any public utility, cable television company or local utility which registers to receive notice pursuant to Subsection E(7)(b) above.
- (8) All notices hereinabove specified in this section shall be given at least 10 days prior to the date fixed for the hearing and the applicant shall file an affidavit of proof of service with the Board holding the hearing on the application for development.
- (9) Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with N.J.S.A. 40:55D-14.
- (10) Form of notice. All notices required to be given pursuant to the terms of this chapter shall state the date, time, and place of the hearing, the nature of the matters to be considered and identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Township Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by law.

- F. List of property owners furnished. Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Administrative Officer, i.e., the Tax Assessor, shall within seven days after receipt of a request therefor and upon receipt of payment of a fee of \$10 or \$0.25 per name, whichever is greater, make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to Subsection E(2). In addition, the Administrative Officer shall include on the list the names, addresses and positions of those persons who, not less than seven days prior to the date on which the applicant requested the list, have registered pursuant to Subsection E(7). The applicant shall be entitled to rely upon the information contained in such list, and the failure to give notice to any owner or to any public utility, cable television company, or local utility not on the list shall not invalidate any hearing or proceeding.

§ 245-13. Approving agency submission procedures.

- A. Determination of completeness. Upon initial submission, 20 copies of the application form and the requisite accompanying documents shall be submitted to the Board Secretary/Coordinator, who will forward two copies of the documents to the Township Engineer for determination of completeness pursuant to this chapter. Should the application be deemed complete, said completeness shall be considered preliminary and final completeness shall be granted. An electronic or digital copy may be requested by the Board upon completion. The date of the determination of both preliminary and final completeness shall be recorded on the application form and the application shall be heard within the time provided in this chapter as measured from the date the application is granted final complete status. **[Amended 9-13-2010 by Ord. No. 10-023]**
- B. Determination of appropriate board. At the same time as the Township Engineer determines preliminary completeness, he shall also designate either the Manchester Township Planning Board or the Manchester Township Zoning Board of Adjustment to review the application. At the time of final completeness, the application and accompanying papers shall be referred to the Manchester Township Planning Board Secretary or the Manchester Township Zoning Board of Adjustment Secretary. All applications shall then be reviewed and decisions rendered within the time limits provided in this chapter or N.J.S.A. 40:55D-1 et seq.
- C. Distribution of application. Upon a determination as to which approving agency is to hear the application, the Administrative Officer shall forward the number of copies as provided of the application and accompanying documents to the following entities:
- (1) Two sets: Board Secretary.
 - (2) Nine sets: Board members.
 - (3) One set: Board Attorney.

- (4) One set: Environmental Commission.
- (5) One set: Township Clerk.
- (6) One set: Director of Public Works.
- (7) One set: Tax Assessor.
- (8) One set: Zoning Officer.
- (9) One set: Engineering Department.
- (10) One set: Police Department.
- (11) One set: Building Department.
- (12) One set: Utilities Department.

D. Conduct of hearings.

- (1) Oaths. The Officer presiding at the hearing or such persons as he may designate shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and production of relevant documents presented by the parties. The provisions of the County and Municipal Investigations Law, N.J.S.A. 2A:67 et seq., shall apply.
- (2) Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer and the right of cross examination shall be permitted to all interested parties through their attorneys, if represented or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitation as to time and number of witnesses.
- (3) Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.
- (4) Hearing recordings and transcripts. Each Board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronical means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense. The municipal agency, in furnishing a transcript of the proceedings to an interested party at his expense, shall not charge such interested party more than the actual cost of preparing the transcript or tape. Transcripts shall be certified in writing by the transcriber to be accurate. **[Amended 2-22-1999 by Ord. No. 99-001]**
- (5) County Planning Board approval. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3, the approving agency shall condition any

approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

- (6) Payment of taxes. Whenever an application for development involves real estate upon which taxes, assessments, or municipal charges have not been satisfied, the approving agency shall condition any approval of such application on the satisfaction of taxes, assessments, or municipal charges within 10 days of publication of the approving agency's decision.
- (7) Administrative procedures, rules, regulations, and standards. Requirements shall be the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Township of Manchester in the County of Ocean. Any action taken by an approving agency under the terms of this chapter shall give primary consideration to the above mentioned matters and to the welfare of the entire community. Any application which does not meet with the requirements established by this chapter or by other applicable regulations shall not be approved by the approving agency. However, if the developer or his agent can clearly demonstrate that, because of peculiar condition pertaining to his land the literal enforcement of one or more of these regulations is impracticable or will exact undue hardship, the approving agency may grant such relief as may be reasonable within the general purpose and intent of the rules, regulations and standards established by this chapter and within N.J.S.A. 40:55D-1 et seq.
- (8) Decisions by Planning Board and Board of Adjustment.
 - (a) Voting conditions. A member of the Planning Board or Board of Adjustment who was absent for one or more of the meetings at which a hearing was held or was not a member of the Board at that time, shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings; provided, however, that such board member has available to him the transcript or recording of all of the hearing from which he was absent or was not a member, and certifies in writing to the board that he has read such transcript or listened to such recording. **[Amended 2-22-1999 by Ord. No. 99-001]**
 - (b) Resolutions. Each decision on any application for development shall be set forth in writing as a resolution of the Board. The Board shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The Board shall provide the findings and conclusions through: **[Amended 2-22-1999 by Ord. No. 99-001]**

- [1] A resolution adopted at a meeting held within the time period provided for action by the Board on the application for development; or
 - [2] A memorializing resolution adopted at a meeting held not later than 45 days after the date of the meeting at which the municipal agency voted to grant or deny approval. Only the members of the Board who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. If only one member who voted for the action attends the meeting at which the resolution is presented for adoption, the resolution may be adopted upon the vote of that member. An action pursuant to N.J.S.A. 40:55D-9 (resulting from the failure of a motion to approve an application) shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution. The vote on any such resolution shall be deemed to be a memorialization of the action of the municipal agency and not to be an action of the Board; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailings, filings and publications required by N.J.S.A. 40:55D-10h and i. If the Board fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the municipal agency to reduce its findings and conclusions to writing within a stated time, and the cost of the application, including attorney's fees, shall be assessed against the municipality.
- (c) Distribution of decision. A copy of the decision shall be mailed by the Board within 10 days of the date of decision to the applicant or, if represented, then to his attorney without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the Board for such services. A copy of the decision shall also be filed in the office of the Township Clerk, who shall make a copy of such filed decision available to any interested party for a reasonable fee calculated in the same manner as those established for copies of other public documents in the Township. **[Amended 6-14-2010 by Ord. No. 10-012]**
 - (d) Publication of decision. A brief notice of every final decision shall be published in the official newspaper of the Township. Such publication shall be the responsibility of the applicant,

except in cases where the relief sought by the applicant is denied, in which case it shall be the responsibility of the Secretary of the Planning Board or Board of Adjustment, as the case may be. Said notice shall be sent to the official newspaper for publication within 10 days of the date of such decision and an affidavit of publication shall be provided to the Planning Board or Zoning Board of Adjustment by the applicant, at the applicant's expense, prior to the final execution of any plans or resolutions pursuant to a decision which requires publication.

- E. Appeals to the governing body from the Board of Adjustment. Any interested party may appeal to a court of competent jurisdiction any final decision of the Board of Adjustment approving an application pursuant to N.J.S.A. 40:55D-70d. **[Amended 7-9-2012 by Ord. No. 12-016]**
- F. Signing of maps. Upon the satisfaction of all conditions in the resolution of approval, the chairperson of the approving agency shall sign the map noting the approval and its date.
- G. Changes in improvements. If the approving agency requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, and which would render the original application inaccurate, an amended application for development shall be submitted and proceeded upon, as in the case of the original application, including the requisite fees.
- H. Filing subsequent to approval. **[Amended 4-25-2005 by Ord. No. 05-014]**
 - (1) Minor subdivisions. Subsequent to the approval and signing of the maps, two reproducible and six black on white prints of the final plat shall be filed with the Board Secretary/Coordinator, who shall forward copies to the following officials:
 - (a) Chief, Bureau of Inspections.
 - (b) Approving agency engineer.
 - (c) Approving agency secretary.
 - (d) Department of Public Works.⁹
 - (e) Tax Assessor.
 - (f) Zoning Officer.
 - (2) Major subdivisions/major and minor site plans. Subsequent to the approval and signing of the maps, two reproducible and eight black-on-white prints of the final plat shall be filed with the Board

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

Secretary/Coordinator, who shall forward copies to the following officials:

- (a) Chief, Bureau of Inspections.
- (b) Approving agency engineer.
- (c) Approving agency secretary.
- (d) Department of Public Works.¹⁰
- (e) Tax Assessor.
- (f) Zoning Officer.
- (g) Township Engineer (two).

§ 245-14. Time limits.

The following determination shall be made by the appropriate agency within the time periods provided herein:

- A. Completeness. By the Township Engineer 45 days from the date of submission to the Administrative Officer.
- B. Decision of Administrative Officer. Appeals to the Board of Adjustment may be taken by any person aggrieved, or by an officer, department, board, or bureau of the Township affected by any decision of the Administrative Officer or Zoning Officer based on or made in the enforcement of this chapter or the Official Map. Each appeal shall be taken within the 20 days prescribed by N.J.S.A. 40:55D-72 by filing a notice of appeal with the officer from whom the appeal was taken and thereafter following the application for development procedure found herein. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.¹¹
- C. Minor subdivisions.
 - (1) Minor subdivisions shall be granted or denied within 45 days of the submission of a complete application to the Administrative Officer or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period within the period prescribed shall constitute minor subdivision approval and a certificate of the Administrative Officer as to the failure of the Planning Board to act shall be issued on the request of the applicant; and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

shall be so accepted by the county recording officer for purposes of filing subdivision plats.

- (2) Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3, the Township Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required period.
- (3) Except as provided in Subsection C(5) below, approval of a minor subdivision shall expire 190 days from the date on which the resolution of municipal approval is adopted unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law or a deed clearly describing the approved minor subdivision is filed by the developer with the county recording officer, the Township Engineer and the Township Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the chairman and secretary of the Planning Board and the Township Engineer.
- (4) The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two years after the date on which the resolution of minor subdivision approval is adopted; provided that the approved minor subdivision shall have been duly recorded as provided in this section.
- (5) The Planning Board may extend the one-hundred-ninety-day period for filing a minor subdivision plat or deed pursuant to Subsection C(3) if the developer proves to the reasonable satisfaction of the Planning Board that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities; and that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Planning Board. The developer may apply for an extension either before or after the original expiration date.
- (6) The Planning Board shall grant an extension of minor subdivision approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for this extension before: what would otherwise be the expiration date; or the 91st

day after the developer receives the last of the legally required approval from the other governmental entities, whichever occurs later.

D. Preliminary approval of major subdivisions. Upon submission of a complete application for a subdivision of 10 or fewer lots, the approving agency shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developers. Otherwise, the approving agency shall be deemed to have granted preliminary approval for the subdivision.

E. Final subdivision approval.

(1) Application for final subdivision approval shall be granted or denied within 45 days of submission of a complete application or within such further time as may be consented to by the applicant. Final approval of a major subdivision shall expire 95 days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the County Recording Officer.

(2) The Planning Board may for good cause shown extend the period for recording for an additional period not to exceed 190 days from the date of the signing of the plat. The Planning Board may extend the one-hundred-ninety-day period if the developer proves to the reasonable satisfaction of the Planning Board: that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities; and that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Planning Board. The developer may apply for an extension either before or after the original expiration date.

F. Approval of a site plan.

(1) Minor site plan. Minor site plan approval shall be granted or denied within 45 days of the date of submission of a complete application to the Administrative Officer, or within such further time as consented to by the applicant. Failure of the Planning Board to act within the prescribed time shall constitute minor site plan approval. The approval of a minor site plan shall not require notice of a public hearing pursuant to N.J.S.A. 40:55D-12. Minor site plan approval shall be deemed to be final approval of the site plan by the Board, provided that the Board may condition such approval on terms ensuring the provision of improvements pursuant to N.J.S.A. 40:55D-38, -39, -41 and -53. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.6, the Township Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on

the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor site plan approval was granted, shall not be changed for a period of two years after the date of the minor site plan approval. The Planning Board shall grant an extension of this period for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for this extension before: what would otherwise be the expiration date; or the 91st day after the date on which the developer receives the last of the legally required approvals from the other governmental entities, whichever occurs later.

- (2) Preliminary site plan. Upon submission of a complete application for a site plan of 10 acres or less, the approving agency shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as consented to by the developer. Upon submission of a complete application for a site plan of more than 10 acres, the approving agency shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as consented to by the developer. Otherwise, the approving agency shall be deemed to have granted preliminary approval for the site plan.
- G. Final site plan. Application for final site plan approval shall be granted or denied within 45 days of submission of a complete application or within such further time as may be consented to by the applicant. Otherwise, the approving agency shall be deemed to have granted preliminary approval for the site plan.
- H. Time limits for ancillary powers of approving agency. Whenever the approving agency is called upon to exercise its ancillary power before the granting of a variance as set forth in this chapter, the approving agency shall grant or deny approval of the application 95 days after submission by the developer of a complete application or within such further time as may be consented to by the applicant. Failure of the approving agency to act within the period prescribed shall constitute approval of the application and a certificate of the Administrative Officer as to the failure of the approving agency to act shall be issued on request of the applicant.
- I. Time limits for governing body reviews of appeals. The Township Council shall conclude its review of the record below and reach its decision within 45 days of receipt of the transcript.

- J. Effect of preliminary and final subdivision or site plan approval. The preliminary subdivision or preliminary site plan approval shall have the effect set forth in N.J.S.A. 40:55D-49; a final subdivision or final site plan shall have the effect set forth in N.J.S.A. 40:55D-52; a development which has been given preliminary or final approval prior to the effective date of this chapter, shall be governed by the development, zoning and planning standards in effect at the time of preliminary approval.

§ 245-15. Conduct of regular business of approving agency.

A. Meetings.

- (1) Meetings of the approving agencies shall be scheduled no less often than once a month and any meetings so scheduled shall be held as scheduled unless canceled for lack of applications for development to process.
- (2) Special meetings may be provided for at the call of the chairman or on the request of any two board members which shall be held on notice to its members and the public in accordance with all applicable legal requirements.
- (3) No action shall be taken by less than a majority vote of members present as required by any provision of N.J.S.A. 40:55D-1 et seq.
- (4) All regular meetings and special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law, N.J.S.A. 10:4-6 et seq. An executive session for the purpose of discussing and studying any matters to come before either Board shall not be deemed a regular or special meeting in accordance with the provisions of N.J.S.A. 40:55D-9.

- B. Minutes. Minutes of all meetings shall be kept and shall include names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Township Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes for his use as provided for in the rules of the Board.

- C. Conflicts of interest. No member of the Planning Board or Board of Adjustment shall act on any matter in which he has either directly or indirectly any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matters nor participate in any discussion or decision relating thereto.

§ 245-16. Amendments to land use and development regulations; notice; protest.

- A. Amendments to Municipal Land Use and Development Regulations Chapter. The Township Council may, from time to time, on its own motion, or on petition, after public notice and hearing, amend, supplement, or change regulations and districts established by the Manchester Township Municipal Land Use and Development Regulations Chapter.
- B. Notice of hearings on amendments to land use and development regulations.
 - (1) Notice of a hearing on an amendment to the zoning regulations and Zoning Map proposing a change to the classification or boundaries of a zoning district, exclusive of classification or boundary changes recommended in a periodic general reexamination of boundary changes recommended in a periodic general reexamination of the Master Plan by the Planning Board pursuant to N.J.S.A. 40:55D-89, shall be given at least 10 days prior to the hearing by the Township Clerk to the owners of all real property as shown on the current tax duplicates, located, in the case of a classification change, within the district within 200 feet in all directions of the boundaries of the district, and located, in the case of a boundary change, within 200 feet in all directions of the proposed new boundaries of the district which is the subject of the hearing.
 - (2) A notice pursuant to this section shall state the date, time, and place of the hearing, the nature of the matter to be considered and an identification of the affected zoning districts and proposed boundary changes, if any, by street names, common names or other identifiable landmarks, and by reference to lot and block numbers as shown on the current tax duplicate in the Township Tax Assessor's office.
 - (3) Notice shall be given by: serving a copy thereof of the property owner as shown on the said current tax duplicate, or his agent in charge of the property; or mailing a copy thereof by certified mail and regular mail to the property owner at his address as shown on the said current tax duplicate.
 - (4) Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime community trust or homeowners' association, because of its ownership of common elements or areas located within 200 feet of the boundaries of the district which is the subject of the hearing, may be made in the same manner as to a

corporation, in addition to notice to units owners, co-owners, or homeowners on account of such common elements or areas.

- (5) The Township Clerk shall execute affidavits of proof of service of the notices required by this section, and shall keep the affidavits on file along with the proof of publication of the notice of the required public hearing on the proposed zoning change. Costs of the notice provision shall be the responsibility of the proponent of the amendment.
- C. Protest of proposed zoning amendments by property owners. A protest against any proposed amendment or revision of a zoning ordinance may be filed with the Township Clerk, signed by the owners of 20% or more of the area either: of the lots or land included in such proposed change; or of the lots or land extending 200 feet in all directions therefrom inclusive of street space, whether within or without the Township. Such amendment or revision shall not become effective following the filing of such protest except by the favorable vote of two-thirds of all the members of the Township Council.

§ 245-17. Ordinance amendments to be filed with County Planning Board.

Immediately upon adoption of this chapter and any amendments, the Township Clerk shall file a copy of this chapter with the Ocean County Planning Board as required by law. The Clerk shall also file with said County Planning Board copies of all ordinances of the Township relating to land use, such as the subdivision, zoning and site plan provisions of this chapter.

§ 245-18. Ordinance or Master Plan amendments in Pinelands Area to be filed with Pinelands Commission.

In amending this chapter, the Township Master Plan, or any other chapter regulating the use of land in the Pinelands Area, the Township shall comply with N.J.A.C. 7:50-3.45.

§ 245-19. Violations and penalties. [Amended 6-14-2010 by Ord. No. 10-012]

For each and every violation of the provisions of this chapter, its owner, general agent or contractor of a building or premises where such violation has been committed or shall exist and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, building contractor or any other person who commits, takes part or assists in such violation shall exist and for each and every day that such violation continues, shall be subject to the penalties included in Chapter 1, Article II, General Penalty, of the Township Code.

§ 245-20. General development plans: applications, processing and approvals. [Added 11-28-2005 by Ord. No. 05-053]

An applicant for the development of 100 acres or greater may submit a general development plan prior to the granting of a preliminary approval of that development by the planning board pursuant to N.J.S.A. 40:55D-46 and/or N.J.S.A. 40:55D-48. In the event application is made for general development plan approval, then the application and other requirements shall be governed by N.J.S.A. 40:55D-45 through 45.8.

ARTICLE IV
Zoning

§ 245-21. Short title.

This article shall be known and may be cited as the "Zoning Article of the Township of Manchester Municipal Land Use and Development Regulations Chapter."

§ 245-22. Administration and enforcement.

The provisions of this article shall be administered by the Township of Manchester, the Manchester Township Planning Board and/or the Manchester Township Board of Adjustment acting in accordance with the provisions of N.J.S.A. 40:55D-1 et seq.

- A. Ordinance to be administered and enforced by Zoning Officer. The provisions of this Article IV, Zoning, shall be administered and enforced by the Zoning Officer of the Township of Manchester.
- B. Zoning permits. Zoning permits shall hereafter be issued or denied by the Administrative Officer or his designee upon recommendation of the Zoning Officer prior to construction, erection or alteration of any structure or part of a structure, or land. All requests for zoning permits shall be made in writing by the owner or his duly authorized agent and shall include a statement of the use or intended use of the building or structure or land and shall be accompanied by a plan or plat showing thereon the exact size, shape and location of all proposed structures and all existing structures and such other information as may be necessary to provide for the enforcement of this chapter. A zoning permit shall be issued by the Administrative Officer for the installation of any utilities or for any other land improvements or development which have been previously approved or are contemplated by any approval granted by the Planning Board, Zoning Board of Adjustment or Department of Utilities, whichever case may apply. All zoning permits shall expire one year from the date of issuance. **[Amended 6-9-2008 by Ord. No. 08-020; 6-25-2012 by Ord. No. 12-015]**
- C. Temporary zoning permits. Temporary zoning permits may be issued by the Administrative Officer for the location of temporary trailers permitted by this chapter for a period not to exceed one year; however, the permit may be renewed for like periods until completion of construction. Such permits may be revoked or reissue refused in the event that the trailer is no longer used for the purposes for which the permit was issued or the use discontinued, subject to the penalties for violation of this chapter.
- D. Conformance of buildings transferred from one zone to another. If any area is hereafter transferred from one zone to another zone by a change in district boundaries, as herein provided, the provisions of this

chapter with regard to conforming buildings or premises existing in such transferred area are those existing at the time of passage of such amendment.

§ 245-23. Zoning districts.

- A. Zones. For the purpose of this article and in accordance with N.J.S.A. 40:55D-62, Power to zone, and, in the Pinelands Area, in accordance with N.J.A.C. 7:50-1 et seq., the Township is divided into the following classes of zones within the Coastal Area Facility Review Act (CAFRA) and Pinelands National Reserve Area and within the Pinelands Area of the Township, as follows.
- B. CAFRA Area and Pinelands National Reserve Area Zoning Districts. **[Amended 11-28-2005 by Ord. No. 05-053; 6-14-2010 by Ord. No. 10-012; 9-8-2014 by Ord. No. 14-015; 7-13-2015 by Ord. No. 15-010; 11-14-2016 by Ord. No. 16-036; 2-13-2017 by Ord. No. 17-002]**

R-A	Rural Agriculture
R-40	Residential 40,000 square feet
R-20	Residential 20,000 square feet
R-15	Residential 15,000 square feet
R-14	Residential 14,000 square feet
R-10	Residential 10,000 square feet
R-10A	Residential 10,000 square feet
RC	Retirement Community
RC-2	Retirement Community - 2
MF	Multifamily
MP	Mobile Home Park
FA-R	Forest Area - Receiving Area
FA-S	Forest Area - Sending Area
OR-LI	Office, Research and Light Industrial
O-P	Office Professional
B-1	Business
HD-3	Highway Development - 3 acres
HD-3A	Highway Development - 3 acres
HD-10	Highway Development - 10 acres
LI	Light Industrial
TC	Town Center

C. Pinelands Area Zoning Districts. **[Amended 6-14-2010 by Ord. No. 10-012; 9-8-2014 by Ord. No. 14-016; 7-13-2015 by Ord. No. 15-009; 7-10-2017 by Ord. No. 17-008]**

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

§ 245-24. Zoning Map and zone boundaries.

- A. Zoning Map.¹² The boundaries of the zones established herein are shown upon the map accompanying this chapter, made a part thereof, and entitled "Zoning Map, Township of Manchester." The Zoning Map is comprised of zoning districts which are referred to as: CAFRA and Pinelands National Reserve Area; and Pinelands Area. Descriptions of the zoning districts are presented separately for each geographic area. The Zoning Map is based upon this chapter adopted by Ordinance 97-008 on May 22, 1997, and amendments thereto as follows:

12. Editor's Note: The Zoning Map is included as Appendix 8, an attachment to this chapter. In addition, the Zoning Map is on file in the Township Clerk's office, and large-scale zoning maps are available for purchase.

Ordinance No.	Adoption Date
97-008	May 22, 1997
97-038	January 26, 1998
99-001	February 22, 1999
00-019	August 14, 2000
00-037	October 23, 2000
00-044	January 22, 2001
04-032	October 25, 2004
05-017	May 9, 2005
05-023	May 9, 2005
05-025	May 23, 2005
05-050	October 24, 2005
05-053	November 28, 2005
07-018	May 29, 2007
10-006	February 22, 2010
11-025	December 12, 2011
14-015	September 8, 2014
14-016	September 8, 2014
15-009	July 13, 2015
15-010	July 13, 2015
16-036	December 12, 2016
17-002	February 13, 2017
17-008	July 10, 2017

B. Zone boundaries. Where uncertainty exists as to any of said boundaries as shown on said map, the following rules shall apply:

- (1) Zone boundary lines are intended to follow the center line of the streets, railroads, rights-of-way, streams and lot or property lines as they exist on plats of record at the time of the passage of this chapter or amendments thereto, unless such zone boundary lines are fixed by dimensions shown on the Zoning Map.
- (2) Where such boundaries are not fixed by dimensions and where they approximately follow lot lines, and where they do not scale more than 50 feet distant therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- (3) In unsubdivided land and where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing thereon.

§ 245-25. General regulations.

The following general regulations shall be applicable in the CAFRA and Pinelands National Reserve Area and the Pinelands Area; provided, however, that within the Pinelands Area, minimum standards and exceptions established pursuant to N.J.A.C. 7:50-1 et seq. in § 245-31B shall be applicable.

- A. Application of regulations to structures, yards and open space. No building shall hereafter be erected and no existing building shall be moved, structurally altered, added to or enlarged, or rebuilt, nor shall any land be designed, used or intended to be used for any purpose other than those included among the uses listed as permitted uses for each zone by this chapter and meeting the requirements as set forth by the Schedules A through D included herein and constituting a part of Article IV, Zoning, of this chapter. Nor shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, building location, percentage of lot coverage, off-street parking space, and such other regulations designated in said schedules and this chapter for the zone in which such building or space is located. In the event of any such unlawful encroachment or reduction, such building shall be deemed to be in violation of the provisions of this chapter.
- B. Frontage required on an improved street. Every principal building shall be built upon a lot with frontage upon an improved street.
- C. Off-street parking required. Off-street parking space shall be provided as specified in § 245-28A, Off-street parking spaces. All such space shall be deemed to be required space on the lot on which the same is situated unless otherwise stated and shall not thereafter be encroached upon or reduced in any manner.
- D. Accessory building attached to main building. An accessory building attached to the principal building shall comply in all respects with the requirements for principal buildings of this chapter.
- E. Corner lots. Each corner lot shall provide the minimum front yard setback requirements for the respective zone for both intersecting streets that provide frontage to the lot. Rear yard shall be designated as those yards which provide access to the rear of the principle structure, opposite the front entranceway, and shall provide the minimum rear yard setback requirements for the respective zone. Any other yard or yards shall be considered side yards and provide the minimum conforming side yard setback requirements for the respective zone.
[Amended 3-25-2002 by Ord. No. 02-005]
- F. Yard requirements. No yard or other open space provided about any buildings for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or other open space for any other building.

G. Recycling areas in new multifamily dwellings.

- (1) There shall be included in any new multifamily dwelling developments that requires subdivision or site plan approval an indoor or outdoor recycling area for the collection and storage of residentially generated recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the Township Recycling Coordinator, and shall be consistent with the Township Recycling Plan adopted pursuant to N.J.S.A. 13:1E-99.13 and any applicable requirements of the Township Master Plan adopted pursuant to N.J.S.A. 13:1E-99.16.
- (2) The recycling area shall be conveniently located for the residential disposition of source-separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster. Pedestrian walkways shall be provided from all multifamily dwellings to any exterior recycling area in conformance with Americans with Disabilities Law accessibility standards.
- (3) The recycling area shall be well lit, and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked vehicles or other obstacles. Reasonable measures shall be taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers.
- (4) The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard, and which are located in an outdoor recycling area, shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.
- (5) Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.
- (6) Landscaping and/or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.

H. Outside display or sale of goods. Business structures or similar uses shall not display or maintain goods for sale outside of the structure, except as otherwise provided in this chapter.

I. Height limitation exceptions.

- (1) The height limitations of this chapter shall not apply to church spires, belfries, cupolas, domes not suitable for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads and necessary mechanical appurtenances usually carried above the roof level or to noncommercial radio and television antennas, except where, in the opinion of the Zoning Board, such may be deemed to interfere with aerial navigation or constitute a fire hazard.
- (2) Such features, however, shall not exceed in total coverage 15% of the total roof area and shall not exceed a reasonable height to be determined upon reference of all such cases to the Zoning Board by the Zoning Officer.

J. Public utility distribution and transmission facilities. Nothing in this chapter shall preclude the construction, operation and maintenance of public utility distribution and transmission or collection systems. Such distribution and transmission or collection systems may include systems of poles, wires, underground pipes, conduits, appurtenances for the transmission and/or distribution of the commodity or service pertaining to the public utility. Buildings or structures permitted by this subsection shall be necessary and accessory to the distribution and transmission or collection systems and shall be aesthetically compatible as much as possible with the uses permitted in the zone where said building or structure is located.

K. Illumination of buildings. Buildings and areas may be illuminated; however, the actual source of illumination shall be shielded from public view so that no direct glare is visible from a public right-of-way or from adjacent properties in accordance with § 245-86, Streetlighting.

L. Junkyards prohibited. Junkyards as defined in this chapter shall be prohibited in all zones.

M. Motor vehicle storage and display of sales items on residential lots.

- (1) No unregistered or other motor vehicle which is inoperable, except temporarily while undergoing minor repair by its owner, shall be stored in any residential lot in any zone.
- (2) A homeowner or tenant may place one motor vehicle for sale on or at a property where said homeowner or tenant resides and where said vehicle is currently registered and owned by that homeowner or tenant. The vehicle must be legally parked pursuant to all state and local regulations and may have no more than two FOR SALE signs no larger than 18 inches by 12 inches. The telephone number of the homeowner or tenant must be conspicuously displayed on the FOR SALE sign. **[Amended 2-8-2010 by Ord. No. 10-004]**

- N. Storage prohibited in the open, in trailers or in vehicles. Other than permitted storage yards in the industrial zones, accessory storage in conjunction with building supply, house and garden centers, outdoor display and storage of motor vehicles in car lots, no material whatsoever shall be permitted to be stored in the open, in trailers or other vehicles whether registered or unregistered, operable or inoperable, temporarily or permanently for more than 30 days. **[Amended 6-12-2006 by Ord. No. 06-017]**
- O. Temporary use of trailers for offices and storage at construction sites. The use of trailers for offices or for temporary storage of building materials at construction sites and as temporary quarters for the purpose of conducting business until completion of the permanent structure is permitted subject to the obtaining of a temporary zoning permit.
- P. Temporary use of trailers for scientific or experimental purposes. The use of trailers for scientific or experimental purposes operated by the State of New Jersey, its institutions and agencies, the Township of Manchester, or the County of Ocean is permitted on a temporary basis.
- Q. Conditional uses. In the case of conditional uses, the terms of the conditional use regulations contained in Article VIII, Conditional Use Permits, Procedures and Requirements, shall apply.
- R. Churches and/or places of worship: four acres required. Notwithstanding any other provision, churches and/or places of worship may be permitted on lots not less than four acres in size. The front yard setback shall be equal to the greater of the front setback of the zone where the site is located or 50 feet. The site shall be located on a state, county, or major collector road. **[Amended 11-14-2016 by Ord. No. 16-036; 2-13-2017 by Ord. No. 17-002]**
- S. Poultry, farm animals and wildlife: limitations and requirements. **[Amended 2-22-2010 by Ord. No. 10-006]**
- (1) It shall be unlawful to maintain in any residential zone or planned retirement community any poultry, pigeons, farm animal, such as, but not limited to, horses, cows, pigs, ducks, and rabbits or other wildlife; or any building or accessory building, as defined, to house or shelter any poultry, pigeons, farm animals, such as, but not limited to, horses, cows, pigs, ducks and rabbits or other wildlife except as hereafter provided in Subsection S(2) below. The term poultry, farm animal or other wildlife shall not include domesticated household pets of four or less in number maintained on a residential lot and accessory to a residential use.
 - (2) Farm animals shall be permitted within the PPA, PFA-S, PFA-R, FA-S, FA-R, WTRA, R-A, R-40 and BVR-40 Zones, provided as follows:
 - (a) Pigs and hogs shall be prohibited in all zones.

- (b) Small farm animals such as poultry, pigeons, goats, and sheep shall be permitted on lots of not less than two acres and further provided that all pens, coops, barns and shelter buildings shall be a minimum of 50 feet from any adjoining property line.
 - (c) Large farm animals, including horses, cows, llamas, ostriches, emus and similar types of animals shall be permitted on lots of not less than five acres; provided, however, that there shall be a minimum of three acres for the first horse, cow or other large animal and a minimum of one additional acre for each additional horse or cow. All pens, coops, barns and shelter buildings shall be a minimum of 50 feet from any adjoining residential property line and a minimum of 100 feet from any adjoining residential structure.
 - (3) This chapter shall not abrogate the responsibilities of compliance with state or county regulations dealing with the maintenance of animals.
- T. Nonconforming structures and uses in existence as of March 4, 1961. Any single-family dwelling unit which was existing as of March 4, 1961, and conformed to the requirements of the Zoning Ordinance adopted March 4, 1961, and any single-family dwelling unit which was built subsequent to March 4, 1961, and which was conforming to the ordinances in effect at the time of construction of such dwelling unit, may be continued upon the lot so occupied and such structure may be restored or repaired in the event of partial destruction. Furthermore, additions or accessory structures may be built upon a lot where such single-family dwelling unit exists without the necessity of obtaining a variance, provided that the addition or accessory structure meets the setback requirements in effect at the time of application for a building permit for said construction.
- U. Nonconforming lots created by governmental action. Whenever a nonconformity is created by or exists solely by reason of the exercise of a governmental right of eminent domain to a lot that was conforming or would have been conforming prior to the date of the exercise of eminent domain, no bulk variance(s), i.e., lot area, side yard setback, front yard setback, etc., shall be required to use the property as though it were conforming in that respect. The "exercise of governmental right of eminent domain," for purposes of this subsection, shall be evidenced by the filing of an eminent domain complaint by a governmental entity in a court of competent jurisdiction, which complaint shall set forth the taking of property which results in the nonconformity from which relief is sought. In the absence of the filing of such a complaint or if the eminent domain proceeding was subsequently abandoned by the governmental entity, there shall exist a presumption that the nonconformity was not created by or exists solely by reason of the exercise of a governmental right of eminent domain unless the governmental entity has properly authorized and executed a written instrument recorded in the Ocean County Clerk's Office within 30 days

of its execution, evidencing the fact that a particular conveyance of property was made to it, or to a third party at its request, which conveyance results in the conformity from which relief is sought.
[Amended 8-14-2000 by Ord. No. 00-019]

§ 245-26. Performance standards.

- A. General intent. As a condition to conducting of any building process, installation, production, or other use in any residential, commercial or industrial zone, the applicant shall supply evidence satisfactory to the approving agency or its designated representative that the proposed use will conform fully with all of the standards stated herein. As evidence of compliance, the approving agency may require certificates of tests by appropriate governmental agencies or by recognized testing laboratories; any cost thereof shall be borne by the applicant. The approving agency may require that specific devices be installed and that operating procedures be followed if government agencies or testing laboratories determine that the use requires such in order to assure compliance with performance standards.
- B. Smoke control. No person shall cause, suffer, allow or permit to be emitted into the outdoor atmosphere substances in quantities which shall result in air pollution. The New Jersey Air Pollution Control Code, Chapters 1 through 13, inclusive, administered by the New Jersey Department of Health, shall apply as lawfully adopted regulations.
- C. Control of dust and dirt, fly ash and fumes, vapor and gases. No person shall cause, suffer, allow or permit to be emitted into the outdoor atmosphere substances in quantities which shall result in air pollution. The New Jersey Air Pollution Control Code, Chapters 1 through 13, inclusive, administered by the New Jersey Department of Health, shall apply as lawfully adopted regulations.
- D. Control of noise. As controlled by Chapter 275, Article I, Noise Control.
- E. Control of odors. Odors shall be regulated and controlled by the Ocean County Odors Health Department.
- F. Control of glare or heat. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely unnoticeable from any point beyond the property of the creator of such disturbance.
- G. Control of radioactivity or electrical disturbance. No activities shall be permitted which emit dangerous or harmful radioactivity. There shall be no disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property of the creator of such disturbance.
- H. Fire and explosive hazard. The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning and the storage or utilization of materials or products ranging from

free or active burning as determined by the Bureau of Inspections is permitted subject to compliance with all other performance standards, provided that any and all materials, goods, products and liquids shall receive protection and be stored in such fashion as to be in conformity with standards prescribed by the National Fire Protection Association and requirements of applicable laws and ordinances.

I. Outdoor storage and waste disposal.

- (1) All outdoor storage facilities shall be enclosed by a fence to conceal the facilities from any adjacent properties.
- (2) Materials or wastes shall not be deposited upon a lot in such a form and manner that may cause the substance to be transferred off the lot by natural causes or forces.
- (3) All materials or wastes which might cause fumes or dust which constitute a fire hazard, or attract rodent or insects shall be stored outdoors in closed containers.

J. Sewerage and industrial waste discharge. No use shall be conducted in such a way as to discharge any sewerage or industrial waste except as shall be approved by the County Health Officer and/or the Manchester Township Utilities Department.

K. Provisions and use of water. All water requirements shall be stated in the application. Supply of water shall comply with the Manchester Township Utilities Department and all state and federal requirements regulating use and supply of water.

§ 245-27. Sign regulations: permitted uses.

A. Rural Agricultural (RA) Zone and Residential (R-40, R-15, R-14, R-10, and R-10A) Zones. **[Amended 6-28-2010 by Ord. No. 10-013; 9-8-2014 by Ord. No. 14-015; 7-13-2015 by Ord. No. 15-010]**

- (1) A decorative sign showing the name and/or address of house or family, no larger than two square feet in area.
- (2) Signs may be illuminated; however, the actual source of illumination shall be shielded from public view, with the exception of neon signs. Nonstreaming LED-lighted informational signs will be allowed on the site pylon sign. There shall be a time delay of not less than six nor more than eight seconds between any form of messages.
- (3) Official signs of the federal government, the State of New Jersey, the County of Ocean and the Township of Manchester.
- (4) Signs identifying and announcing events of houses of worship, schools, hospitals, parks, playgrounds, public utility installations and other permitted institutions shall not exceed 36 square feet in area for each side.

- (5) Identification signs for farms shall not exceed a total of 10 square feet in area for each side; two such signs may be permitted.
- (6) A sign identifying a permitted home occupation or a professional office in the home. The sign area shall not exceed two square feet.
- (7) Signs identifying and advertising a development approved by the Township. Total area per each sign shall not exceed 36 square feet each. Two such signs may be permitted.
- (8) Permanent identification signs, signs identifying subdivisions, PRC or multifamily developments shall be approved with the subdivision on a case-by-case basis.

B. Business (B-1) Zones.

- (1) Those signs permitted in the Rural Agricultural Zone (RA) for those uses permitted in both zones.
- (2) Signs identifying a permitted business use are subject to the limitations of Subsection E, General sign regulations, and to the following:
 - (a) A wall sign shall not exceed 40% of its signable area or 60 square feet, whichever is less.
 - (b) A ground sign shall not exceed 60 square feet in area.
 - (c) Directional signs may be permitted on the premises; however, no such sign shall exceed six square feet.

C. Highway Development (HD-3, HD-3A and HD-10).

- (1) For commercial uses, those signs permitted in the business zones.
- (2) Signs identifying a permitted business or industrial use are subject to the limitations of Subsection E, General sign regulations, and to the following:
 - (a) A wall sign shall not exceed 40% of its signable area or 60 square feet, whichever is less.
 - (b) A ground sign shall not exceed 100 square feet in area.

D. Industrial and Office-Professional (LI, OR-LI and O-P) Zones.

- (1) Signs identifying a permitted use are subject to the limitations of Subsection E, General sign regulations, and to the following:
 - (a) A wall sign shall not exceed 20% of its signable area or 60 square feet, whichever is less.
 - (b) A ground sign shall not exceed 30 square feet in area or six feet in height.

- (2) Traffic control signs. Signs controlling ingress and egress, as well as signs directing traffic on interior roads, or in parking areas, shall be regulated in number and location by the approving agency site plan approval.
- (3) Temporary signs. One temporary sign pertaining to the lease or sale of the same lot or construction of the building on which it is placed. Such signs shall be nonflashing, shall be situated within the property lines of the premises to which it relates, shall not exceed eight square feet in total area, and shall be promptly removed when said lease, sale or construction shall have been completed or discontinued.

E. General sign regulations. **[Amended 9-25-2000 by Ord. No. 00-024]**

- (1) No sign with any lighting or control mechanism which may cause radio or television interference shall be permitted nor shall any sign cause any glare off the premises.
- (2) Signs may be illuminated; however, the actual source of illumination shall be shielded from public view, with the exception of neon signs. However, flashing, blinking or intermittent variations in the illumination of a sign shall not be permitted.
- (3) No sign shall overhang a public right-of-way or passageway used by the public, nor extend more than 24 inches from the face of any building.
- (4) All signs shall require a permit, except those that are exempted. **[Amended 6-14-2010 by Ord. No. 10-012]**
- (5) The setback for all ground signs requiring permits shall be at least 1/2 the required setback or front yard depth as required for the principal building. Setbacks for signs along Route 70 where the right-of-way is greater than 50 feet in depth from the edge of pavement shall be determined by the approval agency in a manner which will provide a setback suitable for the site in terms of setback from the edge of pavement and sight triangle clearance.
- (6) No sign not erected for the purpose of protecting the public health and safety shall simulate any official, directional or warning signs erected or maintained by a federal, state, county or local government, public utility or public agency.
- (7) The limitations on signs as set forth for this article shall not apply to any sign or directional device erected by the federal, state, county or Township government, or any agency thereof, nor to any "no trespassing signs" erected in accordance with the applicable statutes of the State of New Jersey.
- (8) Billboards prohibited. No commercial or other billboards shall be permitted in any zone.

- (9) Pennants, flags, posters, pinwheels and other attention-attracting forms of advertising shall not be permitted.
- (10) Roof signs prohibited. All roof signs are prohibited.
- (11) Animated or moving signs. No animated or moving signs shall be permitted except for the required movement of time and temperature displays.
- (12) Exempt signs. The following signs shall be exempt from the requirement of obtaining a sign construction permit:
 - (a) Governmental signs erected or authorized by a governmental unit.
 - (b) Nameplate signs, provided that such signs are limited to no more than one wall or ground sign per occupancy; are not more than 75 square inches in area; are nonilluminated or externally illuminated; and, if a ground sign, are not more than three feet in height.
 - (c) Flags and emblems of a government or of a political, civic, philanthropic, educational or religious organization.
 - (d) Private sale and event signs, provided that such signs are no more than six square feet in area; are located entirely on the premises where such sale or event is to be conducted or on other private property pursuant to the owner's consent; are clearly marked with the name, address and telephone number of the person responsible for the removal of such sign; are erected not more than 36 hours in advance of such sale or 45 days in advance of such event; and are removed on the day following the conclusion of such sale or event. No more than four signs may be placed on any business property nor more than one on any residential property.
 - (e) Traffic signs and signals. Temporary or permanent traffic signs and signals installed or authorized by the Township, county, or state for the purpose of directing and regulating the flow of traffic.
 - (f) Public transportation signs. Signs indicating public transportation stops when installed or authorized by the Township or a public transportation authority or agency.
 - (g) Vacated property signs, provided that only one such sign shall be provided either affixed to a building wall or located within a window; not exceeding six square feet in area; nor displayed for longer than 60 days following vacating the property.
 - (h) Warning signs, provided that such signs are limited to no more than two wall or ground signs per occupancy; are not more

than three square feet in area each; are nonilluminated; and, if a ground sign, are not more than three feet in height.

- (i) Nonilluminated window signs visible in windows of business uses abutting a public roadway or parking facility; provided that the total graphic content coverage area of a window sign shall not exceed 20% of the area of the window in which it is exhibited and the aggregate area of all window signs shall not exceed 15% of the total window area of all windows containing any signs; provided, however, that a minimum of 20 square feet of window signs will be permitted regardless of window area covered.
- (j) Special events signs provided that there are no more than three placed in any business at any given time and they are nonilluminated and are maintained for a period of no longer than 45 days before the applicable event nor more than three days after such event.
- (k) On-site informational signs, provided that each sign is limited to a wall, window or ground sign of not more than two square feet in area and not more than seven feet in height above grade. The sign may include a business name or logo but shall not include any advertising message. In locations where more than one business share a common vehicular access, signs marking entrances and exits shall contain only the name of the shopping or business center. Multiple signs identifying each tenant or use are specifically prohibited.
- (l) Signs on machines. Signs which are an integral part of vending machines, including gasoline pumps, milk and ice machines, provided that they do not collectively exceed three square feet in area per machine.
- (m) Interior signs. Signs which are located within a building and not within 18 inches of a window visible from a public street or public parking facility.
- (n) Political signs. It is required that on nonresidential property, such signs be not more than 12 square feet in area if located in a nonresidential district and not more than six square feet if located in a residential district; are clearly marked with the name, address and telephone number of the person responsible for the removal of such sign; are erected not more than 30 days prior to such election; and are removed within seven days following such election.
- (o) Special sales signs meeting the restrictions of this section, displayed not more than three days prior to nor three days after these "sale" days:

[1] Washington's Birthday.

[2] Columbus Day.

[3] Any "sale" day or group of "sale" days designated as such by resolution of the Township Council.

(13) Nonexempt signs. The following signs are not exempt and require municipal agency approval:

(a) Signs that do not conform, in all respects, to the details and design standards for the particular type.

(b) All signs when requested as part of an application for site plan, subdivision, or conditional use approval before the Planning Board or Board of Adjustment.

(14) Nonconforming signs. A nonconforming sign shall be made to conform to the sign standards when:

(a) The sign is more than partially destroyed, as determined by the Township Zoning Officer.

(b) The sign has not been used for a period of six months or longer.

(c) The sign is substantially modified.

(d) The sign is relocated on the same or different premises.

(e) The sign is located on premises which are the subject of site plan, subdivision, variance or conditional use approval.

(15) Number of signs. The number of signs, other than exempt signs, shall be limited as follows:

(a) One ground sign, as defined, is permitted per site on sites of 50 acres or less; two ground signs are permitted on sites of 50.1 to 200 acres; three ground signs are permitted on sites of 200.1 to 300 acres; and four ground signs are permitted on sites greater than 300 acres, subject to the following limitations:
[Amended 11-28-2005 by Ord. No. 05-053¹³]

[1] The principal building on the site is set back at least 50 feet from the street line.

[2] A ground sign exceeding 60 square feet in area shall only be located on a site having a frontage of 500 feet or more on a highway having four or more moving lanes.

[3] A ground sign of more than six square feet shall only be located on a frontage of 100 feet or more.

13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

- [4] A ground sign of more than six square feet shall not be located any closer than 100 feet to any other ground sign which is more than six square feet in area.
- [5] Ground signs shall not be located nearer than 15 feet to any property line nor within 50 feet of an intersection.
- [6] A ground sign more than 60 square feet in area shall not exceed 22 feet in height. A ground sign of 60 square feet or less shall not exceed 18 feet in height.

(b) One wall sign, as defined, is permitted per site or per business establishment, subject to the following limitations:

- [1] Wall signs shall only be located within the signable area of the building, as defined. Applications for wall signs shall identify the signable area.
- [2] In a multitenanted building, each business establishment which occupies the space at ground level and fronts upon and has its own exterior public entrance from a street or off-street parking area may have one wall sign in the tenant's signable area.
- [3] Where a building is so situated that it fronts upon two or more public roads, one wall sign may be affixed to each wall, provided such additional walls do not front a residential district.

(16) Sign measurement.

- (a) Area to be included. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign if such structure or bracing is not part of the message or sign face and if such structure or bracing is less than 20% of the sign width. Where a sign has two sign faces back to back and parallel to each other, the area of only one face shall be included in determining the area of the sign.
- (b) Area of signs with backing. The area of all signs with backing shall be measured by computing the area of the sign backing.
- (c) Area of signs without backing. The area of all signs without backing shall be measured by computing the area of the smallest geometric figure which can encompass all words, letters, figures, emblems and other elements of the sign message with a clearance of at least four inches from any such element.
- (d) Area of signs with and without backing. The area of all signs formed by a combination of elements with and without backing shall be measured by combining the area of such elements measured in accordance with the foregoing subsections.

- (e) Height of signs. Sign height shall be measured between average grade and the highest point of the highest element of the sign.
- (17) Multiple sign faces. No sign may contain more than one sign face, except that two sign faces back to back and parallel to each other (no angle between sign faces, commonly known as a double-faced sign) shall be permitted. No double-faced sign shall be greater than 18 inches in thickness as measured between sign faces.
- (18) Graphic content coverage. The maximum coverage of any sign face by graphic contents shall not exceed 60%.
- (19) Sign program requirements for shopping centers, industrial parks and office parks.
 - (a) A shopping center, industrial park or office park shall submit a program for signs to the approval agency as part of its submission for preliminary site plan approval. The program for signs shall include signs proposed for display by the activities within these developments.
 - (b) The program for signs shall include a visual representation of the lettering, illumination, color, area, height, placement and location of the signs proposed for display.
 - (c) The approval agency may approve a program for signs if the signs visually represented in the program are appropriate to the function and architectural character of the shopping center, industrial park or office park. The approval agency may apply such restrictions on color, size, location, lettering style, illumination and number of signs to the sign program as it deems appropriate to the purpose of encouraging a desirable visual environment and promoting good civic design and arrangements.
 - (d) Signs displayed by, or by an activity within, a shopping center, industrial park, or office park must comply with an approved program for signs.
 - (e) The ground sign designating the shopping center, industrial park or office park shall not contain more than 10 items of information. A syllable of a word, an initial, a logo, an abbreviation, a symbol or a geometric shape shall be counted as an item of information, except for the following:
 - [1] The name of the center or park shall not be counted as more than four items of information.
 - [2] Letters three inches or less in height do not count as items of information.

- (20) Signs in the Pinelands Area. Signs within the Pinelands Area are regulated by N.J.A.C. 7:50, Pinelands Comprehensive Management Plan, and § 245-27 of this chapter.

§ 245-28. Parking, loading and vehicular access.

A. Off-street parking spaces.

- (1) Off-street parking, unloading and service requirements of this section shall apply and govern in all present and future zoning districts of the Township. Except as provided in this section, no application for a building permit shall be approved unless there is included with the plan for such building, improvement or use a plot plan showing the required space reserved for off-street parking, unloading and service purposes. An occupancy permit shall not be given unless the required off-street parking, unloading and service facilities have been provided in accordance with those shown on the approved plan.
- (2) No land shall be used or occupied, no structure shall be designed, created, altered, used or occupied, and no use shall be operated unless off-street parking and loading facilities are provided in at least the amount and maintained in the manner required by this chapter; provided, however, that any use in operation on the effective date of these regulations is not affected by the provisions of this section until such time as the existing gross floor area is increased.

- B. Number of spaces. Off-street parking spaces shall be provided as set forth in the Off-Street Parking Requirements Chart.

Off-Street Parking Requirements

Use	Spaces
One-, two-, three-, four-family dwellings [Amended 9-8-2014 by Ord. No. 14-015; 7-13-2015 by Ord. No. 15-010]	Per requirements of N.J.A.C. 5:21, New Jersey Residential Site Improvement Standards
Multifamily dwelling [Amended 9-8-2014 by Ord. No. 14-015; 7-13-2015 by Ord. No. 15-010]	Per requirements of N.J.A.C. 5:21, New Jersey Residential Site Improvement Standards
Rooming and boardinghouses	1 per dwelling unit plus 1 for every employee
Hotels and motels	1 per rented unit plus 1 for each employee and 5 additional spaces
Banks	1 per 150 square feet of floor area

Off-Street Parking Requirements

Use	Spaces
Retail and service stores, business	1 per 200 square feet of floor area professional offices, except as otherwise specified
Barber and beauty shops	1 per barber or beauty chair and 1 per employee
Retail furniture and appliance	1 per 400 square feet of store floor area
Stores:	
Supermarkets	1 per 160 square feet of floor area
Convenience store	2 per 160 square feet of floor area
Freestanding eating places [Amended 5-29-2007 by Ord. No. 07-019]	1 for every 4 customer seats, 1 for every employee and 1 for every linear foot of bar
Eating places in shopping plazas, shopping centers and neighborhood shopping centers [Amended 5-29-2007 by Ord. No. 07-019]	1 for every 6 customer seats, 1 for every employee and 1 for every 2 linear feet of bar
Laundromats	1 per 2 washing machines
Motor vehicle sales and service	1 per 200 square feet of floor area
Bowling alleys	4 per alley
Auditoriums, places of worship, theaters, stadiums	1 per four seats
Community centers, union halls, and similar places of assembly	1 per every 4 persons who may legally be admitted
Mortuaries and funeral homes	1 per 50 square feet of floor area (excluding storage, preparation and office space)
Hospitals, nursing homes and similar institutional uses	1 per 4 beds and every 2 employees and staff on the maximum shift
Industrial or manufacturing	1 per 1 1/2 employees on maximum shift
Swim clubs	1 per person of the pool capacity divided by 2
Other	Number of spaces as specified by the Manchester Township approving agency

- C. Size of parking space. **[Amended 9-8-2014 by Ord. No. 14-015; 7-13-2015 by Ord. No. 15-010]**

- (1) Residential uses. Each parking space shall conform with the requirements of N.J.A.C. 5:21, New Jersey Residential Site Improvement Standards.
 - (2) Nonresidential uses. Each parking space shall not be less than 10 feet in width and 20 feet in length.
 - (3) ADA parking spaces. Parking spaces for the physically handicapped shall comply with the requirements of the Federal Americans with Disabilities Act. The parking spaces shall be no less than 12 feet in width nor 20 feet in depth. Striping and signage of handicapped spaces shall conform to the handicapped parking and signage detail provided herein.
- D. Parking areas. Parking, loading and access areas shall be located as follows:
- (1) Off-street parking spaces to be provided as specified above shall be provided with necessary parking aisles and driveways. All such spaces shall be deemed to be required spaces on the lot on which the principal use is situated and shall not thereafter be encroached upon or reduced in any manner. Such parking areas shall be surfaced in accordance with § 245-81N, clearly marked for car spaces, and shall be adequately curbed and drained in accordance with § 245-81O. No curbing shall be required in residential driveways.
 - (2) Except as otherwise provided by the zoning district, parking facilities may be located in any yard space, but shall not be closer than 20 feet from any street right-of-way line or any easement dedicated for roadway purposes and shall not be closer to a rear property line than 10 feet or a distance equal to 1/2 of the required rear yard depth, whichever is greater, and shall not be closer to a side property line than 10 feet or 1/4 of the minimum side yard, whichever is greater, except as further restricted in the provisions below.
 - (3) No parking areas in any business zone may be located within 25 feet of a residential zone boundary. This provision shall not be construed to permit an infringement on any required buffer area.
 - (4) Parking areas in industrial zones shall be located at least 40 feet from a boundary of a residential zone.
 - (5) A garage parking space may be included in the calculation for number of spaces provided.
 - (6) Parking areas and driveways thereto required for commercial or industrial uses shall be adequately illuminated during operating hours which occur after sunset. Any adjacent residential zones shall be shielded from the glare of said illumination and that of automobile headlights.

E. Loading areas.

- (1) For every building, structure or group of buildings or structures constituting a coordinated development having over 10,000 square feet of gross floor area erected and occupied for any use other than residential, there shall be provided at least one truck standing, loading and unloading space on the premises not less than 12 feet in width, 35 feet in length and a minimum vertical clearance of 14 feet. Buildings or groups of building that contain in excess of 15,000 square feet of gross floor area shall be required to provide additional off-street loading spaces as determined by the municipal agency during site plan review.
- (2) All commercial truck loading and unloading areas shall be provided in sufficient amount to permit the transfer of goods and products in other than a public street or public parking area, and shall be located separately from such area.
- (3) Each industrial use shall provide truck loading or unloading facilities on the same lot and in other than the required front yard area so as to permit the transfer of goods in other than a public street.
- (4) Unless otherwise permitted, fire zones shall not be used as standing, loading or unloading areas.

F. Handicapped parking and passenger loading requirements. **[Amended 2-22-1999 by Ord. No. 99-001; 2-28-2005 by Ord. No. 05-002]**

- (1) Accessible parking spaces. In accordance with the Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities (ADAAG), every parking lot or parking garage shall have at least the number of accessible parking spaces for the handicapped as set forth below:

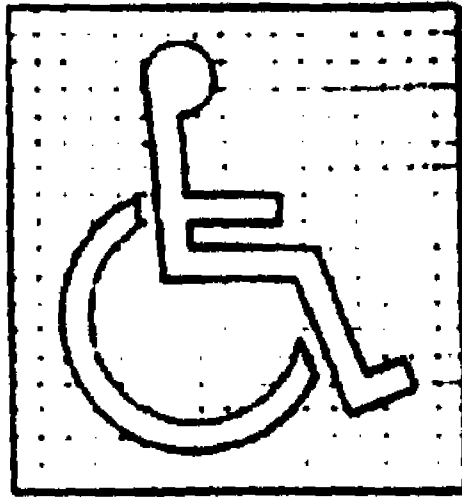
ADAAG Accessible Parking Spaces

Total Parking Spaces in Lot	Required Number of Accessible Spaces
1 to 10	1
11 to 25	2
26 to 50	3
51 to 75	4
76 to 100	5
101 to 150	6
151 to 200	7
201 to 300	8
301 to 400	9
401 to 500	10

ADAAG Accessible Parking Spaces

Total Parking Spaces in Lot	Required Number of Accessible Spaces
501 to 1,000	2% of total plus 1
1,001 and over	20 plus 1 for each 100 over 1,000

- (2) Medical care facilities. At facilities providing medical care and other services for persons with mobility impairments, parking spaces for the handicapped shall be provided in accordance with the table in Subsection F(1) above except as follows:
 - (a) Outpatient units and facilities: 10% of the total number of parking spaces provided serving each such outpatient unit or facility;
 - (b) Units and facilities that specialize in treatment or services for persons with mobility impairments: 20% of the total number of parking spaces provided serving each such unit or facility.
- (3) Valet parking. Valet parking facilities shall provide a passenger loading zone in compliance with ADAAG located on an accessible route to the entrance of the facility.
- (4) Location. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
- (5) Parking spaces. Accessible parking spaces shall be at least 96 inches (2,440 mm) wide. Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with ADAAG for an accessible route. Two accessible parking spaces may share a common access aisle (see ADAAG Figure 9). Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.
- (6) Signage. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility in accordance with ADAAG. Spaces complying with Subsection F(1) above shall have an additional sign "Van-Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.



A.

Proportions**International Symbol of Accessibility****International Symbol of Accessibility Proportions on a Grid Background**

B.

Display Conditions**International Symbol of Accessibility****International Symbol of Accessibility Display Conditions***

* The symbol contrast shall be light on dark, or dark on light.

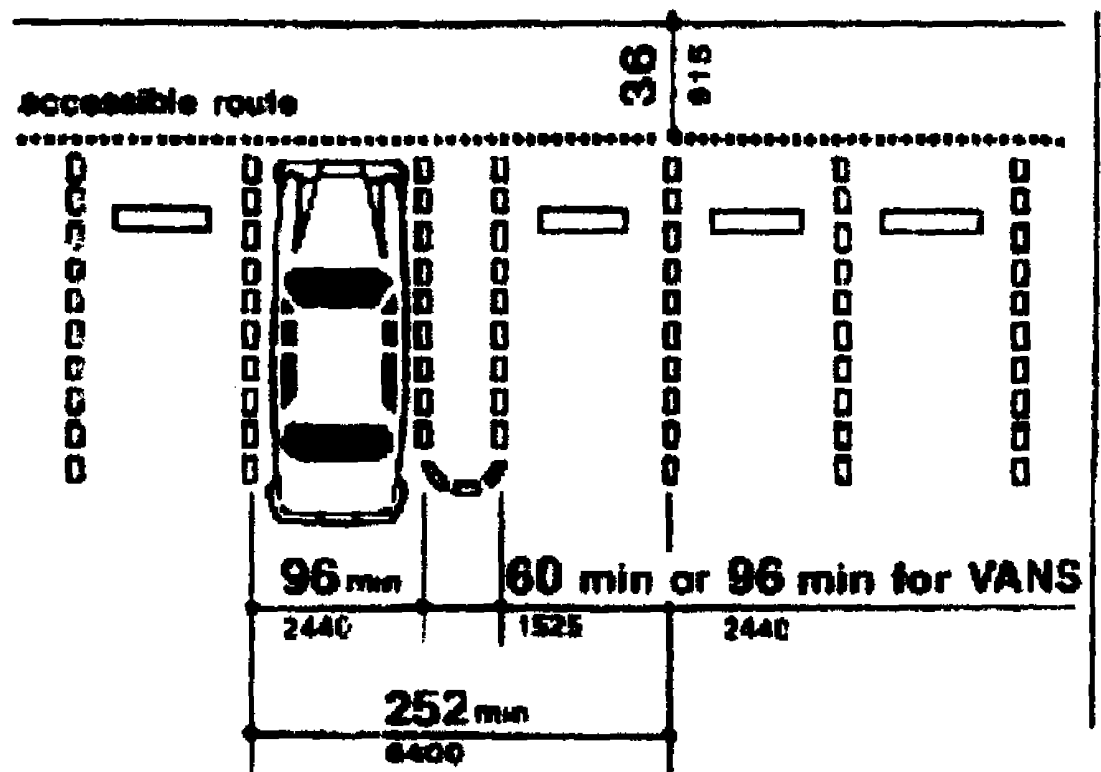
- (7) Vertical clearance. Provide minimum vertical clearance of 114 inches (2,895 mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with ADAAG

requirements, provide a minimum vertical clearance of 98 inches (2,490 mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

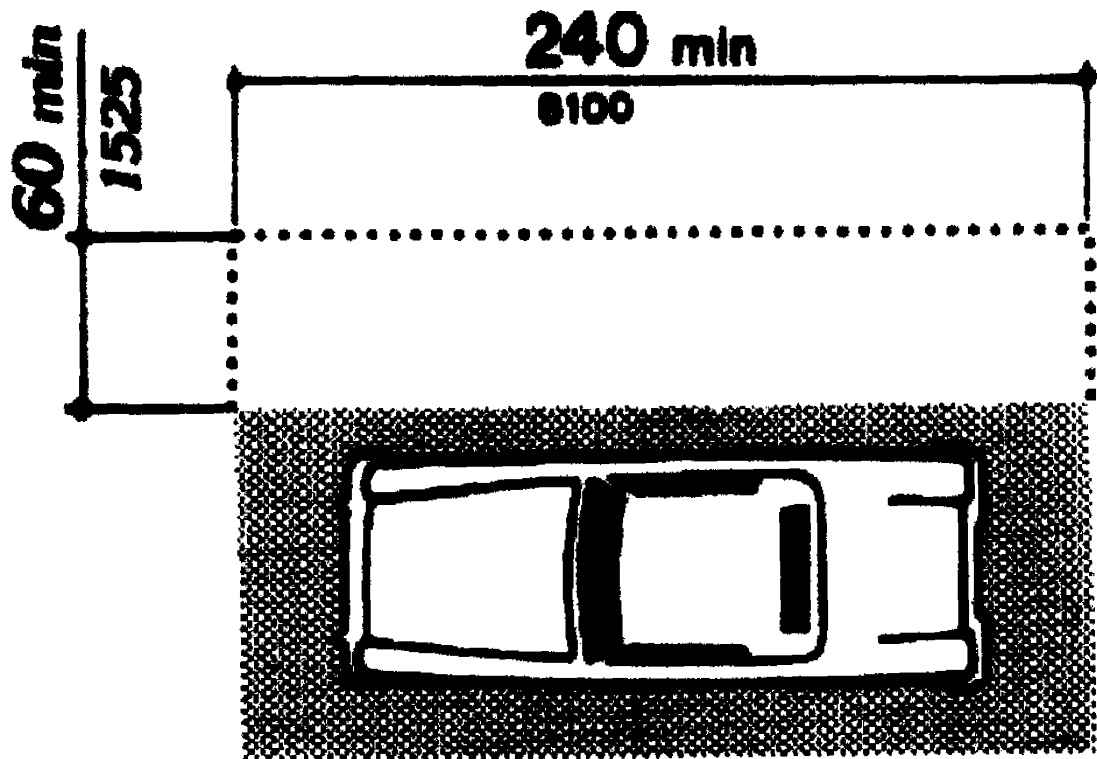
- (8) Passenger loading zones. Passenger loading zones shall provide an access aisle at least 60 inches (1,525 mm) wide and 20 feet (240 inches) (6,100 mm) long adjacent and parallel to the vehicle pull-up space (see ADAAG Figure 10). If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with the ADAAG shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions. Passenger loading zones required to be accessible by the ADA shall comply with requirements of the ADAAG.

ADAAG Figure 9

**Dimensions of Accessible Parking Spaces [Amended
2-28-2005 by Ord. No. 05-002]**



The access aisle shall be a minimum of 60 inches (1,525 mm) wide for cars or a minimum of 96 inches (2,440 mm) wide for vans. The accessible route connected to the access aisle at the front of the parking spaces shall be a minimum of 36 inches (915 mm).

ADAAG Figure 10**Access Aisle at Passenger Loading Zones [Amended
2-28-2005 by Ord. No. 05-002]**

An access aisle is required at a passenger loading zone which is 240 inches (6,100 mm) minimum, measured parallel to the vehicle pull-up area, and 60 inches (1,525 mm) minimum, measure perpendicular to the vehicle area. This aisle must be clear of obstructions and at the same level as the vehicle area.

- G. Access management. All entrance and exit driveways to public streets shall be located to afford maximum safety to traffic on the public streets. Each off-street parking, loading or service area shall be connected to a public street right-of-way by a driveway constructed in accordance with the minimum standards prescribed by the Township Engineer. Within commercial areas, cross-connections and cross-easements among properties should be provided to allow for ease of vehicles and pedestrian areas.
- (1) Whenever possible, any exit driveway or driveway land shall be so designed with regard to profile, grading and location to permit the following recommended site distance measured in each direction along the public street. The measurement shall be from the existing driveway immediately outside of the right-of-way line.

**Allowable Speed on Public
Street**

(miles per hour)

25

30

35

40

45

50

Required Site Distance

(feet)

150

200

250

300

400

475

- (2) A driveway exclusive of curb return radii shall not be less than 12 feet nor more than 36 feet in width.
- (3) The number of driveways provided from a site directly to any one municipal street shall be recommended as follows:

Length of Site Frontage

(feet)

100 or less

101 to 800

Over 800

**Recommended Number of
Driveways**

1

2

To be specified by the Township of
Manchester Planning Board upon
receipt of advice of the Township
Engineer

- (4) No part of any driveway may be located within five feet of a side property line for single- and/or two-family dwellings and within 20 feet of a side property line for other uses; however, upon application to the municipal agency and approval of the design by the Board Engineer, the Board may permit a driveway serving two or more adjacent sites to be located on or within 10 feet of a side property line between the adjacent sites.
- (5) Driveway angle, one-way operation. Driveways used by vehicles in a one-way direction of travel (right-turn only) shall not form angles smaller than 45° with the public street, unless acceleration and deceleration lanes are provided.
- (6) Driveway angle, two-way operation. Driveways used for two-way operation will intersect the public street at any angle as near 90° as site conditions will permit, and in no case shall it be less than 60°.
- (7) Parking areas for 25 or more cars and access drives for all parking areas on arterial highways provide curbed return radii of not less than 15 feet for all right-turn movements and left-turn access from one-way streets and concrete aprons on entrance and exit drives.

- (8) Parking areas for less than 25 cars may utilize concrete aprons without curb returns at entrance and exit drives which are not located on a minor arterial or principal arterial highway.
- (9) Maximum curb depression width for single- and two-family dwellings shall be the driveway width plus four feet, but not more than 25 feet.
 - (a) For all other uses, the maximum curb depression shall be the driveway width plus 10 feet, but not more than 35 feet.
 - (b) All concrete should be constructed as provided by the appropriate section of this chapter.
- (10) Where a driveway connecting to a public street serves traffic from parking areas of a major traffic generator, acceleration and/or deceleration lane may be required.
- (11) No driveways shall be located within 200 feet of the intersection of two public streets, nor within 100 feet of an existing driveway or private street.

§ 245-29. Landscaping and buffer requirements for nonresidential zones.

- A. Total landscaped and natural vegetation area. Total landscaped and/or green area shall be a minimum of 30% of total lot area for the B-1, H-D, PB-1, POR-LI, PH-D, and WTO-P and permitted nonresidential development in the R-A, PR-A and WTR-A Zones. For development in the PB-1, POR-LI and PH-D and permitted nonresidential development in the R-A, PR-A and WTR-A Zones, the standards of § 245-32 of this chapter shall also apply. **[Amended 6-14-2016 by Ord. No. 10-012]**
- B. Buffer area requirements.
 - (1) Wherever the property line of an occupied lot in the above zones abuts a residential zone, a buffer area shall be established as follows: **[Amended 6-14-2016 by Ord. No. 10-012; 11-14-2016 by Ord. No. 16-036; 2-13-2017 by Ord. No. 17-002]**

Buffer Area Requirement

Zone	(feet)
O-P	50 ¹
B-1	75 ³
H-D	50 ¹
OR-L	150
R-A	50 ²
PR-A	50 ²

Buffer Area Requirement

Zone	(feet)
POR-L	150
PH-D	50 ¹
PB-1	50 ¹
WTR-A	50 ²
WTP-O	50 ¹

NOTES:

- ¹ For lots less than 100 feet in width or depth in the O-P, B-1 and H-D Zones, a minimum buffer of 25 feet is required. For lots greater than 100 feet in width or depth, the required buffer shall be 25 feet plus one foot of buffer for each additional 2.5 feet of additional width or depth beyond 100 feet, not to exceed 50 feet of buffer.
 - ² Applicable to nonresidential uses only.
 - ³ The buffer area requirement for the B-1 Zone is 75 feet when existing vegetation of sufficient density and viability, as determined by the Planning Board Engineer, can be supplemented with new infill planting. The required buffer would increase to 100 feet when no existing natural vegetation exists or is determined to be of insufficient density and viability to be effective.
- (2) The area of the buffer area shall be measured from the property line. Within said buffer area, no use, activity or sign shall be established other than the following:
- (a) Along lot lines other than street lines within said buffer area, a solid and continuous 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 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) The landscape screen described above shall be located so as not to be closer than 10 feet from a street right-of-way line.
 - (c) The required height of the landscape screen as required above shall be measured in relation to the elevation of the adjacent parking area. In such cases where the ground elevation of the location at which the screen is to be planted is less than the elevation of the edge of an adjacent parking area, the required

height of the screen shall be increased in the amount equal to said difference in elevation.

- (d) Natural buffer areas are to be augmented by additional planting to meet minimum requirements of buffer areas.
 - (e) The disturbed buffer area shall be graded and planted with grass, seed, chips or gravel and such other shrubbery or trees in accordance with approved plans. The entire area shall be attractively maintained by the owner and kept clean of all debris and rubbish.
 - (f) In the event that any of the plantings, in accordance with the above requirements, do not live, they shall be replaced immediately by the owner, or if the season is not appropriate, in their next planting season.
- C. Residential buffers along arterial and collector roads. A landscaped buffer area with a minimum width of 50 feet shall be provided along any single-family residential reverse property line abutting a major collector or arterial roadway. Where buffers are required, yard setbacks shall be measured from the buffer strip limits farthest from the street right-of-way line. Where existing lots are less than 200 feet in depth or width where a buffer is required, a reduction in the required buffer area may be provided at the rate of one foot for each 2.5 feet of lot depth or width; provided, however that the required buffer shall not be less than 25 feet in width. The buffer area shall be protected by a conservation easement.

§ 245-30. Fences, wall, screening, hedges, trees and sight triangles.

- A. Fences in industrial and agricultural zones. In industrial and agricultural zones, fences shall not exceed a height of 10 feet.
- B. Fences in other zones. Ornamental screening type fences and other fences shall not exceed six feet in height in any zone other than industrial and agricultural zones. The six-foot height shall be limited to fencing of side yards from the front building line of the most forward dwelling on the lands to be fenced to the rear property line and along the rear property line. In the event lands to be fenced are not those containing a dwelling at the time of fencing, the fence shall not exceed six feet in height from the front building setback line to the rear property line.
- C. Height of fence in front yard. **[Amended 7-25-2005 by Ord. No. 05-042]**
 - (1) No fence from the building setback line of an existing dwelling to the front property line or along the front property line shall be permitted in excess of four feet in height except on corner lots in the R-10 and R-10A Single-Family Residential Zones as set forth in Subsection C(2).

- (2) A fence in excess of four feet and solid but no higher than six feet and solid is permitted in the side yard abutting a street, provided that: **[Amended 8-11-2014 by Ord. No. 14-014]**
- (a) The fence shall be set back at least a minimum of five feet from the property line; and
 - (b) The fence shall not encroach on any part of the front yard that abuts the front of the dwelling, i.e., the fence shall not extend beyond the front building setback line; and
 - (c) The fence shall comply with all other provisions of the ordinance.
- (3) Lot line. A "lot line" is a line of record bounding a lot that divides one lot from another lot or from a public or private street to any other public space. It is also known as a "property line." See diagram attached.¹⁴ **[Added 8-11-2014 by Ord. No. 14-014]**
- D. Height of fence at intersections. **[Amended 2-27-2006 by Ord. No. 06-003]**
- (1) At the intersection of two or more streets, no hedge, fence or wall shall be higher than 30 inches above the edge of pavement elevation, nor any obstruction to any vision, other than a post or tree not to exceed one square foot in cross section area, shall be permitted within the triangular area, up to a height of seven feet. The sight triangle shall be formed by the corner property line at the intersecting streets and a straight line between two points, one leg being 10 feet from the corner point along the stopped travel lane and the other being measured from the corner point along the leg of the through lane as per the following:

Speed Limit	Distance from Property Corner
(mph)	(feet)
25	90
30	115
35	140
40	160
45	185
50	205
55	230

- (2) Any four-way/all-way stop controlled intersections shall measure all stop lanes as indicated above.

14. Editor's Note: Said diagram is on file in the Township offices.

- E. Height of living fences. Fencing or screening composed of living plants, hedges or bushes or of evergreen or deciduous living plants or trees shall be permitted in excess of six feet in height to be used as fencing or screening along any property lines, except as outlined in Subsection D above.
- F. Exception for shade trees. The above reference to living plants, however, shall not apply to those trees designated as shade trees that may be planted or growing near the property lines.
- G. Restriction on erection of solid fences. Solid fences shall not be erected between the front setback line and the front property line, if they shall obstruct the vision of the adjoining property owners so as to become a hazard entering or exiting from potential driveways.
- H. Zoning permit required. A zoning permit for the construction of all fences shall be obtained from the Zoning Officer, and no fence shall be erected or constructed without such a permit. A fee shall be charged for such permits in accordance with the Fee Schedule in § 245-12C of this chapter.
- I. Fence permit required; installation regulation. Fences must be installed on the property for which a permit was obtained.

§ 245-31. CAFRA Area and Pinelands National Reserve Area zoning districts and regulations.

- A. General regulations applicable to CAFRA Area and Pinelands National Reserve Area Zoning Districts. The general regulations contained in § 245-32A shall be applicable to zoning districts located within the CAFRA Area and Pinelands National Reserve Areas of the Township.
- B. Schedule A, CAFRA Area and Pinelands National Reserve Area Zoning Districts Schedule, is hereby made a part of this chapter.¹⁵
- C. RA Rural Agricultural Zone.
 - (1) Permitted uses.
 - (a) Customary agricultural uses, including accessory uses on the same lot with and customarily incidental to the principal use. This may include a roadside stand or building for the sale of farm products conducted solely by the farm operator. Pig or hog farms shall not be permitted.
 - (b) Single-family houses.
 - (c) Churches or places of worship on a minimum of a two-acre lot.
 - (d) Customary home occupations such as dressmaking, millinery, and home cooking, provided that such occupations shall be

15.Editor's Note: The schedules are included at the end of chapter.

conducted solely by resident occupants of the building, and that not more than the equivalent of 1/3 of the area of the floor shall be used for such purposes, and that no display of products or advertising of any kind shall be visible from the street. No equipment shall be used in such an occupation which is not usually found in the home.

- (e) Professional office, in-home. The use of a portion of a dwelling as professional office shall be restricted to the first floor of the building and shall not exceed 25% of the total floor area of the building. Said office shall be used only by a resident of that building. [Subsection C(1)(d) and (e) shall not permit any structural or architectural changes to accommodate said occupation unless changes shall be deemed by the Zoning Board of Adjustment to be customary and normal in a dwelling unit and in character with the surrounding houses, and further, that any additional off-street parking deemed necessary be provided.]
 - (f) Parks and playgrounds not operated for profit.
 - (g) Public and private institutions for education not operated for profit.
 - (h) Institutions; fraternal, benevolent, religious and/or charitable.
 - (i) Government buildings.
 - (j) Homes, lodges, hunting lodges, meeting halls, clubs and camps for social and/or service organizations.
 - (k) Cemeteries.
 - (l) Incidental to a residence, a shop of a plumber, smith, electrician, carpenter, printer, or similar tradesman and craftsman, provided that all activities take place in not more than one enclosed building of less than 1,000 square feet, that such building, any storage area and any vehicles incidental to the business (which vehicles shall be limited to three in number) shall not be located or parked in any required front yard nor within 100 feet of any residential lot line, that any incidental outdoor storage be limited to 200 square feet and screened so as not to be visible from adjacent properties and streets. This shall not be construed to allow wholesale or retail operations for sale of merchandise.
 - (m) Golf courses with a minimum of nine holes.
- (2) Permitted accessory uses.
- (a) Customary farm buildings for the storage of products or equipment or for the processing of farm products which are located on the same parcel as the principal use.

- (b) Accessory building or use. As defined in Article II, Terminology, of this chapter.
 - (3) Conditional uses. The following uses are defined as conditional uses and may be permitted subject to the requirements and procedures as set forth in Article VIII, Conditional Use Permits, Procedures and Requirements, of this chapter, which shall govern:
 - (a) Hospital.
 - (b) Nursing homes.
 - (c) Utility installation, except for such facilities as are incidental to and part of the residential or commercial development.
 - (d) Recreational campgrounds, in accordance with Chapter 118, Campgrounds, and N.J.A.C. 8:22-1 et seq., Public Campgrounds.
 - (e) Cluster development.
 - (f) Veterinarian office and animal hospital.
 - (4) Yard, area, and building requirements. As specified for this zone in Schedule A, Zoning Districts Schedule,¹⁶ as referenced in Subsection B of this section.
 - (5) Off-street parking, loading and vehicular access.
 - (a) As per § 245-28 of this chapter as defined for that particular use.
 - (b) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 245-28 of this chapter.
 - (6) Signs. As per § 245-27 of this chapter.
- D. R-40 Single-Family Residential Zone.
- (1) Permitted uses.
 - (a) Single-family homes.
 - (b) Churches and places of worship.
 - (c) Public and private schools not operated for a profit, subject to the regulations of the Rural Agricultural Zone pertaining to these uses.
 - (d) Parks and playgrounds not operated for a profit.

16. Editor's Note: Said schedule is included in Appendix 6 attached to this chapter.

- (e) Governmental buildings for administrative, protection and safety purposes, such as Township offices, first aid or firehouse.
 - (2) Permitted accessory uses. As defined in Article II, Terminology, of this chapter.
 - (3) Conditional uses. The following uses are defined as conditional uses and may be permitted subject to the requirements and procedures as set forth in Article VIII, Conditional Use Permits, Procedures and Requirements, of this chapter.
 - (a) Cluster development. Cluster lot modification is permitted as outlined in Article VIII, § 245-70, Cluster development.
 - (4) Yard, area, and building requirements. As specified for this zone in Schedule A, Zoning Districts Schedule,¹⁷ as referenced in Subsection B of this section.
 - (5) Off-street parking, loading and vehicular access.
 - (a) As per § 245-28 of this chapter as defined for that particular use.
 - (b) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 245-28 of this chapter.
 - (6) Signs. As per § 245-27 of this chapter.
- E. R-15, R-14, R-10 and R-10A Single Family Residential Zones.
- (1) Permitted uses.
 - (a) Single-family houses.
 - (b) Churches and places of worship.
 - (c) Public parks and playgrounds.
 - (d) Governmental buildings for administrative, protection and safety purposes such as Township offices, first aid or firehouses.
 - (2) Permitted accessory uses. As defined in Article II, Terminology, of this chapter.
 - (3) Yard, area, and building requirements. As specified for these zones in Schedule A, Zoning Districts Schedule, Subsection B of this section.
 - (4) Off-street parking, loading and vehicular access.

17. Editor's Note: Said schedule is included in Appendix 6 attached to this chapter.

- (a) As per § 245-28 of this chapter as defined for that particular use.
 - (b) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 245-28 of this chapter.
- (5) Signs. As per § 245-27 of this chapter.
- (6) Buildings on undersized lots of record in R-10 Zone. Buildings on lots that do not meet the minimum lot area, minimum lot frontage, minimum lot width or improvable lot area requirements of the R-10 Zone as specified in Schedule A, CAFRA Area and Pinelands National Reserve Area Zoning Districts Schedule, are required to meet the following additional requirements: **[Added 6-24-2013 by Ord. No. 13-005]**
- (a) Shall provide additional site plan information as required in § 245-45C.
 - (b) Shall be subject to the building height limitations noted below based upon lot width:

Lot width	Maximum building height	Maximum building height
(in feet)	(in feet)	(in stories)
90 feet or less	25 feet	1.5 stories
Greater than 90 feet	35 feet	2.5 stories

- (c) Shall meet all other requirements of the R-10 Zone.

F. (Reserved)¹⁸

G. RC Retirement Community. **[Amended 2-22-2010 by Ord. No. 10-006]**

- (1) Permitted uses. Same as R-40 Zone.
- (2) Permitted accessory uses. Same as R-40 Zone.
- (3) Conditional uses.
 - (a) Planned retirement communities per § 245-67.
 - (b) Senior citizen light care per § 245-73.
 - (c) Continuing care for the elderly per § 245-75.

18. Editor's Note: Former Subsection F, R-14AF and R-15AF Single-Family Residential Zones, was repealed 9-8-2014 by Ord. No. 14-015 and 7-13-2015 by Ord. No. 15-010.

- (4) Yard, area, and building requirements. As specified for these zones in Schedule A, Zoning Districts Schedule, § 245-31B, of this chapter.
 - (5) Off-street parking, loading and vehicular access.
 - (a) As per § 245-28 of this chapter as defined for that particular use.
 - (b) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 245-28 of this chapter.
 - (6) Signs. As per § 245-27 of this chapter.
- H. RC-2 Retirement Community-2. **[Amended 11-28-2005 by Ord. No. 05-053]**
- (1) Purpose and intent. Development of a planned retirement community, as defined in Article II, Terminology, § 245-8, Word usage; definitions, within the RC-2 Retirement Community Zone shall be a permitted use providing for an inclusionary development of 2,205 age-restricted market housing units on the designated development area in accordance with the Manchester Settlement for a Builder's Remedy and the order approving the Manchester Settlement in the matter of Hovsons, Inc. v. Township of Manchester, Docket No. OCN-L-4357-93PW. The RC-2 Zone is located on a 995.4 acre portion of Block 75.01, Lot 1, referred to in the Manchester Settlement as the "development area," which development area is within the property commonly referred to as the "Heritage Minerals Tract," together with additional acreage associated with accessways between the development area and NJ Route 70 and NJ Route 37/Colonial Drive. This zone is intended to permit, effectuate and implement the Heritage project as it is described in the Manchester Settlement and the Federal Court Stipulation in the matter of Hovsons, Inc. and Homeland Corporation vs. Bruce Babbitt, Secretary of the United States Department of the Interior, Robert C. Shinn, Jr., Commissioner of the NJDEP and Annette Barbaccia, Executive Director of the New Jersey Pinelands Commission (Civil Action No. 00-3943). The Manchester Settlement provides for an inclusionary development of 2,205 age-restricted market housing units within the development area together with the construction off tract of 68 affordable housing units and a monetary contribution toward affordable housing. In the event of a conflict between this subsection and any other municipal law, regulation or ordinance, the provisions of subsection ordinance shall prevail.
 - (2) Permitted uses.
 - (a) Single-family detached dwellings.

- (b) Senior citizen recreational and cultural facilities for the sole use of the residents of the community and their guests, including the following: clubhouse, shuffleboard courts and picnic grounds. In particular, requirements for the foregoing are more specifically enumerated hereinafter. Recreational and cultural facilities shall not be limited to the foregoing, so that an applicant may propose additional facilities with its submission. All such facilities shall be subordinated to the residential character of the area, and no advertising shall be permitted.
 - (c) Commercial and service facilities. The following uses will be permitted, provided that the total square footage does not exceed 20,000 square feet and the standards for B-1 Zone are adhered to:
 - [1] Professional offices for doctors, dentists, chiropractors, opticians, accountants and attorneys.
 - [2] Medical clinics and first aid facilities.
 - [3] Offices for banks, insurance agencies, real estate agencies, financial investment counselors and brokers, and such other similar services.
 - [4] General merchandise stores, food stores, eating places and similar such facilities.
 - [5] Barber shops, beauty and hairdresser shops, laundry and dry cleaning and similar such facilities.
 - (d) Houses of worship. Houses of worship shall be permitted on a minimum lot area of two acres.
 - (e) Model homes and/or sales office in accordance with N.J.S.A. 40:55D-66 and any retail home decoration and furnishings sale facility operated by the developer of the planned retirement community solely for the use of purchasers of dwelling units therein.
 - (f) Accessory vehicle storage area. A screened, fenced, unpaved, graveled area for the parking of accessory vehicles not normally utilized for transportation such as recreational vehicles, campers, boats and boat trailers at a location and of such size approved by the approving agency. Such area shall not be used in computing green area.
 - (g) Maintenance and administration area. A screened area reserved for storage and care of maintenance equipment and administration of the community.
- (3) Permitted accessory uses. As defined in Article II, Terminology, of this chapter.

- (4) Development standards. No building permits shall be issued or construction commenced within the area except in accordance with a site development plan herein prescribed. Such site development plan shall meet the following requirements:
- (a) Minimum area and development area. The minimum area for a PRC in the RC-2 Zone shall be 100 contiguous acres under one ownership or control. The development area shall be 995.4 acres. The areas of access roadways and rights-of-way to and from NJ Route 70 and NJ Route 37/Colonial Drive shall be in addition to the development area.
 - (b) Density. The permitted density shall be 2.3 dwelling units per gross acre of the development area.
 - (c) Residential building coverage. Not more than 20% of the development area shall be covered by buildings.
 - (d) Setbacks. No building or structure shall be located closer than 20 feet from a local street, provided that all driveways fronting on said street shall be 25 feet or more in length.
 - (e) Distance between residential buildings.
 - [1] There shall be a minimum distance of 20 feet between single-family residential structures and a minimum separation of 40 feet at the rear of the structures with a minimum of 20 feet of rear yard area for each residential structure. Single-family fee simple residential lots shall have the following minimum setbacks:
 - [a] Front yard: 20 feet for residential structure and 25 feet for any garage structure.
 - [b] Side yard: 10 feet.
 - [c] Rear yard: 20 feet.
 - [2] The maximum height of any single-family dwelling building in a planned retirement community shall be two stories but not exceed 35 feet in height.
- (5) Open space. For the purposes of the RC-2 Zone, "open space" shall be that portion of the development area which is not covered by buildings, a paved street and paved areas, but including the areas of those facilities which are part of the designated open space within the development area not less than 50% of the development area shall be devoted to natural and/or planted vegetation. Open space shall also include wetlands, wetlands transition areas, stormwater management basins, bodies of water, lakes, undeveloped regulated areas, lands serving the clubhouse and active/passive recreation facilities and yard areas in individual building lots not covered by structures or driveways.

- (6) Off-street parking. Two spaces for each single-family detached dwelling unit in accordance with the NJ Residential Site Improvement Standards. A parking space is hereby defined as a space of 10 feet by 20 feet, except that a driveway fronting on a street shall be 25 feet in length as measured from the curb face on the street or 22 feet from the street line if the street is a public street. Driveways shall be designed so that parked vehicles do not overhang sidewalks or common pedestrianways.
- (7) Roads, culs-de-sac, curbs and sidewalks. Roads, culs-de-sac, driveways and sidewalks shall be designed in accordance with the NJ Residential Site Improvement Standards and, where applicable, with the Americans with Disabilities Act design guidelines.
- (8) Buffers. There shall be provided a fifty-foot wide screening strip where nonresidential facilities, including storage areas, abut a residential lot. If the residential and nonresidential uses are separated by a street, no buffer shall be required at that location. No perimeter buffer shall be required along the boundaries of the development area.
- (9) Driveways, walks and parking areas. There shall be provided and designed a safe and convenient system of driveways, sidewalks and parking areas in accordance with Americans with Disabilities Act design guidelines.
- (10) Cul-de-sac islands. Landscaped islands in the center of culs-de-sac shall be permitted, provided that the islands are designed in accordance with the minimum standards of the residential site improvement standards and their maintenance and upkeep is not the responsibility of the Township.
- (11) Roads. Roads in the PRC 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 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.
- (12) Clubhouse and recreation facilities.
 - (a) Clubhouse. There shall be provided at least one clubhouse or community to serve residents of the PRC. The minimum area of the clubhouse or clubhouses shall be computed on the basis of habitable area equal to 15 square feet for each dwelling unit to be built in the PRC. In computing the interior habitable area, all space reserved for mechanical equipment and storage shall be excluded. The developer shall have the right to construct the clubhouse in stages commensurate with the following: The initial stage of the clubhouse shall consist of the minimum habitable area required for 1/3 of the total dwelling units to be built in the PRC and shall be completed

and in operation before the 250th dwelling has been completed and a certificate of occupancy issued therefor. The second 1/3 of the required clubhouse habitable area shall be completed before the 950th dwelling unit has been completed and a certificate of occupancy issued. The final 1/3 of the required clubhouse habitable area shall be completed before the 1,650th dwelling unit has been completed and a certificate of occupancy issued. Said clubhouse or clubhouses shall have an adjoining off-street parking area(s) at a ratio of one parking space for each eight dwelling units utilizing the clubhouse or clubhouses.

(b) Recreation facilities.

[1] There shall be provided recreational facilities consisting of active facilities suitable for and compatible with residents of a retirement community.

[2] For developments of more than 300 persons, active recreation or park space shall be provided at the rate of 2.75 acres per 1,000 population.

(c) Landscaping. All grounds surrounding clubhouse, recreational and administrative facilities shall be attractively landscaped, provided with appropriate walkways and provided with an adequate irrigation system.

(13) Development schedule. A development schedule shall be required in accordance with Subsection H(12)(a) above and § 245-67H.

(14) Dedication of land for public use. Land offered for dedication, if any, to Manchester Township shall be in conformance with § 245-67I and applicable statutes.

(15) Covenants, deed restrictions and homeowner association bylaws. All covenants, deed or other restrictions and homeowner association bylaws and any amendments thereto shall be filed with the Township Clerk.

(16) Exceptions to provisions of Chapter 245. The following provisions of Chapter 245 shall be applicable as clarified below and only to the extent that same do not restrict, impede and/or conflict with the Manchester Settlement and/or other provisions of this subsection.

(a) Section 245-82A, Site analysis.

(b) Section 245-82B, General design requirements.

(c) Section 245-82C, Architectural and building requirements.

(d) Section 245-82D, Environmental design requirements. The provisions of this section shall not apply to the RC-2 Zone. Environmental studies have been performed, and appropriate

analyses and determinations have been made by the NJDEP and the Pinelands Commission, prior to and during the course of the negotiation and entry of the Federal Court Stipulation substantiating that the development area is developable. These studies shall be deemed to address submission checklist requirements contained in Appendix 5. Any and all requirements that Hovsons, Inc. submit an environmental impact statement, environmental impact assessment and any environmental reporting requirements to the Township of Manchester have been satisfied by the environmental studies previously performed for the NJDEP and the Pinelands Commission. Hovsons' environmental obligations, as set forth in the Federal Court Stipulation, shall be enforced exclusively by the NJDEP and the Pinelands Commission.

- (e) Section 245-82E, Circulation design requirements.
- (f) Section 245-82F, Landscaping design requirements.
- (g) Section 245-82G, Open space and recreation requirements.
 - [1] Amount of common open space required.
 - [2] Circulation plan. The reference to "path system" therein shall mean sidewalks.
 - [3] Undeveloped common open space.
 - [4] Deed restrictions.
 - [5] Common open space ownership. The provisions of § 245-82G(6) shall be applicable, subject to the terms of the Federal Court Stipulation and DEP requirements set forth therein. The open space located within the development area shall be deeded to and owned by a homeowners' association.
- (h) Article VII, Variances, § 245-58, Expiration of variance. Any variance granted to the Heritage Project shall have the same protective vesting period as that granted pursuant to a general development plan, preliminary subdivision/site plan and final subdivision/site plan approval.
- (i) Article XI, Affordable Housing Regulations, §§ 245-90 through 245-99. Notwithstanding the provisions of this article, the affordable housing obligation for the RC-2 Development Area shall be as set forth in the Manchester Settlement and in the event of any discrepancy or conflict between the provisions of Article XI and COAH regulations, the provisions of the COAH regulations set forth in N.J.A.C. 5:93-1.1 et seq. shall apply. Since Heritage is an inclusionary development, development fees shall not be required.

- (j) Steep slopes. Notwithstanding anything to the contrary in this chapter or other Township ordinances and regulations, man-made slopes and grades shall not be considered "steep slopes" within the development area in this zone. Applicant shall have the right to build within any portion of the development area, regardless of steep slopes, by performing appropriate grading and landscaping.
 - (k) Off-street parking for clubhouse. Notwithstanding requirements for § 245-28B, Number of spaces, the required number of off-street parking for the clubhouse within the RC-2 Zone shall be in accordance with Subsection H(12), Clubhouse and recreation facilities.
 - (l) Submission procedures. Notwithstanding requirements in § 245-36, Submission procedures, for subdivisions; § 245-46, for site plans; and § 245-12, Applicant's general submission procedures, applications for development in the RC-2 Zone shall be processed in accordance with the Manchester Settlement Agreement with respect to general development plan, subdivisions and site plans approvals.
 - (m) Shade trees. The provisions of § 245-81H(2) and (3), Shade trees and streetscape planting strips, shall not be applicable to development within the development area. The provisions of § 245-81H shall be applicable to the access road from NJ Route 37/Colonial Drive.
 - (n) Floor area ratio. Floor area ratios shall not apply to the RC-2 Zone.
- I. MF-AF Multifamily - Affordable Housing. **[Added 11-28-2005 by Ord. No. 05-053]**
- (1) Purpose. The purpose of the MF-AF Multifamily - Affordable Zone is to provide for multifamily housing for low- and moderate-income households required in accordance with the Manchester Settlement in Hovsons, Inc. et al vs. Manchester Township and the Settlement Agreement governing Manchester Development Group, LLC vs. Manchester Township; Stavola Construction Materials, Inc. and Stavola Realty Company vs. Manchester Township; as well as affordable housing provided by Pulte Homes of NJ, Limited Partnership.
 - (2) Permitted uses.
 - (a) Multifamily residential units including garden apartments.
 - (b) Attached housing units.
 - (3) Minimum lot size: six acres.
 - (4) Maximum density:

- (a) Multifamily residential: 12 dwelling per acre.
- (b) Attached single-family: eight dwelling units per acre.
- (5) Minimum front yard setback:
 - (a) State highways: 100 feet.
 - (b) County highway: 60 feet.
- (6) Minimum side yard setback measured from the exterior boundaries: 30 feet.
- (7) Minimum rear yard setback measured from the exterior boundaries: 40 feet.
- (8) Minimum width of any apartment unit or attached single family housing unit: 18 feet.
- (9) Maximum building height: 35 feet.
- (10) Maximum number of stories: 2 1/2 stories.
- (11) Maximum number of units per structure:
 - (a) Multifamily residential: 16.
 - (b) Attached single-family: eight.
- (12) Minimum distance between buildings:
 - (a) For multifamily residential buildings oriented essentially at 90° to each other, the minimum distance between same shall be a minimum of 30 feet or one times the maximum height of the buildings, whichever is greater.
 - (b) For multifamily residential buildings oriented essentially end to end to each other, the minimum distance between same shall be a minimum of 30 feet or 1.5 times the maximum height of the buildings, whichever is greater.
 - (c) For multifamily residential buildings oriented essentially with parallel axis facing each other, the minimum distance between same shall be a minimum of 40 feet or two times the maximum height of the building, whichever is greater.
- (13) No portion of any dwelling unit shall be lower than the outside finished grade (excluding the basement portion of the dwelling unit). No depressed siting shall be permitted.
- (14) Recreation requirement. A playground area or areas shall be provided at the rate of 500 square feet per four dwelling units. All recreation areas shall be fully landscaped or grassed.

- (15) Off-street parking requirements. Off-street parking requirements for residential structures shall be governed by the New Jersey Residential Site Improvement Standards N.J.A.C. 5:21.
- (16) Utility requirements. 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. All multifamily and attached single-family development shall be served by public sewer and public water in accordance with the requirements of the Manchester Township Department of Utilities.
[Amended 6-9-2008 by Ord. No. 08-020]
- (17) Landscaping and buffer requirements. All areas of multifamily and attached single-family development not used for construction of buildings, roads, accessways, parking areas or sidewalks shall be reasonably landscaped or grassed. All trees within 20 feet of the perimeter boundary of the affordable housing site shall be preserved. When no trees exist within 20 feet of the perimeter boundary of the affordable housing site, or when the existing trees must be removed for grading purposes, the developer shall plant trees within such twenty-foot perimeter at the rate of one tree per 200 square feet.
- (18) 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.
- (19) Permitted accessory uses. Permitted accessory uses usually incidental to the above uses, as specified below:
 - (a) Noncommercial garage for the exclusive use of site residents only.
 - (b) Noncommercial swimming pools for exclusive use of site residents.

J. MP Mobile Home Park. **[Amended 2-22-2010 by Ord. No. 10-006]**

- (1) Permitted uses.
 - (a) Same as RA Zone.
 - (b) Mobile home parks in accordance with Chapter 267, Mobile Homes and Trailers.

- (2) Permitted accessory uses. Same as R-40 Zone.
 - (3) Conditional uses. Same as R-40 Zone.
 - (4) Yard, area, and building requirements. As specified for these zones in Schedule A, Zoning Districts Schedule, § 245-31B, of this chapter.
 - (5) Off-street parking, loading and vehicular access.
 - (a) As per § 245-28 of this chapter as defined for that particular use.
 - (b) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 245-28 of this chapter.
 - (6) Signs. As per § 245-27 of this chapter.
- K. FA-R Forest Area - Receiving Zone. **[Amended 6-14-2010 by Ord. No. 10-012; 9-8-2014 by Ord. No. 14-015; 7-13-2015 by Ord. No. 15-010]**
- (1) Purpose. The purpose of the FA-R Forest Area - Receiving Zone is to recognize that this zone and the FA-S Zone are part of the Pinelands National Reserve, which is subject to the National Parks and Recreation Act of 1978 signed into law by President Jimmy Carter on November 10, 1978; to permit planned residential development in accordance with N.J.S.A. 40:55D-39b; to provide for low- and moderate-income inclusionary development in accordance with the Fair Housing Law, N.J.S.A. 52:27D-301 and COAH Procedural and Substantive Regulations contained in N.J.A.C. 5:96 and 5:97, as may be amended; to provide for consistency in planning for the FA-S and FA-R areas in accordance with the New Jersey State Development and Redevelopment Plan, the New Jersey Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1 et seq.), the New Jersey Coastal Resource and Development Rules (N.J.A.C. 7:7E-1 et seq.), and Interagency Agreement between the NJDEP and the Pinelands Commission for the planning of the Pinelands National Reserve Area, the Ocean County 208 Waste Water Management Plan and the Manchester Township Master Plan adopted on October 18, 1993, through density transfer from the FA-S Zone to the FA-R Zone and a density bonus to encourage development on cleared lands north of two man-made dredge mining lakes in accordance with the FA-R area delineated on the Manchester Township Master Plan adopted on October 18, 1993.
 - (2) Permitted uses. The following options will be permitted in the FA-R Forest Area:

- (a) FA-R Forest Area option. All uses and standards as permitted and specified in the FA-S Forest Area - Sending Zone.
 - (b) Affordable housing planned development option. The following uses shall be permitted in accordance with the provisions for planned developments in N.J.S.A. 40:55D-1 et seq., and provided that all development shall be serviced by public water and sanitary sewer facilities; that all residential development shall include a minimum of 10% of all housing units as affordable housing units for low- and moderate-income households in accordance with the affordability requirements of Article XI, Affordable Housing Regulations, and that single-family detached affordable units shall contain a minimum of three bedrooms.
 - [1] Single-family homes in accordance with the R-10 through R-40 Zones.
 - [2] Multifamily housing in accordance with the conditions provided for townhouse developments contained in § 245-74 of this chapter.
 - [3] Commercial resort facilities including hotels, indoor and outdoor recreation facilities and conference and convention facilities.
 - [4] Golf courses and clubhouse facilities.
- (3) Conditional uses.
- (a) Gravel pits and natural resource extraction in accordance with § 245-32I of this chapter; provided, however, that any development application for permitted residential and/or nonresidential uses shall provide for termination of the gravel pit and natural resource extraction operation as a condition of final development approval.
- (4) Planned development density.
- (a) Gross density for a FA-R planned development shall not exceed one unit per five acres for the FA-S and FA-R area within the planned development tract, provided that all development is clustered within the FA-R area. For each unit of development transferred from the FA-S zone to the FA-R area, four acres of land area within the FA-S zone shall be deed-restricted to conservation open space with a conservation easement to the Township of Manchester or dedicated to the Township or other public agency in accordance with N.J.S.A. 40:55D-43.
 - (b) Net development densities within delineated planned development areas shall not exceed the following:

- [1] Single-family detached residential: 3.0 dwelling units per acre.
- [2] Multifamily residential: 6.0 dwelling units per acre.
- (5) Nonresidential development.
 - (a) Nonresidential development shall not exceed the following:
 - [1] Business. Floor area shall not exceed 200 square feet/dwelling unit.
 - [2] Commercial resort. Floor area shall not exceed 200 square feet per acre for delineated commercial resort area and further provided that the total floor area shall not exceed 150,000 square feet.
 - (b) Nonresidential development shall conform to the lot, yard and other standards as provided for in Schedule A, Zoning Districts Schedule, for the HD-3 Zone.
- L. FA-S Forest Area - Sending District.
 - (1) Permitted uses.
 - (a) Single-family detached dwellings.
 - (b) Customary agricultural uses including accessory uses on the same lot with and customarily incidental to the principal use. This may include a roadside stand or building for the sale of farm products conducted solely by the farm operator. Pig or hog farms shall not be permitted.
 - (c) Churches or places of worship.
 - (d) Institutions, fraternal, benevolent, religious and/or charitable.
 - (e) Parks and playgrounds not operated for profit.
 - (f) Public and private institutions for education not operated for profit.
 - (g) Governmental buildings.
 - (h) Homes, lodges, hunting lodges, meeting halls, clubs and camps for social and/or service organizations.
 - (i) Cemeteries.
 - (j) Forestry in conformance with the standards established in the Pinelands Comprehensive Management Plan.
 - (2) Permitted accessory uses. As defined in Article II, Terminology, of this chapter.
 - (3) Density.

- (a) Gross density shall be one dwelling unit per 20 acres in accordance with the Pinelands Comprehensive Management Plan, (N.J.A.C. 7:50-1 et seq.), adopted on November 21, 1980.
 - (b) Density may be increased to one dwelling unit per five acres only when developed in conjunction with a FA-R Planned Residential Development as provided in Subsection K(4) et seq., and further provided that all development shall be located within the area designated as FA-R on the Zoning Map dated March 13, 1993, and amended September 22, 1994. **[Amended 9-8-2014 by Ord. No. 14-015; 7-13-2015 by Ord. No. 15-010]**
 - (c) Density may be increased to one dwelling unit per 10 acres only when developed in accordance with residential cluster conditional uses standards contained in Subsection L(4) below and provided the developer provides a minimum of 10% of all unit as affordable housing units in accordance with Article XI, § 245-95 of this chapter.
- (4) Conditional uses.
- (a) The following uses are defined as conditional uses and may be permitted subject to the requirements and procedures as set forth in Article VIII, Conditional Use Permits, Procedures and Requirements, of this chapter.
 - [1] Cluster development. Cluster lot modifications is permitted as outlined in Article VIII, § 245-70, Cluster development, for single-family detached dwelling units, and further provided that:
 - [a] Cluster housing in the FA-S zone shall be located on existing public roadways or culs-de-sac of not more than 1,000 feet linked to an existing public street.
 - [b] Each cluster dwelling shall be located on a lot area of not less than 3.2 acres with a lot frontage of not less than 250 feet in width.
 - [c] The dwelling unit lot meets the minimum Pinelands Environmental Standards of § 245-32 of this chapter.
 - [d] The common open space resulting from the cluster development be deed restricted for conservation purposes or granting of an easement or dedication to a public agency in accordance with N.J.S.A. 40:55D-43. **[Amended 6-14-2010 by Ord. No. 10-012]**
 - [2] Recreational campgrounds in accordance with the design standards for low-intensity recreational uses contained in § 245-63 for the PFA-S Pinelands Forest Area - Sending

Area and the health and permit requirements of Chapter 118, Campgrounds, and N.J.A.C. 8:22-1 et seq., Public Campgrounds.

- [3] Gravel pits and natural resource extraction in accordance with § 245-64 of this chapter.

M. OR-LI Office, Research and Light Industrial.

- (1) Permitted uses. As specified in Schedule E, CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts Permitted and Conditional Use Schedule.¹⁹
- (2) Permitted accessory uses.
 - (a) As defined in Article II, Terminology, of this chapter.
 - (b) No supplies, materials or goods shall be stored out-of-doors.
- (3) Conditional uses. The conditional uses specified in Schedule E, CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning District Permitted and Conditional Use Schedule,²⁰ may be permitted subject to the requirements and procedures as set forth in Article VIII, Conditional Use Permits, Procedures and Requirements, of this chapter.
- (4) Yard, area, and building requirements. As specified for this zone in Schedule A, Zoning Districts Schedule,²¹ as referenced in Subsection B of this section.
- (5) Off-street parking, loading and vehicular access.
 - (a) As per § 245-28 of this chapter as defined for that particular use.
 - (b) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 245-28 of this chapter.
 - (c) Parking area in the OR-LI Zone shall be located only to the rear and/or side of any building in conformance with § 245-28 of this chapter. Parking shall not be located in that portion of the front yard between the street line and the building face.
[Amended 6-14-2010 by Ord. No. 10-012]
- (6) Signs. As per § 245-27 of this chapter.
- (7) Performance standards. As specified in § 245-26 of this chapter.

19. Editor's Note: Said schedule is included in Appendix 6, an attachment to this chapter.

20. Editor's Note: Said schedule is included in Appendix 6, an attachment to this chapter.

21. Editor's Note: Said schedule is included in Appendix 6, an attachment to this chapter.

- (8) Buffer requirements. As per § 245-29 of this chapter.
- (9) Expressly prohibited uses. The following uses are expressly prohibited:
 - (a) No residences or residential uses are permitted in this zone.
 - (b) Processing or fabrication of materials, except that clearly incidental to a permitted research operation and restricted to quantities sufficient for such operation.
 - (c) The bulk storage of liquid fuels above ground for any purpose. Such incidental fuel storage as may be required for a research operation shall be subject to the Fire Prevention Code of the Township²² and shall be restricted to such quantities as may, in the opinion of the Chief Inspector, be deemed necessary to the proper performance of said operation.

N. O-P Office Professional.

- (1) Permitted uses. As specified in Schedule E, CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts Permitted and Conditional Use Schedule.²³ **[Amended 3-23-1998 by Ord. No. 98-009; 2-22-1999 by Ord. No. 99-001]**
- (2) Permitted accessory uses.
 - (a) As defined in Article II, Terminology, of this chapter.
 - (b) No supplies, materials or goods shall be stored out-of-doors.
- (3) Conditional uses. The conditional uses specified in Schedule E, CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts Permitted and Conditional Use Schedule²⁴ may be permitted subject to the requirements and procedures as set forth in Article VIII, Conditional Use Permits, Procedures and Requirements, of this chapter. **[Amended 3-23-1998 by Ord. No. 98-009; 2-22-1999 by Ord. No. 99-001]**
- (4) Yard, area, and building requirements. As specified for this zone in Schedule A, Zoning Districts Schedule,²⁵ as referenced in Subsection B of this section.
- (5) Off-street parking, loading and vehicular access.
 - (a) As per § 245-28 of this chapter as defined for that particular use.

22.Editor's Note: See Ch. 179, Fire Prevention.

23.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

24.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

25.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

- (b) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 245-28 of this chapter.
 - (c) Parking area in the O-P Zone shall be located only to the rear and/or side of any building in conformance with § 245-28 of this chapter. Parking shall not be located in that portion of the front yard between the street line and the building face.
- (6) Signs. As per § 245-27 of this chapter.
 - (7) Performance standards. As specified in § 245-26 of this chapter.
 - (8) Buffer requirements. As per § 245-29 of this chapter.
 - (9) Expressly prohibited uses. The following uses are expressly prohibited:
 - (a) No residences or residential uses are permitted in this zone.
 - (b) Processing or fabrication of materials, except that clearly incidental to a permitted research operation and restricted to quantities sufficient for such operation.
 - (c) The bulk storage of liquid fuels above ground for any purpose. Such incidental fuel storage as may be required for a research operation shall be subject to the Fire Prevention Code of the Township²⁶ and shall be restricted to such quantities as may, in the opinion of the Chief Inspector, be deemed necessary to the proper performance of said operation.

O. B-1 Business Zone.

- (1) Permitted uses. As specified in Schedule E, CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning District Permitted and Conditional Use Schedule.²⁷ **[Amended 3-23-1998 by Ord. No. 98-009; 2-22-1999 by Ord. No. 99-001]**
- (2) Uses in existence prior to 1979. Any uses which existed in the B-1 Zone as of January 1, 1979, shall be permitted to continue and shall be treated as a permitted use within the B-1 Zone at the particular site.
- (3) Permitted accessory uses.
 - (a) As defined in Article II, Terminology, of this chapter.
 - (b) No supplies, materials or goods shall be stored out-of-doors except in the case of building supply and home and garden centers.

26.Editor's Note: See Ch. 179, Fire Prevention.

27.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

- (4) Conditional uses. The conditional uses specified in Schedule E, CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning District Permitted and Conditional Use Schedule,²⁸ may be permitted subject to the requirements and procedures as set forth in Article VIII, Conditional Use Permits, Procedures and Requirements, of this chapter. **[Amended 3-23-1998 by Ord. No. 98-009; 2-22-1999 by Ord. No. 99-001]**
- (5) Yard, area, and building requirements. As specified for this zone in Schedule A, Zoning Districts Schedule,²⁹ as referenced in Subsection B of this section.
- (6) Off-street parking, loading and vehicular access.
 - (a) As per § 245-28 of this chapter as defined for that particular use.
 - (b) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 245-28 of this chapter.
- (7) Signs. As per § 245-27 of this chapter.
- (8) Performance standards. As specified in § 245-26 of this chapter.
- (9) Buffer requirements. As per § 245-29 of this chapter.
- P. HD-3, HD-3A and HD-10 Highway Development Zones.
 - (1) Permitted uses. As specified in Schedule E, CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning District Permitted and Conditional Use Schedule.³⁰ **[Amended 3-23-1998 by Ord. No. 98-009; 2-22-1999 by Ord. No. 99-001]**
 - (2) Permitted accessory uses. As defined in Article II, Terminology, of this chapter.
 - (3) Conditional uses. The conditional uses specified in Schedule E, CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning District Permitted and Conditional Use Schedule,³¹ may be permitted, subject to the requirements and procedures as set forth in Article VIII, Conditional Use Permits, Procedures and Requirements, of this chapter. **[Amended 3-23-1998 by Ord. No. 98-009; 2-22-1999 by Ord. No. 99-001]**

28.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

29.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

30.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

31.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

- (4) Yard, area, and building requirements. As specified for this zone in Schedule A, Zoning Districts Schedule,³² as referenced in Subsection B of this section.
- (5) Off-street parking, loading and vehicular access.
 - (a) As per § 245-28 of this chapter as defined for that particular use.
 - (b) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 245-28 of this chapter.
- (6) Signs. As per § 245-27 of this chapter.
- (7) Performance standards. As specified in § 245-26 of this chapter.
- (8) Buffer requirements. As per § 245-29 of this chapter.

Q. LI Light Industrial.

- (1) Permitted uses. As specified in Schedule E, CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning District Permitted and Conditional Use Schedule.³³ **[Amended 3-23-1998 by Ord. No. 98-009; 2-22-1999 by Ord. No. 99-001]**
- (2) Permitted accessory uses.
 - (a) As defined in Article II, Terminology, of this chapter.
 - (b) No supplies, materials or goods shall be stored out-of-doors.
- (3) Conditional uses. The conditional uses specified in the Schedule E, CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning District Permitted and Conditional Use Schedule,³⁴ may be permitted subject to the requirements and procedures as set forth in Article VIII, Conditional Use Permits, Procedures and Requirements, of this chapter. **[Amended 3-23-1998 by Ord. No. 98-009; 2-22-1999 by Ord. No. 99-001]**
- (4) Yard, area, and building requirements. As specified for this zone in Schedule A, Zoning Districts Schedule,³⁵ as referenced in Subsection B of this section.
- (5) Off-street parking, loading and vehicular access.
 - (a) As per § 245-28 of this chapter as defined for that particular use.

32. Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

33. Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

34. Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

35. Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

- (b) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 245-28 of this chapter.
 - (c) Parking area in the LI Zone shall be located only to the rear and/or side of any building in conformance with § 245-28 of this chapter. Parking shall not be located in that portion of the front yard between the street line and the building face.
- (6) Signs. As per § 245-27 of this chapter.
- (7) Performance standards. As specified in § 245-26 of this chapter.
- (8) Buffer requirements. As per § 245-29 of this chapter.
- (9) Expressly prohibited uses. The following uses are expressly prohibited:
 - (a) No residences or residential uses are permitted in this zone.
 - (b) Processing or fabrication of materials, except that clearly incidental to a permitted research operation and restricted to quantities sufficient for such operation.
 - (c) The bulk storage of liquid fuels above ground for any purpose. Such incidental fuel storage as may be required for a research operation shall be subject to the Fire Prevention Code of the Township³⁶ and shall be restricted to such quantities as may, in the opinion of the Chief Inspector, be deemed necessary to the proper performance of said operation.

R. TC Town Center.

- (1) Permitted uses. **[Amended 3-23-1998 by Ord. No. 98-009; 2-22-1999 by Ord. No. 99-001; 5-29-2012 by Ord. No. 12-010]**
 - (a) As specified in Schedule E, CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning District Permitted and Conditional Use Schedule.³⁷
 - (b) Planned multifamily development option. In accordance with requirements of § 245-31R(11) below.
- (2) Permitted accessory uses.
 - (a) As defined in Article II, Terminology, of this chapter.
 - (b) No supplies, materials or goods shall be stored out-of-doors.

36.Editor's Note: See Ch. 179, Fire Prevention.

37.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

- (3) Conditional uses. The conditional uses specified in Schedule E, CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning District Permitted and Conditional Use Schedule,³⁸ may be permitted subject to the requirements and procedures as set forth in Article VIII, Conditional Use Permits, Procedures and Requirements, of this chapter. **[Amended 3-23-1998 by Ord. No. 98-009; 2-22-1999 by Ord. No. 99-001]**
- (4) Yard, area, and building requirements. As specified for this zone in Schedule A, Zoning Districts Schedule,³⁹ as referenced in Subsection B of this section.
- (5) Off-street parking, loading and vehicular access.
 - (a) As per § 245-28 of this chapter as defined for that particular use.
 - (b) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 245-28 of this chapter.
 - (c) Parking area in the TC Zone shall be located only to the rear and/or side of any building in conformance with § 245-28 of this chapter. Parking shall not be located in that portion of the front yard between the street line and the building face.
- (6) Signs. As per § 245-27 of this chapter.
- (7) Performance standards. As specified in § 245-26 of this chapter.
- (8) Buffer requirements. As per § 245-29 of this chapter.
- (9) Expressly prohibited uses. The following uses are expressly prohibited:
 - (a) ⁴⁰Processing or fabrication of materials, except those clearly incidental to a permitted research operation and restricted to quantities sufficient for such operation.
 - (b) The bulk storage of liquid fuels above ground for any purpose. Such incidental fuel storage as may be required for a research operation shall be subject to the Fire Prevention Code of the Township⁴¹ and shall be restricted to such quantities as may, in the opinion of the Chief Inspector, be deemed necessary to the proper performance of said operation.

38.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

39.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

40.Editor's Note: Former Subsection R(9)(a), which listed residences and residential uses as prohibited uses, was repealed 5-29-2012 by Ord. No. 12-010. This ordinance also provided for the redesignation of former Subsection R(9)(b) and (c) as Subsection R(9)(a) and (b), respectively.

41.Editor's Note: See Ch. 179, Fire Prevention.

- (10) Other requirements. Development within the TC Zone shall be designed to create a cohesive environment integrating the developed and undeveloped portions of the district, with a strong visual identity, physically linked by pedestrian connections, plazas, or other amenities, and related by a single theme. Development projects shall provide for interconnected pedestrian and vehicular access between development projects. Accordingly, the design shall be guided by the following objectives:
- (a) Architectural style of the planned commercial development shall be designed to avoid a big-box commercial center appearance through facade ornamentation, building offsets, and entry treatments and upgraded building material and color.
 - (b) Buildings shall be sited to form a progression of pedestrian-oriented open spaces with visual as well as pedestrian connections between such spaces.
 - (c) Open air or enclosed pedestrian spaces shall act as connectors of buildings and shall contain such amenities as changes in level, benches, water features, opportunities for entertainment, and seating areas to provide a sense of place and orientation for its users. There shall be a pedestrian corridor connecting the retail facilities in the portion of the district which is not developed with the portion of the district which already contains retail facilities. Such corridor shall include the amenities set forth in this subsection.
 - (d) One or more entertainment or outdoor recreation facilities constituting a design focus of the planned commercial development and acceptable to the board of jurisdiction shall be provided.
 - (e) At least 18% of the development area shall be devoted to pedestrian spaces, including but not limited to sidewalks in front of stores, and associated landscaping and water features, including but not limited to fountains, plazas, any lawn or landscaped areas, parking islands, and the like (but not preserved open space) and entertainment and outdoor recreation amenities.
 - (f) At least 30% of the district shall be devoted to preserved open space, which may include walking trails.
 - (g) Access to service and deliveries shall not obstruct site traffic patterns. All service areas shall be isolated from main public circulation drives and screened from public view.
 - (h) All portions of the TC Zone development not allocated to buildings or improvements shall be allocated to deed-restricted

passive recreational space, greenbelt space, or other open space.

- (i) Main walkways shall be a minimum of 10 feet in width and secondary walkways shall be a minimum of six feet in width.

(11) Planned multifamily development option. **[Added 5-29-2012 by Ord. No. 12-010]**

- (a) Permitted use: multifamily residential units including rental apartments.

- (b) Minimum lot size: 30 acres.

- (c) Maximum density: 10 dwelling units per acre.

- (d) Minimum front yard setbacks from all principal arterial roadways, from highway development zones, from existing commercial development and from municipal roadways within residential zones:

- [1] One- and two-story buildings: 100 feet.

- [2] Three-story buildings: 150 feet.

- (e) Minimum front and side yard setbacks from Colonial Drive and existing commercial development:

- [1] One and two-story buildings: 60 feet.

- [2] Three-story buildings: 125 feet.

- (f) Minimum rear yard setback: 60 feet.

- (g) Maximum impervious coverage: 30%.

- (h) Minimum width of any residential unit: 18 feet.

- (i) Maximum building height:

- [1] 30 feet and two stories for buildings fronting on all principal arterial roadways, contiguous to highway development zones and/or fronting on municipal roadways within residential zones.

- [2] 40 feet and three stories for buildings at a minimum of 150 feet from all principal arterial roadways, Colonial Drive, highway development zones, existing commercial development and/or a municipal roadway within a residential zone and a minimum of 125 feet from Colonial Drive.

- (j) Maximum number of units per structure:

- [1] Two-story: 16 units

[2] Three-story: 24 units.

(k) Minimum distance between buildings:

[1] For multifamily residential buildings oriented essentially at 90° to each other or oriented essentially end to end from each other, the minimum distance shall be 30 feet for two-story buildings and 40 feet for three story buildings.

[2] For multifamily residential buildings oriented essentially with a parallel axis facing each other, shall be 45 feet for two-story buildings and 60 feet for three-story buildings.

(l) Affordable housing requirement. The applicant shall provide for a twenty-percent inclusionary component or such other requirement that is in effect in accordance with a court-approved housing plan or housing plan approved by the New Jersey Department of Community Affairs at the time of final site plan approval. The type and distribution of affordable housing units shall conform to the regulations in effect by the Department of Community Affairs or such other state agency designated as the regulatory agency for affordable housing in New Jersey at the time of the issuance of the first building permit for the development.

(m) No portion of any dwelling unit shall be lower than the outside finished grade (excluding the basement portion of the dwelling unit). No depressed siting shall be permitted.

(n) Recreation area requirement. Recreation areas shall be provided at the rate of 125 square feet per dwelling unit. All recreation areas shall be landscaped. Recreation areas may include a swimming pool, clubhouse, picnic areas, tot-lots, sports courts, sports fields, walking/running trails and passive open space in areas that are not required building setback areas, conservation areas, retention and detention ponds, environmentally sensitive areas and areas preserved for vegetative coverage required by CAFRA.

(o) Off-street parking requirements. Off-street parking requirements for residential structures shall be governed by the New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21 and, where applicable, by the Americans with Disabilities Act.⁴²

(p) Utility requirements. The applicant for the site plan approval shall arrange with the serving utility for the underground installation of the utility distribution supply lines and service connections in accordance with the provisions of the applicable standard terms and conditions incorporated as part of its tariff

42. Editor's Note: See 42 U.S.C. § 12101 et seq.

on file with the State of New Jersey Board of Public Utilities. All multifamily and attached single-family development shall be served by public sewer and public water in accordance with the requirements of the Manchester Township Department of Utilities. **[Amended 4-14-2014 by Ord. No. 14-007]**

- (q) Landscaping and buffer requirements. All areas of multifamily and attached single-family development not used for construction of buildings, roads, accessways, parking areas or sidewalks shall be reasonably landscaped or grassed. All trees within 50 feet of the perimeter boundary of the development site shall be preserved to the maximum extent possible. All tree preservation and protection areas shall be identified on the site plan and shall be marked in the field and verified by the Township Engineer prior to site clearing, grading or other disturbance. Where no trees exist within 50 feet of the perimeter boundary of the development site, or when the existing trees must be removed for grading purposes, the developer shall plant trees within such fifty-foot perimeter at the rate of one evergreen tree included per 200 square feet and supplemented by evergreen shrubs as determined by the reviewing agency to provide a visual screen from adjacent residential and nonresidential development. Pinelands vegetation shall be utilized to the greatest extent possible. Plantings shall conform with the planting requirements for shade trees and streetscape planting strips as provided in § 245-81H.
- (r) Interior roads and driveways. Roads may be private or public at the discretion of the developer. In the event the roads are private, then such private roads shall be the responsibility of the property owner, property management company or homeowners' association. In such event, the provisions of the Municipal Services Act⁴³ shall be applicable. In the event such roads are public, then such public roads shall be designed in accordance with residential site improvement standards and approved by and accepted by the Township of Manchester and be the responsibility of the Township of Manchester, including the maintenance of drainage facilities in such public roadways.
- (s) Permitted accessory uses. Permitted accessory uses usually and customarily incidental to the above uses, as specified below:
 - [1] Noncommercial garage for the exclusive use of site residents only.
 - [2] Noncommercial swimming pools for exclusive use of site residents.

43.Editor's Note: See N.J.S.A. 40:67-23.2 et seq.

- [3] Clubhouse for use by residents.
 - [4] Maintenance building and yard.
 - (t) Site disturbance. Maximum allowable site disturbance shall not exceed 80%.
 - (u) Site access. Any development shall provide a minimum of two full access roadways for use by residents in accordance with § 245-81I. One full access shall be from a principal arterial roadway.
 - (v) Signs shall be installed in accordance with § 245-27E, General sign regulations, with the following exceptions:
 - [1] A ground sign not greater than 60 square feet in area shall be permitted on a street frontage of 100 feet or more. Where dual street frontages exist, one ground sign shall be permitted on each street.
 - [2] Ground signs shall not be located nearer than 25 feet to any property line nor within 50 feet of an intersection or entrance roadway or within a required sight distance triangle as regulated by a governmental agency.
 - [3] Pathfinder or locator signs for building and site facilities not greater than 20 square feet in area shall be permitted at entrance location points and internal drive intersections.
 - (w) Signs shall be installed in accordance with § 245-27E, General sign regulations.
 - (x) Applications for developments utilizing the planned multifamily development option shall conform with all applicable requirements of Chapter 245, including but not limited to Article VI, Site Plan Requirements and Procedures; Article IX, Improvements, Requirements and Design Standards; and Article X, Performance and Maintenance Guarantees.
- S. MF-6 Multifamily. **[Added 9-8-2014 by Ord. No. 14-015; amended 7-13-2015 by Ord. No. 15-010; 11-14-2016 by Ord. No. 16-036; 2-13-2017 by Ord. No. 17-002]**
- (1) Permitted uses. As specified in Schedule D, CAFRA Area and Pinelands National Reserve Area Zoning Districts-Permitted and Conditional Uses, for the MF-6 Zone.
 - (2) Planned multifamily development option.
 - (a) Permitted use: multifamily residential units, including rental apartments.

- (b) Minimum lot size: five acres.
- (c) Maximum density: six dwelling units per developable acre.
- (d) Minimum front yard setbacks from roadways: as classified in the Township Master Plan:
 - [1] Principal arterial roadways: 100 feet except where the principal arterial right-of-way is 200 feet or greater and the distance from the cartway and/or paved shoulder to the property line is 100 feet or greater, wherein the minimum front yard may be 50 feet.
 - [2] Minor arterials, major collectors and minor collectors: 100 feet.
 - [3] Local roads: 75 feet.
- (e) Minimum side yard setback: 50 feet.
- (f) Minimum rear yard setback: 50 feet.
- (g) Minimum frontage:
 - [1] On principal arterial roadways: 300 feet.
 - [2] On major and minor collectors and local streets: 150 feet.
- (h) Maximum impervious coverage: 30%.
- (i) Minimum width of any residential unit: 18 feet.
- (j) Maximum building height: three stories and 40 feet.
- (k) Maximum number of units per structure: 12.
- (l) Minimum distance between buildings:
 - [1] For multifamily residential buildings oriented essentially at 90° to each other or oriented essentially end to end from each other, the minimum distance shall be 30 feet.
 - [2] For multifamily residential buildings oriented essentially with a parallel axis facing each other, the minimum distance shall be 45 feet.
- (m) Affordable housing requirement. The applicant shall provide for a twenty-percent 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 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.

- (n) No portion of any dwelling unit shall be lower than the outside finished grade (excluding the basement portion of the dwelling unit). No depressed siting shall be permitted.
- (o) Recreation area requirement. Recreation areas shall be provided at the rate of 125 square feet per dwelling unit. All recreation areas shall be landscaped. Recreation areas may include a swimming pool, clubhouse, picnic areas, tot-lots, sports courts, sports fields, walking/running trails and passive open space in areas that are not required building setback areas, conservation areas, retention and detention ponds, environmentally sensitive areas and areas preserved for vegetative coverage required by CAFRA.
- (p) Off-street parking requirements. Off-street parking requirements for residential structures shall be governed by the New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21-1.1 et seq., and, where applicable, by the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), the New Jersey Uniform Construction Code (N.J.A.C. 5:23-1.1 et seq.) and the New Jersey Barrier Free Subcode (N.J.A.C. 5:23-7.5 et seq.).
- (q) Utility requirements. The applicant for site plan approval shall arrange with the serving utilities for the underground installation of utility 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 Utilities. All multifamily and attached single-family development shall be served by public sewer and public water in accordance with the requirements of the Manchester Township Department of Utilities.
- (r) Landscaping and buffer requirements. All areas of multifamily and attached single-family development not used for construction of buildings, roads, accessways, parking areas or sidewalks shall be landscaped or grassed. All trees within 50 feet of the perimeter boundary of the development site shall be preserved to the maximum extent possible. All tree preservation and protection areas shall be identified on the site plan and shall be marked in the field and verified by the Township Engineer prior to site clearing, grading or other disturbance. Where no trees exist within 50 feet of the perimeter boundary of the development site, or when the existing trees must be removed for grading purposes, the developer shall plant trees within such fifty-foot perimeter

at the rate of one evergreen tree per 200 square feet and supplemented by evergreen shrubs as determined by the reviewing agency to provide a visual screen from adjacent single-family residential and from nonresidential development. Pinelands vegetation shall be utilized to the greatest extent possible. Plantings shall conform with the planting requirements for shade trees and streetscape planting strips as provided in § 245-81H.

- (s) Interior roads and driveways. Roads may be private or public at the discretion of the developer. In the event the roads are private, then such private roads shall be the responsibility of the property owner, property management company or 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 designed in accordance with the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1.1 et seq.) and approved and accepted by the Township of Manchester and thereby be the responsibility of the Township of Manchester, including the maintenance of drainage facilities in such public roadways.
- (t) Permitted accessory uses. Permitted accessory uses usually and customarily incidental to the above uses, as specified below:
 - [1] Noncommercial garage for the exclusive use of site residents only.
 - [2] Noncommercial swimming pool for exclusive use of site residents.
 - [3] Clubhouse for use by residents and their guests.
 - [4] Maintenance building and yard.
- (u) Site disturbance. Maximum allowable site disturbance shall not exceed 70%.
- (v) Site access. Developments with multifamily housing shall provide a minimum of two full-access roadways for use by residents in accordance with § 245-81I when applicable.
- (w) Signs shall be installed in accordance with § 245-27E, General sign regulations, with the following exceptions:
 - [1] A ground sign not greater than 60 square feet in area shall be permitted on a street frontage of 100 feet or more. Where dual street frontages exist, one ground sign shall be permitted on each street.
 - [2] Ground signs shall not be located nearer than 25 feet to any property line nor within 50 feet of an intersection

or entrance roadway or within a required sight distance triangle as regulated by a governmental agency.

[3] Pathfinder or locator signs for building and site facilities not greater than 20 square feet in area shall be permitted at entrance location points and internal drive intersections.

(x) Applications for developments utilizing the planned multifamily development option shall conform with all applicable requirements of Chapter 245, including but not limited to Article VI, Site Plan Requirements and Procedures; Article IX, Improvements, Requirements and Design Standards; and Article X, Performance and Maintenance Guarantees.

T. R-20 Residential 20,000 square feet. **[Added 11-14-2016 by Ord. No. 16-036; amended 2-13-2017 by Ord. No. 17-002]**

(1) Permitted uses.

(a) Single-family houses.

(b) Public parks and playgrounds.

(c) Governmental buildings for administrative, protection and safety purposes, such as Township offices, first aid or firehouses.

(2) Permitted accessory uses: as defined in Article II, Terminology, of this chapter.

(3) Yard, area, and building requirements: as specified for these zones in Schedule A, Zoning Districts Schedule, Subsection B of this section.

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

(a) As per § 245-28 of this chapter as defined for that particular use.

(b) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 245-28 of this chapter.

(5) Signs: as per § 245-27 of this chapter.

(6) Lot averaging.

(a) Buildings on undersized lots of record in the R-20 Zone will be considered conforming and new subdivisions with the R-20 Zone may include lots that are less than 20,000 square feet in area, provided that lots that are larger than the minimum

enable the average lot size of the entire subdivision to be 20,000 square feet or greater.

- (b) Buildings on undersized lots of record in the R-20 Zone shall meet all other requirements of the R-20 Zone.

§ 245-32. Pinelands Area development.

A. Pinelands Area general development regulations.

- (1) Expansion and changes of existing uses. Notwithstanding the use restrictions contained in Part III of N.J.A.C. 7:50-1 et seq., Subsections 7:50-5.21 to 7:50-5.40, or § 245-33 of this chapter, the expansion or alteration of any use existing in the Pinelands Area on January 14, 1981 that is currently nonconforming, or any use which was constructed based upon an approval granted pursuant to N.J.A.C. 7:50-1 et seq., other than intensive recreation facilities and those uses which are expressly limited in N.J.A.C. 7:50-6, Article IV, Management Programs and Minimum Standards of the Pinelands Comprehensive Management Plan, and § 245-33, may be permitted, provided that:
 - (a) The use was not abandoned or terminated subsequent to January 14, 1981;
 - (b) The expansion of the use is in accordance with all of the minimum standards of § 245-33;
 - (c) The area of expansion does not exceed 50% of the floor area, the area of the use, or the capacity of the use, whichever is applicable, on January 14, 1981, or which was approved pursuant to N.J.A.C. 7:50-1 et seq.; and
 - (d) The use conformed to the zoning district regulations as of January 14, 1981.
- (2) Height limitations.
 - (a) Except in the WTO-P District, no structure, including radio and television transmission and other communications facilities which are not accessory to an otherwise permitted use, shall exceed a height of 35 feet, except as provided in Subsection A(2)(b) below. **[Amended 6-14-2010 by Ord. No. 10-012]**
 - (b) The height limitation in Subsection A(2)(a) above shall not apply to any of the following structures, provided that such structures are compatible with uses in the immediate vicinity and conform to the objectives of Subsection M, Scenic, and N.J.A.C. 7:50-6, Part X, Scenic: antennas which do not exceed a height of 200 feet and which are accessory to an otherwise permitted use, silos, barns and other agricultural structures, church spires, cupolas, domes, monuments, water towers, fire

observation towers, electric transmission lines and supporting structures, windmills, smoke stacks, derricks, conveyors, flag poles and masts or aerials, solar energy facilities, chimneys and similar structures required to be placed above the roof level and not intended for human occupancy.

- (c) The height limitation in Subsection A(2)(a) above shall not apply to the antenna and any supporting structure of a local communication facility of greater than 35 feet, provided that:
[Amended 5-29-2007 by Ord. No. 07-018]

- [1] There is a demonstrated need for the facility to serve the local communication needs of the Pinelands, including those related to public health and safety, as well as a demonstrated need to locate the facility in the Pinelands in order to provide adequate service to meet these needs;
- [2] The supporting structure is designed to accommodate the needs of any other local communications provider which has identified a need to locate a facility within an overlapping service area;
- [3] The antenna utilizes an existing communications or other suitable structure, to the extent practicable;
- [4] If an existing communications or other suitable structure cannot be utilized, the antenna and any necessary supporting structure is located such that it:
 - [a] Meets technical operating requirements;
 - [b] Minimizes visual impacts as viewed from publicly dedicated roads and highways and from other areas frequented by the public by, in order of decreasing priority:
 - [i] Avoiding, to the maximum extent practicable, any direct line of sight from low-intensive recreation facilities and campgrounds; and
 - [ii] Minimizing the length of time that an antenna structure is visible from publicly dedicated roads and highways.
 - [c] Avoids, to the maximum extent practicable, visual impacts as viewed from the wild and scenic rivers and special scenic corridors listed in N.J.A.C. 7:50-6.105(a), the Pine Plains and area necessary to maintain the ecological integrity of the Pine Plains, as depicted on the Special Areas Map, Figure 7.1, of the Pinelands Comprehensive Management Plan, the

original of which is maintained at the offices of the Pinelands Commission;

- [d] Maintains a distance of at least five miles from the Forked River Mountains and otherwise minimizes visual impacts as viewed from the Forked River Mountains, as depicted on the Special Areas Map, Figure 7.1, of the Pinelands Comprehensive Management Plan;
- [e] Minimizes visual impacts from existing residential dwellings on contiguous parcels through adherence to the buffer requirements of § 245-29 and setback requirements in Zoning District Schedules B and C;⁴⁴ and
- [f] If proposed in the Preservation Area District (PPA), Pinelands Forest Area (PFA) or in the PED-9 (Planned Environmental Development) Zone is located in one of the following areas:
 - [i] On developed publicly owned lands within 500 feet of an existing structure, provided that the facility will be located on previously disturbed lands that have not subsequently been restored and that no facility will be located on state, county, or municipal conservation lands, state recreation lands or county and municipal lands used for low-intensity recreational purposes;
 - [ii] On the parcel of an approved resource extraction operation, provided that the facility will be located on previously disturbed lands that have not subsequently been restored;
 - [iii] On the parcel of an existing first aid or fire station; or
 - [iv] On the parcel of an existing landfill, provided that the facility will be located on previously disturbed lands that have not subsequently been restored.
- [5] The antenna and any supporting structure does not exceed 200 feet but, if of a lesser height, shall be designed so that its height can be increased to 200 feet if necessary to accommodate other communications facilities in the future;
- [6] If the facility is proposed to be located in any Pinelands management area other than the Ridgeway Regional

44. Editor's Note: The schedules are included at the end of this chapter.

Growth Area or Whiting Town, a comprehensive plan for the entire Pinelands Area must be submitted to the Pinelands Commission for certification in accordance with N.J.A.C. 7:50-5.4(c). If the facility is proposed to be located in a Military and Federal Installation Area, submission of such a plan shall only be required if the facility is to be located outside the substantially developed area of the installation.

(3) Setback standards.

- (a) In accordance with N.J.A.C. 7:50-6.102, Scenic management program, all buildings within the Pinelands Preservation Area (PPA) and Pinelands Forest Area (PFA) Zoning Districts shall be set back from public, paved roads in accordance with N.J.A.C. 7:50-6.103, Scenic corridors, and 6.104, Requirements for scenic corridors. These setback requirements shall not apply to residential cluster developments within the Pinelands Forest Area (PFA) Zoning Districts which comply with the standards of § 245-33C(1)(b) or § 245-33D(1)(b). **[Amended 12-12-2011 by Ord. No. 11-025]**
 - (b) All structures within 1,000 feet of rivers designated in N.J.A.C. 7:50-6.105(a) as a "scenic corridor," including the Toms River from the Conrail Railroad Bridge upstream (west) to the Jackson Township border shall be screened in accordance with the requirements set forth therein to avoid visual impacts as viewed from the river. (See Subsection M.)
- (4) Residential dwelling units on 3.2-acre lots. Residential dwelling units on 3.2-acre lots may be permitted in the PPA, PFA-R and PFA-S Zoning Districts, provided that:
- (a) The dwelling unit will be the principal residence of the property owner or a member of the immediate family of the property owner;
 - (b) The individual whose principal residence the dwelling unit will be has not developed a dwelling unit under this section within the previous five years;
 - (c) The parcel of land on which the dwelling is to be located has been in the continuous ownership since February 7, 1979, of the person whose principal residence the dwelling unit will be, a member of that person's immediate family, or a partnership or corporation in which members of that person's immediate family collectively own more than a majority interest in such partnership or corporation; and
 - (d) The person whose principal residence the dwelling unit will be has resided in the Pinelands for at least five years and that person or one of the members of that person's immediate

family have resided in the Pinelands for a total of at least 20 different years.

- (5) No more than one principal use on one lot. No more than one principal use shall be located on one lot, except for forestry, agriculture, horticulture, fish and wildlife management, and recreational development on agricultural lands.
- (6) Residential dwelling units on one-acre lots. Residential dwelling units on one-acre lots may be permitted in the PPA, PFA-R and PFA-S zones, provided that:
 - (a) The applicant satisfies all of the requirements set forth in Subsection A(4) above;
 - (b) The lot to be developed existed as of February 8, 1979, or was created as a result of an approval granted by the Pinelands Development Review Board or by the Pinelands Commission pursuant to the interim rules and regulations prior to January 14, 1981;
 - (c) The applicant qualifies for and receives from the Township a variance from the 3.2-acre lot size requirement set forth in Subsection A(4) above;
 - (d) The applicant purchases and redeems 0.25 Pinelands development credits; and
 - (e) Any Pinelands development credits allocated to the lot to be developed are reduced pursuant to Subsection C of this section.
- (7) Condition on prior approvals by the Township within the Pinelands Area. Where a prior approval has been granted by the Township in the Pinelands Area, no subsequent approval of an application for development approval shall be obtained until one of the following is satisfied:
 - (a) Notification is received from the Pinelands Commission that review of the Township's approval is not required; or
 - (b) Review of the Township's approval has been completed pursuant to N.J.A.C. 7:50-4.27 through 7:50-4.32 and a final order regarding the approval is received by the Township from the Pinelands Commission.
- (8) Public development within the Pinelands Area. All development proposed by Manchester Township or any agency thereof in the Pinelands Area will comply with all the requirements for public development set forth in N.J.A.C. 7:50-4-51 et seq. and all the standards set forth in this article.

- (9) Minimum lot size in the Pinelands Area. **[Amended 2-24-2003 by Ord. No. 03-001]**
- (a) No residential dwelling unit or nonresidential use in the PPA, PFA-R or PFA-S Zones shall be located on a parcel of less than one acre in size.
 - (b) No nonresidential use in the Ridgeway Regional Growth Area or Whiting Town shall be located on a parcel of less than one acre in size unless served by a centralized wastewater treatment plant.
 - (c) No single-family residential use on an individual lot in Beckerville Village, Ridgeway Regional Growth Area or Whiting Town shall be located on an existing parcel of less than 40,000 square feet as of August 5, 2002, or a lot of less than one acre in a subdivision approved after August 5, 2002, unless served by either:
 - [1] A centralized wastewater treatment plant; or
 - [2] A community on-site wastewater treatment system serving two or more residential dwelling units which meets the standards of § 245-32K(2)(e) or (g), provided that the overall residential density on the parcel does not exceed one dwelling unit per acre.
 - (d) PR-15 Zone. An application for residential development not served by a centralized wastewater treatment plant on lots between 20,000 square feet and one acre in size in the PR-15 Zone may be considered without the necessity for a municipal lot size or density variance, provided a waiver of strict compliance is granted by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61 et seq.
 - (e) WTR-40 Zone. An application for residential development not served by a centralized wastewater treatment plant on lots between 20,000 square feet and one acre in size in the WTR-40 Zone may be considered without the necessity for a municipal lot size or density variance, provided a waiver of strict compliance is granted by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61 et seq.
- (10) Residential dwellings on private roads. Within the PPA and PFA-S Zones as herein established, residential dwellings built on lots of 20 or more acres may front on unimproved and unaccepted roads over which the owner has rights of access, provided that there is provision made for sufficient emergency vehicular access as certified by the Manchester Township Engineer and further provided that such access shall be paved at the point of intersection with an approved and unimproved road for a distance and in a manner approved by the Township Engineer.

B. Pinelands Development uniform procedures.

(1) Applicability.

- (a) In addition to other development review procedures of the Township of Manchester enumerated in this chapter, all applications for development approval in the Pinelands Area shall comply with the procedures set forth in Subsection A of this section, Pinelands Area general development regulations.
- (b) For the purposes of this section only, the following shall not be considered development except for development involving any historic resource designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154, Designation of Historic Resources and Districts:
 - [1] The improvement, expansion, construction or reconstruction within five years of destruction or demolition, of any single-family dwelling unit or appurtenance thereto;
 - [2] The improvement, expansion, construction or reconstruction of any structure accessory to a single-family dwelling;
 - [3] The improvement, expansion, construction or reconstruction of any structure used exclusively for agricultural or horticultural purposes;
 - [4] The construction, repair or removal of any sign, except for the construction or replacement of any off-site commercial advertising sign;
 - [5] The repair of existing utility distribution lines;
 - [6] The installation of utility distribution lines, except for sewage lines, to serve areas which are effectively developed or development which has received all necessary approvals and permits;
 - [7] The clearing of less than 1,500 square feet of land;
 - [8] The construction of any addition or accessory structure for any nonresidential use or any multifamily residential structure, provided that said addition or structure will be located on or below an existing impermeable surface, that the existing use is served by public sewers, and that said addition or structure will cover an area of no more than 1,000 square feet;
 - [9] The demolition of any structure that is less than 50 years old;

- [10]The repair or replacement of any existing on-site wastewater disposal system;
 - [11]The repaving of existing paved roads, provided no increase in the paved width of said roads will occur;
 - [12]The clearing of land solely for agricultural purposes;
 - [13]Fences, provided not more than 1,500 square feet of land is to be cleared;
 - [14]Aboveground telephone equipment cabinets;
 - [15]Tree pruning;
 - [16]The following forestry activities:
 - [a] Normal and customary forestry practices on residually improved parcels of land that are five acres or less in size;
 - [b] Tree harvesting, provided that no more than one cord of wood per five acres of land is harvested from the entire parcel in any one year and no more than five cords of wood are harvested from the entire parcel in any one year;
 - [c] Tree planting, provided that the area to be planted does not exceed five acres in any one year, no soil disturbance occurs other than that caused by the planting activity and no trees other than those authorized by N.J.A.C. 7:50-6.25, Native Shrubs and Trees, are to be planted; and
 - [d] Forest stand improvement designed to selectively thin trees and brush, provided that no clearing or soil disturbance occurs and that the total land area on the parcel in which the activity occurs does not exceed five acres in any one year.
 - [17]Prescribed burning and the clearing and maintaining of fire breaks; or
 - [18]Normal and customary landscape plantings, unless a landscaping plan is required pursuant to Subsection E(4) or pursuant to Articles V and VI.
- (c) As of January 14, 1991, the provisions of the Pinelands Comprehensive Management Plan shall apply to any proposed development or portion thereof within the Pinelands Area which received approval from the Pinelands Commission pursuant to the Interim Rules and Regulations or which received approval from the Pinelands Development Review

Board and said approvals expired as of that date or will expire subsequent to that date, without exception, unless the requirements in Subsection B(1)(c)[1], [2], [3] or in [4] below have been and continue to be met:

- [1] All necessary Township Planning Board or Board of Adjustment approvals were obtained by January 14, 1991;
 - [2] No additional approval, extension, renewal or any other action whatsoever is required or received from either the Township Planning Board or Board of Adjustment after January 14, 1991; and
 - [3] All necessary approvals, including all necessary construction permits, are obtained by December 31, 1994, or within 18 months of the expiration of any tolling pursuant to N.J.S.A. 40:55D-21 of the running period of the period of the Planning Board or Board of Adjustment approval pursuant to N.J.S.A. 40:55D-47 or 40:55D-52, whichever is later, and no construction permit becomes invalid pursuant to N.J.A.C. 5:23-2.16(b) after the latter of said dates; or
 - [4] Where no Township Planning Board or Board of Adjustment approvals were required, all necessary construction permits were issued prior to January 14, 1991, the authorized work was commenced within 12 months after the issuance of the permits and no such permit becomes invalid pursuant to N.J.A.C. 5:23-2.16(b) after December 31, 1994.
- (d) Nothing herein shall preclude any local or state agency from reviewing, in accordance with the provisions of any applicable ordinance or regulation, any proposed development which does not require an application to the Pinelands Commission pursuant to this section.
- (2) Application requirements. In accordance with N.J.A.C. 7:50-4.2(b)4, Preapplication Conference, Application Requirements:
- (a) Minor development application. Any application for approval of minor development shall include at least the following information:
 - [1] The applicant's name and address and his interest in the subject property;
 - [2] The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application;

- [3] The legal description, including block and lot designation and street address, if any, of the subject property;
- [4] A description of all existing uses of the subject property;
- [5] A brief written statement generally describing the proposed development;
- [6] A USGS Quadrangle Map, or copy thereof, and a copy of the municipal Tax Map on which the boundaries of the subject property and the Pinelands management area designation and the zoning designation are shown;
- [7] A plat or plan showing the location of all boundaries of the subject property, the location of all proposed development, and existing or proposed facilities to provide water for the use and consumption of occupants of all buildings and sanitary facilities which will serve the proposed development. The following information shall be included with respect to the existing or proposed sanitary facilities:
 - [a] On-site treatment facilities. Location, size, type and capacity of any proposed on-site wastewater treatment facilities; and
 - [b] Soil borings and percolation tests. If on-site sewage disposal is proposed, results of soil borings and percolation tests in accordance with N.J.S.A. 58:11-23 et seq., and the regulations adopted pursuant thereto, shall be submitted at suitable locations with a tract map showing location, logs, elevations of all test holes, indicating where ground water was encountered, estimating the seasonal high water table and demonstrating that such facility is adequate to meet the water quality standards contained in Subsection K of this section.
- [8] A location map, including the area extending at least 300 feet beyond each boundary of the subject property, showing ownership boundary lines, the boundary of the proposed development, owners of holdings adjoining and adjacent to the subject property, existing facilities, buildings and structures on the site, all proposed development, wetlands, streams (including intermittent streams), rivers, lakes and other water bodies and existing roads;
- [9] A soils map including an Ocean County Soils Survey which conforms to the guidelines of the United States Department of Agriculture Soil Conservation Service, showing the location of all proposed development;

[10] A map showing existing vegetation, identifying predominant vegetation types in the area, and showing proposed landscaping of the subject property, including the location of the tree line before and after development and all areas to be disturbed as a result of the proposed development.

(b) Major development application. Unless the submission requirements are modified or waived, all applications for major development, other than forestry and resource extraction operations, shall include at least the following information:⁴⁵

[1] All information required by Subsections B(2)(a)[1] through [4];

[2] A brief written statement generally describing the proposed development; the number of total units; and the floor area of all units to be included in the proposed development;

[3] A written statement addressing each of the standards or guidelines set forth in Subchapters 5 and 6 of the Pinelands Comprehensive Management Plan; and stating specifically how the proposed development meets each such standard or guideline;

[4] A plat or plan showing the location of all boundaries of the subject property, the location of all proposed development, and existing or proposed facilities to provide water for the use and consumption of occupants of all buildings and sanitary facilities which will serve the proposed development. The following information shall be included with respect to existing or proposed wastewater treatment facilities:

[a] Sanitary sewer distribution. Location, size and direction of flow of all existing and proposed sanitary sewer lines and pumping stations serving the proposed development and all existing and proposed connections to existing facilities;

[b] On-site treatment facilities. Location, size, type and capacity of any proposed on-site wastewater treatment facilities including, except with respect to discharge into an individual residential septic system, quantities, composition, proposed pretreatment and ultimate means of disposal;

45. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

- [c] Soil borings and percolation tests. If on-site sewage disposal is proposed, results of soil borings and percolation tests in accordance with the requirements of N.J.S.A. 58:11-23 et seq. and the regulations adopted pursuant thereto shall be submitted with tract map showing location, logs, evaluations of all test holes, indicating where groundwater was encountered, and estimating the seasonal high water table; and
 - [d] The proposed hours and days of operation and number of employees of any nonresidential facility.
- [5] A project site base map, at a scale of not less than one inch to 200 feet and including the areas extending at least 300 feet beyond each boundary of the subject property, showing ownership boundary lines, the boundary of the proposed development, owners of holdings, if any, adjoining and adjacent to the subject property, existing facilities, buildings and structures on the site, all proposed development, wetlands, streams (including intermittent streams), rivers, lakes and other water bodies, and existing roads;
 - [6] A soils map including the Ocean County Soils Survey in conformance with the guidelines of the United States Department of Agriculture Soil Conservation Service, at the same size and scale as the project site base map, delineating all soil series at an appropriate level of detail and, in sewered projects, sufficient soil borings to confirm the accuracy of the soils map;
 - [7] A slope map, at the same size and scale as the project site base map, indicating contour elevations at two-foot intervals;
 - [8] A resource capability map, at the same size and scale as the project site map, indicating the cumulative limitations to development due to the standards and the guidelines contained in the Pinelands Comprehensive Management Plan. This map should be prepared prior to any engineering, site layout or design work;
 - [9] A proposed development map, at the same size and scale as the project site base map, showing areas of proposed development; the location of surveyor's tape or other markers placed on the site delineating the boundaries of the property; the number of residential lots and other type of development in each general area; all proposed lot lines; areas proposed to be retained as open space; the applicable land use areas boundaries; the location of

proposed facilities such as dams and impoundments, public or private water systems, storm drainage systems, public or private sewerage systems, public utilities, soil erosion and sedimentation control devices, industrial wastewater discharges and solid waste disposal areas; sources of air pollution, the proposed primary road network; all areas to be disturbed by construction activities;

[10] A map, at the same size and scale as the project site base map, showing stormwater drainage patterns and calculations and the applicant's proposed stormwater runoff management plan, which shall contain results of all percolation tests and soil borings performed in each recharge area, including the estimated seasonal high water table;

[11] Legal instruments evidencing the applicant's right, title or interest in any Pinelands development credits and any existing or proposed deed restrictions or easements relating to the subject parcel;

[12] A landscaping or revegetation plan which incorporates the elements set forth in § 245-29;

[13] All public service infrastructure agreements, or other documentation, evidencing the availability of electric, gas, water, sewer and other necessary public service infrastructure;

[14] The cultural resources survey described in N.J.A.C. 7:50-6, Part XV, Historical, Archaeological and Cultural Preservation;

[15] A list of all permits required for the proposed development from county, municipal, state and federal agencies.

(c) Application for approval of forestry operations. Any application for approval of forestry operations shall be subject to the requirements of Subsection G and N.J.A.C. 7:50-6.43, Part IV, Forestry, Application Requirements.

(d) Application for approval of resource extraction operations. Any application for the approval of resource extraction operations shall be subject to the requirements of Subsection I and N.J.A.C. 7:50-4.2(b)6, Application for Resource Extraction.

(3) Development approval procedures.

(a) Application submission and modification. Written notification will be given by the Township to the Pinelands Commission within seven days after a determination is made by the

Township that an application for development is complete or if a determination is made by a Township approval agency that the application has been modified. Said notice shall contain:

- [1] The name and address of the applicant;
 - [2] The application number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued;
 - [3] The date on which the application, or any change thereto, was filed, and any application number or other identifying number assigned to the application by the approving authority;
 - [4] Any written reports or comments received by the approving authority on the application for development which have not previously been submitted to the Commission; and
 - [5] The content of any change made to the application since it was filed with the Commission, including a copy of any revised plan or reports.
- (b) Meetings and hearings. Where a meeting, hearing or other formal proceeding on an application for development approval in the Pinelands Area is required, the applicant shall provide notice to the Pinelands Commission by regular mail or delivery of same to the principal office of the Commission at least five days prior to such meeting or hearing. Such notice shall contain at least the following information:
- [1] The name and address of the applicant;
 - [2] The application number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued;
 - [3] The date, time and location of the meeting, hearing or other formal proceeding;
 - [4] The name of the approving authority, or representative thereof, which will be conducting the meeting, hearing or other formal proceeding;
 - [5] Any written reports or comments received by the approving authority on the application for development which have not been previously submitted to the Commission; and
 - [6] The purpose for which the meeting, hearing or other formal proceeding is to be held.

- (c) Notice of approvals and denials. The Pinelands Commission shall be notified of all approvals or denials of development in the Pinelands Area, whether the approval occurs by action or inaction of any approving authority or an appeal of any agency's decision. The applicant shall, within five days of the approval, give notice by certified mail to the Pinelands Commission. Such notice shall contain the following information:
- [1] The name and address of the applicant;
 - [2] The legal description and street address, if any, of the property which the applicant proposes to develop;
 - [3] The application number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued;
 - [4] The date on which the approving authority's approval or denial was issued;
 - [5] Any written reports or comments received by the approving authority on the application for development which have not been previously submitted to the Commission;
 - [6] Any revisions to the applicant not previously submitted to the Commission;
 - [7] A copy of the resolution, permit or other documentation of the approval or denial which was granted; and
 - [8] The names and addresses of all persons who actively participated in the proceedings.
- (d) Evidence of ownership of Pinelands development credits. No development involving the use of Pinelands development credits shall be approved until the developer has provided the Pinelands Commission and the Township approving agency with evidence of his ownership of the requisite Pinelands development credits; provided, however, that the Township approving authority may grant general development plan, preliminary subdivision or preliminary site plan approval conditioned upon such evidence being presented as a prerequisite to final subdivision or site plan approval. For such a final subdivision or site plan, the developer shall provide evidence of Pinelands development credit ownership to secure the same proportion of lots or residential units as was approved for Pinelands development credit use in the preliminary approval or, as appropriate, the general development plan. Notification of any such development approval shall be made to the Pinelands Commission pursuant

to N.J.A.C. 7:50-4 and Subsection B(3)(c) above and to the New Jersey Pinelands Development Credit Bank in accordance with N.J.A.C. 3:42-3. Redemption of the requisite Pinelands development credits shall occur in accordance with N.J.A.C. 3:42-3.6, prior to the memorialization of the resolution granting final subdivision or site plan approval, or if no such approval is required, prior to the issuance of any construction permits. **[Amended 12-17-2001 by Ord. No. 01-034]**

- (4) Review by the Pinelands Commission.
 - (a) Upon receipt by the Pinelands Commission of the notice of approval pursuant to Subsection B(3)(c) above, the application for development approval shall be reviewed in accordance with the provisions of N.J.A.C. 7:50-4.36 through 7:50-4.42. The approval or denial of the Township shall not be effective, and no development shall be carried out prior to a determination of whether the development approval will be reviewed by the Commission. If the applicant is notified that the Commission will review the application, no development shall be carried out until such review has been completed.
 - (b) Pursuant to N.J.A.C. 7:50-4.1(b) and until January 4, 1991, approvals issued by the Pinelands Development Review Board or the Pinelands Commission under the Interim Rules and Regulations shall serve as the basis for Pinelands Commission review of local approvals under this section.
 - (c) Although the Pinelands Commission shall be notified of all denials, no such denial actions are subject to further review and action by the Pinelands Commission.
- (5) Effect of Pinelands Commission's decision on Township's approval. If the Pinelands Commission disapproves an application for development previously approved by an approving agency, such approval shall be revoked within 30 days of the Pinelands Commission's action by the approving agency and the agency shall thereafter deny approval of the application. If the Pinelands Commission approves the decision of an approving agency subject to conditions, the approving authority which had previously approved the application, shall, within 30 days, modify its approval to include all conditions imposed by the Pinelands Commission; and if final approval of the application is required, shall grant final approval only if the application for approval demonstrates that the conditions specified by the Pinelands Commission have been met by the applicant.
- (6) Participation of Pinelands Commission in Township public hearings. The Pinelands Commission may participate in a hearing held in Manchester Township involving the development of land in the Pinelands Area pursuant to N.J.A.C. 7:50-4.26.

- (7) Referral of applications to Township Environmental Commission. All applications for development approval in the Pinelands Area of Manchester Township shall be referred to the Environmental Commission for review and comment.
- C. Pinelands development credits. In accordance with N.J.A.C. 7:50-5.41 to 7:50-5.47, Pinelands development credits Program shall be applicable in the Pinelands Area of the Township as follows:
- (1) Application of Pinelands development credits. Except for land which was owned by a public agency on January 14, 1981, land which is thereafter purchased by the State of New Jersey for conservation purposes, land which is subject to an easement limiting the use of land to nonresidential uses, or land otherwise excluded from entitlement in Subsection C(2) below, every parcel of land in the Pinelands Preservation Area District shall have a use right known as "Pinelands development credits" that can be used to secure a density bonus for land located in the BVR-40, PAF-1, PR-40, PR-A, PED-1, PRC and PRC-1 Zones, where required, and in certain other Pinelands municipalities approved by the Pinelands Commission. Pinelands development credits may also be allocated to certain properties in the Township by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61 et seq. **[Amended 5-29-2007 by Ord. No. 07-018; 7-10-2017 by Ord. No. 17-008]**
 - (2) Pinelands credits in the PPA Zone. Pinelands development credits are hereby established in the (PPA) Pinelands Preservation Area District at the following ratios:
 - (a) Uplands which are undisturbed but currently or previously approved for resource extraction pursuant to this chapter: two Pinelands development credits per 39 acres.
 - (b) Uplands which are mined as a result of a resource extraction permit approved pursuant to this chapter: zero Pinelands development credits per 39 acres.
 - (c) Other uplands: one Pinelands development credit per 39 acres; and
 - (d) Wetlands: 0.2 Pinelands development credit per 39 acres.
 - (3) Reductions of Pinelands credit allocations. The allocations established in Subsection C(2) above shall be reduced as follows:
 - (a) Any parcel of 10 acres or less which is developed for a commercial, industrial, resource extraction, intensive recreation, institutional, campground or landfill use shall not receive Pinelands development credit entitlement. For such an improved parcel of more than 10 acres, the area actively used for such use or 10 acres, whichever is greater, shall not receive Pinelands development credit entitlement.

- (b) The Pinelands development credit entitlement of a parcel of land shall be reduced by 0.25 Pinelands development credit for each existing dwelling unit on the parcel.
 - (c) The Pinelands development credit entitlement for a parcel of land shall be reduced by 0.25 Pinelands development credit for each reserved right to build a dwelling unit on the parcel retained by the owner of the parcel pursuant to Subsection C(8)(b) below.
- (4) Fractional Pinelands credits. The owners of parcels of land which are smaller than 39 acres shall have a fractional Pinelands development credit at the same ratio established in Subsection C(2) above.
- (5) Pinelands credit entitlement. If the allocations established in Subsection C(2) above are less 0.25 of a Pinelands development credit, the allocation shall be increased to 0.25 of a Pinelands development credit if the owner of record of 0.1 or greater acres of land in the Pinelands Preservation Area District (PPA), as of February 7, 1979, owns a vacant parcel of land that was not in common ownership with any contiguous land on or after February 7, 1979, and the parcel has not been sold or transferred except to a member of the owner's immediate family.
- (6) Owners of parcels less than one-tenth of an acre. The provisions of Subsection C(5) above shall also apply to owners of record of less 0.1 acre of land in the Pinelands Preservation District (PPA), as of February 7, 1979, provided that said owners acquire vacant, contiguous lands to which Pinelands development credits are allocated pursuant to Subsection C(2) above which lands, when combined with the acreage of the parcel, total at least one-tenth of an acre.
- (7) Owners of parcels smaller than 39 acres. The owners of parcels of land which are smaller 39 acres shall have fractional Pinelands development credits at the same ratio established in Subsection C(2) above for the management area in which the parcel is located.
- (8) Required use of Pinelands credits. Pinelands development credits shall be used in the following manner only within the Pinelands Area Regional Growth Area of Manchester Township located in the Ridgeway area of the Township northwest of the Southern Branch CONRAIL railroad and northeast of Naval Air Engineering Center - Lakehurst (currently known as Joint Base-McGuire-Dix-Lakehurst and the Borough of Lakehurst: **[Amended 12-17-2001 by Ord. No. 01-034; 5-29-2007 by Ord. No. 07-018; 6-14-2010 by Ord. No. 10-012; 9-8-2014 by Ord. No. 14-016; 7-13-2015 by Ord. No. 15-009]**

- (a) To permit development of parcels of land in the PAF-1, PR-40, PR-A, PRC, PRC-1, PR-15 and PED-1 Zones according to the density and lot area requirements set forth in § 245-33E, F, G, I, V, W and X of this chapter; **[Amended 7-10-2017 by Ord. No. 17-008]**
 - (b) When a variance of density or minimum lot area requirements for the PAF-1, PR-A, PR-40, PRC, PRC-1, PMP, PR-15 and PED-1 zones within the Pinelands Regional Growth Area is granted by the Township, Pinelands development credits shall be used for all housing units or lots in excess of that otherwise permitted without the variance; **[Amended 7-10-2017 by Ord. No. 17-008]**
 - (c) When a variance or other approval for a nonresidential use not otherwise permitted in the PAF-1, PR-A, PR-40, PR-15, PRC, PRC-1, PMP and PED-1 zones is granted by the Township, Pinelands development credits shall be used at 50% of the maximum rate permitted for Pinelands development credit use in the zone in which the nonresidential use will be located for parcels under 10 acres in size; at 75% of the maximum rate for parcels between 10 and 20 acres in size; and at 100% of the maximum rate for parcels over 20 acres in size. This requirement shall not apply to a variance or other approval which authorizes the expansion of or changes to existing nonresidential uses in accordance with N.J.A.C. 7:50-5.2; **[Amended 7-10-2017 by Ord. No. 17-008]**
 - (d) When a variance or other approval for a residential use in the PB-1 zone or POR-LI zone is granted by the Township, Pinelands development credits shall be used for 50% of the authorized units for parcels under 10 acres in size; for 75% of the authorized units for parcels between 10 and 20 acres in size; and for 100% of the authorized units for parcels over 20 acres in size;
 - (e) When a variance for cultural housing is granted by the Township in accordance with Subsection A(6) of this section;
 - (f) When a waiver of strict compliance is granted by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61 et seq.;
 - (g) When a variance of density or lot area requirements for a residential or principal nonresidential use in the BVR-40, WTRA, WTR-40, WTRC, WTB-1, WTO-P or WTHD zone is granted by the Township, Pinelands development credits shall be used for all dwelling units or lots in excess of that permitted without the variance.
- (9) Limitations on use of Pinelands development credits. Pursuant to N.J.A.C. 7:50-5.44:

- (a) No Pinelands development credit may be conveyed, sold, encumbered or transferred unless the owner of the land from which the credit has been obtained has received a Pinelands development credit certificate from the New Jersey Pinelands Development Credit Bank pursuant to N.J.A.C. 3:42-3, and has deed restricted the use of land in perpetuity to those uses set forth in Subsection C(9)(b) below by recorded deed restriction which is in favor of a public agency or not for profit incorporated organization and specifically and expressly enforceable by the Pinelands Commission.
 - (b) Notwithstanding the provisions of Subsection C(9)(a) above, an owner of a parcel from which Pinelands development credits are sold may retain a right for residential development on that parcel, provided that the recorded deed restriction expressly provides for same and that the total allocation of Pinelands development credits for that parcel is by 0.25 Pinelands development credit for each reserved right to build a dwelling unit. Subdivision of the parcel shall not be required until such time as the residential development right is exercised.
 - (c) The bonus density of a parcel of land on which Pinelands development credits are used shall not exceed the upper limits of the density range of the municipal zone or district in which the parcel is located.
- (10) Pinelands development credit bonus multipliers. Pursuant to N.J.A.C. 7:50-5.45, Pinelands development credits which are used for securing a density bonus for parcels of land located in a regional growth area shall yield a bonus of four dwelling units per credit.
- (11) Aggregation of Pinelands development credits. Pursuant to N.J.A.C. 7:50-5.46, Pinelands development credits may be aggregated from different parcels for use in securing a bonus for a single parcel of land in a regional growth area, provided that the density does not exceed the limits of the density range specified in the municipal zone or district in which the parcel is located.
- (12) Recordation of deed restriction. Pursuant to N.J.A.C. 7:50-5.47:
- (a) No conveyance, sale or transfer of Pinelands development credits shall occur until the municipality with jurisdiction over the parcel of land from which the Pinelands development credits were obtained, the agency or organization to which the restriction is in favor, and the Pinelands Commission have been provided with evidence of recordation of a restriction on the deed to the land from which the development credits were obtained.

- (b) Such deed restriction shall specify the number of Pinelands development credits sold and that the parcel may only be used in perpetuity for the following uses:
- [1] In the Pinelands Preservation Area District: berry agriculture; horticulture of native Pinelands plants; forestry; beekeeping; fish and wildlife management; wetlands management; agricultural employee housing as an accessory use; and low-intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation, access to water bodies is limited to no more than 15 feet of frontage per 1,000 feet of frontage on the water body, clearing of vegetation does not exceed 5% of the parcel, and no more than 1% of the parcel will be covered with impervious surfaces; **[Amended 12-12-2011 by Ord. No. 11-025]**
 - [2] In all of the Pinelands zoning districts: agriculture; forestry; and low-intensity recreational uses.
- (c) Evidence of ownership of Pinelands development credits.
- [1] No development involving the use of Pinelands development credits shall be approved until the developer has provided the Pinelands Commission and the Township approving authority with evidence of his ownership and redemption of the requisite Pinelands development credits; provided, however, that the Township approving authority may grant general development plan, preliminary subdivision or preliminary site plan approval conditioned upon such evidence being presented as a prerequisite to final subdivision or site plan approval. For such a final subdivision or site plan, the developer shall provide evidence of Pinelands development credit ownership and redemption to secure the same proportion of lots or residential units as was approved for Pinelands development credit use in the preliminary approval or, as appropriate, the general development plan. Notification of any such development approval shall be made to the Pinelands Commission pursuant to N.J.A.C. 7:50-4 and Subsection B(3) of this section and to the New Jersey Pinelands Development Credit Bank in accordance with N.J.A.C. 3:42-3. Redemption of the requisite Pinelands development credits shall occur in accordance with N.J.A.C. 3:42-3.6, prior to the memorialization of the resolution granting final subdivision or site plan approval, or if no such approval is required, prior to the issuance of any construction permit. **[Amended 12-17-2001 by Ord. No. 01-034]**

- [2] In no case shall a building or a construction permit be issued for any development involving the use of Pinelands development credits until the developer has provided the Pinelands Commission and the Township with evidence of his/her ownership of the requisite Pinelands development credits and those Pinelands development credits have been redeemed with the Township.

D. Wetlands.

- (1) Uses. No development in the Pinelands Area shall be permitted in a wetland or wetland transition area except for the following uses:
- (a) Horticulture of native Pinelands species in accordance with the requirements of Subsection H of this section.
 - (b) Berry agriculture in accordance with the requirements of Subsection H of this section.
 - (c) Beekeeping.
 - (d) Forestry in accordance with the requirements of Subsection G of this section.
 - (e) Wetlands management and fish and wildlife management, in accordance with N.J.A.C. 7:50-6.10, Wetlands management. **[Amended 12-12-2011 by Ord. No. 11-025]**
 - (f) Low-intensity recreational uses, which do not involve use of a structure, including hunting, fishing, trapping, hiking, boating and swimming, and other low intensity recreational uses provided that any development associated with those other uses does not result in a significant adverse impact on the wetland as set forth in Subsection D(2) hereof.
 - (g) Docks, piers, moorings and boat launches, provided that there is no adverse impact on the wetland as set forth in Subsection D(2) hereof.
 - (h) Bridges, roads, trails, and utility transmissions and distribution facilities and other similar linear facilities, provided that:
 - [1] There is no feasible alternative route for the facility that does not involve development in a wetland or, if none, that another feasible route which results in less significant adverse impacts on wetlands does not exist;
 - [2] The need for the proposed linear improvement cannot be met by existing facilities or modification thereof;
 - [3] The use represents a need which overrides the importance of protecting the wetland;

- [4] Development of the facility will include all practical measures to mitigate the adverse impact on the wetlands; and
 - [5] The resources of the Pinelands will not be substantially impaired as a result of the facility and its development as determined exclusively based on the existence of special and unusual circumstances.
 - (2) Performance standards. No development in the Pinelands Area, other than those uses permitted by Subsection C(2)(a) through (d), shall be carried out in a wetland or within 300 feet of a wetland unless the applicant has demonstrated that the development will not have the effect of modifying the wetland such that the development will result in an irreversible adverse impact on the ecological integrity of the wetland and its biotic components, including but limited to, threatened or endangered species of plants and animals, in one or more of the following ways:
 - (a) An increase in surface water runoff discharging into a wetland;
 - (b) A change in the normal seasonal flow patterns in the wetland;
 - (c) An alteration of the water table in the wetland;
 - (d) An increase in erosion resulting in increased sedimentation in the wetland;
 - (e) A change in the natural chemistry of the ground or surface water in the wetland;
 - (f) A loss of wetland habitat;
 - (g) A reduction in wetland habitat diversity;
 - (h) A change in wetlands species composition; or
 - (i) A significant disturbance of areas used by indigenous and migratory wildlife for breeding, nesting, or feeding.
 - (3) Determinations under Subsection D(2) above shall consider the cumulative modifications of the wetland due to the development being proposed and any other existing or potential development which may affect the wetland.
- E. Vegetation, revegetation and landscaping plans. Protection of the integrity of Pinelands vegetation shall be maintained in accordance with the following:
- (1) All clearing and soil disturbance activities, whether or not an application for development is required pursuant to N.J.A.C. 7:50-4 and this chapter, shall be limited to that which is necessary to accommodate an activity, use or structure which is permitted by this chapter.

- (2) Where practical, all clearing and soil disturbance activities associated with an activity, use or structure, other than agriculture, forestry and resource extraction, shall:
 - (a) Avoid wooded areas, including New Jersey's Record Trees as published by the New Jersey Department of Environmental Protection in 1991 and periodically updated; and
 - (b) Revegetate or landscape areas temporarily cleared or disturbed during development activities.
- (3) Except for forestry and resource extraction, each application for major development shall contain a landscaping or revegetation plan which incorporates the standards set forth in Subsection E(4) below.
- (4) In order to conserve water, conserve natural features and reduce pollution from the use of fertilizers, pesticides and other soil supplements, all landscaping or revegetation plans required pursuant to Subsection E(3) above or prepared pursuant to Articles V and VI shall incorporate the following:
 - (a) The limits of clearing shall be identified;
 - (b) Existing vegetation, including New Jersey's Record Trees as published by the New Jersey Department of Environmental Protection in 1991 and periodically updated, shall be incorporated into the landscape design where practical;
 - (c) Permanent lawn or turf areas shall be limited to those specifically intended for active human use such as play fields, golf courses and lawns associated with a residence or other principal nonresidential use. Existing wooded areas shall not be cleared and converted to lawns except when directly associated with and adjacent to a proposed structure; and
 - (d) Shrubs and trees authorized by N.J.A.C. 7:50-6.25, Native Shrubs and Trees, shall be used for revegetation or landscaping purposes. Other shrubs and trees may be used in the following circumstances:
 - [1] When the parcel to be developed or its environs contain a predominance of shrubs and tree species not authorized by N.J.A.C. 7:50-6.25;
 - [2] For limited ornamental purposes around buildings and other structures; or
 - [3] When limited use of other shrubs or tree species is required for proper screening or buffering.
- (5) Development prohibited in the vicinity of threatened or endangered plants. Pursuant to N.J.A.C. 7:50-6.27, no development shall be

carried out by any person in the Pinelands Area unless it is designed to avoid irreversible adverse impacts on the survival of any local populations of threatened or endangered plants of the Pinelands designated in N.J.A.C. 7:50-6.24.

F. Fish and wildlife.

- (1) Protection of threatened or endangered wildlife required. Pursuant to N.J.A.C. 7:50-6.33, no development shall be carried out unless it is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of those threatened or endangered animal species designated by the Department of Environmental Protection pursuant to N.J.S.A. 23:2A-1 et seq.
- (2) Protection of wildlife habitat. Pursuant to N.J.A.C. 7:50-6.34, all development shall be carried out in the Pinelands Area in a manner which avoids disturbance to district fish and wildlife habitats that are essential to the continued nesting, breeding and feeding of significant populations of fish and wildlife in the Pinelands.

G. Forestry.

- (1) Permit required. No forestry in Pinelands Area of the Township shall be carried out by any person unless a permit for such activity has been issued by the Township Zoning Officer. Notwithstanding this requirement, no such permits shall be required for the following forestry activities pursuant to N.J.A.C. 7:50-4.1(a)16, which shall not be considered development except for development of any historic resource designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154:
 - (a) Normal and customary forestry practices on residentially improved parcels of land that are five acres or less in size;
 - (b) Tree harvesting, provided that no more than one cord of wood per five acres of land is harvested in any one year and that no more than five cords of wood are harvested from the entire parcel in any one year.
 - (c) Tree planting, provided that the area to be planted does not exceed five acres in any one year, no soil disturbance occurs other than that caused by the planting activity, and no trees other than those authorized by N.J.A.C. 7:50-6.25 are to be planted;
 - (d) Forest stand improvement design to selectively thin trees and brush, provided that no clearing or soil disturbance occurs and that the total land area on the parcel in which the activity occurs does not exceed five acres in any one year; and

- (e) Prescribed burning and the clearing and maintaining of fire breaks.
- (2) Forestry application requirements. The information in Subsection G(2)(a) or (b) below shall be submitted to the Township Zoning Officer prior to the issuance of any forestry permit: **[Amended 12-12-2011 by Ord. No. 11-025]**
 - (a) The filing of an application for development in accordance with N.J.A.C. 7:50-4.13 or 7:50-4.33, for forestry activities on those parcels of land enrolled in the New Jersey Forest Stewardship Program shall not be required. A copy of the approved New Jersey Forest Stewardship Plan shall be submitted to the Zoning Officer. This document shall serve as evidence of the completion of an application with the Pinelands Commission as well as evidence that the activities are consistent with the standards of the Comprehensive Management Plan.
 - (b) For all other forestry applications:
 - [1] The applicant's name and address and his interest in the subject parcel;
 - [2] The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application;
 - [3] The description, including block and lot designation and street address, if any, of the subject parcel;
 - [4] A description of all existing uses of the subject parcel;
 - [5] A brief written statement generally describing the proposed forestry operation;
 - [6] A USGS Quadrangle map, or copy thereof, and a copy of the municipal tax map sheet on which the boundaries of the subject parcel, the Pinelands management area designation and the municipal zoning designation are shown;
 - [7] A forestry management plan that includes, as appropriate:
 - [a] A cover page for the plan containing:
 - [i] The name, mailing address and telephone number of the owner of the subject parcel;
 - [ii] The municipality and county in which the subject parcel is located;
 - [iii] The block and lot designation and street address, if any, of the subject parcel;

- [iv] The name and address of the forester who prepared the plan, if not prepared by the owner of the subject parcel; and
 - [v] The date the plan was prepared, subsequent revision dates and the period of time the plan is intended to cover;
- [b] A clear and concise statement of the owner's objectives for undertaking the proposed forestry activities, including a description of the short-term (five years) and long-term (20 years) objectives for all proposed silvicultural techniques that will be used to manage the parcel;
- [c] A description of the existing conditions of the subject parcel and of each forest stand in which a proposed activity, prescription or practice will occur. These stand descriptions shall include photographs of each stand taken at eye level showing the location of all Pinelands native forest types, as identified at N.J.A.C. 7:50-6.43, Pinelands native forest types, and shall be keyed to an activity map that shall include, as appropriate, the following information:
 - [i] The number of acres;
 - [ii] The general condition and quality of each stand;
 - [iii] The overall site quality, relative to the management goals and objectives identified in Subsection G(2)(b)[7][b] above;
 - [iv] An inventory and map of Pinelands native forest types with native forest types broken into stands, including information on type, size and volume by species;
 - [v] The age of representative trees.
 - [vi] The species composition, including overstory, understory, ground layer structure and composition;
 - [vii] The stand cohort composition;
 - [viii] The percent cover;
 - [ix] The basal area;
 - [x] The structure, including age classes, diameter breast height (DBH) classes and crown classes;

- [xi] The condition and species composition of advanced regeneration when applicable;
 - [xii] A stocking table showing the stocking levels, growth rates and volume;
 - [xiii] Projections of intended future stand characteristics at ten-, twenty-, and forty-year intervals;
 - [xiv] A description of the forestry activities, silvicultural prescriptions, management activities and practices proposed during the permit period and the acreage proposed for each activity. These may include, but are not necessarily limited to, a description of:
 - [A] Stand improvement practices;
 - [B] Site preparation practices;
 - [C] Harvesting practices;
 - [D] Regeneration and reforestation practices;
 - [E] Improvements, including road construction, stream crossings, landings, loading areas and skid trails;
 - [F] Herbicide treatments;
 - [G] Silvicultural treatment alternatives;
 - [H] If planting will occur to accomplish reforestation, the application shall include seed sources records, if such records are available;
 - [I] Implementation instructions; and
 - [J] Measures that will be taken to prevent the potential spread of exotic plant species or Phragmites into wetlands; and
 - [xv] A description, if appropriate, of the forest products to be harvested, including volume expressed in cords and board feet; diameter breast height (DBH) classes and average diameter; age; heights; and number of trees per acre; and
- [d] A map of the entire parcel which includes the following:

- [i] The owner's name, address and the date the map was prepared;
 - [ii] An arrow designating the north direction;
 - [iii] A scale which is not smaller than one inch equals 2,000 feet or larger than one inch equals 400 feet;
 - [iv] The location of all property lines;
 - [v] A delineation of the physical features such as roads, streams and structures;
 - [vi] The identification of soil types (a separate map may be used for this purpose);
 - [vii] A map inset showing the location of the parcel in relation to the local area;
 - [viii] Clear location of the area and acreage in which each proposed activity, prescription or practice will occur. If shown on other than the property map, the map or maps shall note the scale, which shall not be smaller than one inch equals 2,000 feet or larger than one inch equals 400 feet, and shall be appropriately keyed to the property map; and
 - [ix] A legend defining the symbols appearing on the map.
- [8] A letter from the New Jersey Department of Environmental Protection, Office of Natural Lands Management, identifying any threatened or endangered plants or animals reported on or in the immediate vicinity of the parcel and a detailed description by the applicant of the measures proposed to meet the standards set forth in § 245-32E(5) and F(1);
- [9] A cultural resource survey documenting cultural resources on those portions of the parcel where ground disturbance due to site preparation or road construction will occur and a detailed description of the measures proposed by the applicant to treat those cultural resources in accordance with N.J.A.C. 7:50-6.156, Treatment of resources;
- [10] A statement identifying the type, location and frequency of any proposed herbicide treatments and how such treatments will comply with the standards set forth in § 245-32G(3)(i)[2] below;
- [11] A statement identifying the specific steps to be taken to ensure that trees or areas to be harvested are properly

identified so as to ensure that only those trees intended for harvesting are harvested;

[12]Written comments from the New Jersey State Forester concerning the extent to which the proposed forestry activities are consistent with the guidelines provided in the New Jersey Forestry and Wetlands Best Management Practices Manual developed by the New Jersey Department of Environmental Protection, dated October 1995, as amended. Any such comments which indicate that the proposed activities are not consistent with said manual must be addressed by the applicant in terms of their potential impact on the standards set forth in § 245-32G(3) below; and

[13]A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34.

(3) Forestry standards. Forestry operations shall be approved only if the applicant can demonstrate that the standards set forth below are met: **[Amended 12-12-2011 by Ord. No. 11-025]**

(a) All forestry activities shall serve to maintain Pinelands native forest types, including those which are locally characteristic, except in those stands where other forest types exist;

(b) Any newly developed access to lands proposed for harvesting shall avoid wetland areas except as absolutely necessary to harvest wetlands species or to otherwise gain access to a harvesting site;

(c) The following actions shall be required to encourage the establishment, restoration or regeneration of Atlantic white cedar in cedar and hardwood swamps:

[1] Clearcutting cedar and managing slash;

[2] Controlling competition by other plant species;

[3] Utilizing fencing and other retardants, where necessary, to protect cedar from overbrowsing;

[4] Utilizing existing streams as cutting boundaries, where practical;

[5] Harvesting during dry periods or when the ground is frozen; and

[6] Utilizing the least intrusive harvesting techniques, including the use of winches, corduroy roads and helicopters, where practical.

- (d) All forestry activities and practices shall be designed and carried out so as to comply with the standards set forth in § 245-32E(5) and F(1). The species accounts provided in the Recommended Forestry Management Practices Report, Appendix I Endangered Animals, dated March 2006, as amended and supplemented and available at the principal office of the Pinelands Commission or at www.nj.gov/pinelands, may be utilized as a guide for meeting these standards;
- (e) All forestry activities and practices shall be designed and carried out so as to comply with the standards for the land application of waste set forth in N.J.A.C. 7:50 6.79, Land application of waste or waste derived materials, except as expressly authorized in this section;
- (f) All forestry activities and practices shall be designed and carried out so as to comply with the standards for the protection of historic, archaeological and cultural resources set forth in § 245-32S;
- (g) A vegetated streamside management zone shall be maintained or established adjacent to streams, ponds, lakes and marshes, except that no streamside management zone shall be required when Atlantic white cedar is proposed to be harvested, established, restored or regenerated. The streamside management zone shall be at least 25 feet in width. Where soils are severely erodible, slopes exceed 10% or streamside vegetation is not vigorous, the streamside management zone shall be increased up to a maximum of 70 feet to buffer the water body from adjacent forestry activities;
- (h) Stream crossings, access roads, timber harvesting, skid trails, log decks, portable sawmill sites, site preparation, and reforestation shall be designed and carried out so as to:
 - [1] Minimize changes to surface and ground water hydrology;
 - [2] Minimize changes to temperature and other existing surface water quality and conditions;
 - [3] Prevent unnecessary soil erosion, siltation and sedimentation; and
 - [4] Minimize unnecessary disturbances to aquatic and forest habitats.
- (i) The following standards shall apply to silvicultural practices for site preparation, either before or after harvesting:
 - [1] In areas with slopes of greater than 10%, an undisturbed buffer strip of at least 25 feet in width shall be maintained along roads during site preparation to catch soil particles;

- [2] Herbicide treatments shall be permitted, provided that:
 - [a] The proposed treatment is identified in the forestry application submitted to the Pinelands Commission pursuant to § 245-32G(2)(b)[10] above;
 - [b] Control of competitive plant species is clearly necessary;
 - [c] Control of competitive plant species by other, nonchemical means is not practical;
 - [d] All chemicals shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant state and federal requirements; and
 - [e] In pine-shrub oak native forest types, herbicide treatments shall only be permitted as a method to temporarily suppress shrub-oak understory in order to facilitate pine regeneration. All such herbicide treatments shall be applied in a targeted manner so that there will be no significant reduction in tree or shrub-oak re-sprouting outside those areas subject to the herbicide treatment.
- [3] Broadcast scarification and mechanical weeding shall be permitted in all Pinelands native forest types;
- [4] Disking shall be permitted, provided that:
 - [a] It shall not be permitted in pine plains native forest types;
 - [b] Disking shall only be permitted in pine-shrub oak native forest types as a method to temporarily suppress shrub-oak understory in order to facilitate pine regeneration, and shall be limited as follows:
 - [i] Disking may occur one time during the first year of the establishment of a stand to assure the successful growth of pine seedlings and may be repeated one time during the second year of the growth of the stand only in areas where pine seedling establishment has not successfully occurred; and
 - [ii] Only single-pass disking, which penetrates the soil no deeper than six inches, shall be permitted.
 - [c] It shall not occur in wetlands, except as may be necessary to establish, restore or regenerate Atlantic white cedar. When so used, disking shall be limited

to shrub-dominated parcels and recently abandoned agricultural lands; and

- [d] It shall follow land contours when slopes are discernible.
- [5] Root raking shall be permitted, provided that:
- [a] It shall not be permitted in pine-shrub oak native forest types or pine plains native forest types;
 - [b] When used to establish, restore or regenerate Atlantic white cedar, root raking shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and
 - [c] Root raking debris shall not be piled in wetlands.
- [6] Bedding shall be permitted only in recently abandoned, cultivated wetlands where there are no established Pinelands native forest types; and
- [7] Drum chopping shall be permitted, provided that:
- [a] It shall not be permitted in pine plains native forest types except to create road shoulder fuel breaks, which shall be limited to 25 feet in width, or to create scattered early successional habitats under two acres in size;
 - [b] It shall not be permitted in wetlands, except as may be necessary to establish, restore or regenerate Atlantic white cedar. When so used, drum chopping shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and
 - [c] It shall adhere to the following procedures:
 - [i] No more than two passes shall be permitted except to create scattered early successional habitats under two acres in size;
 - [ii] Drums shall remain unfilled when used during the dormant season;
 - [iii] Chop up and down the slope on a parcel so the depressions made by the cleats and chopper blades run parallel to the contour of the land to help reduce the occurrence of channeled surface erosion;
 - [iv] Chop so the depressions made by the cleats and chopper blades run parallel to a wetland or water body; and

[v] Avoid short-radius, one-hundred-eighty-degree turns at the end of each straight pass.

(j) The following standards shall apply to silvicultural practices for harvesting:

[1] Clearcutting shall be permitted, provided that:

[a] It shall not be permitted in pine plains native forest types;

[b] It shall be limited to 300 acres or 5% of a parcel, whichever is greater, during any permit period;

[c] A fifty-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any clearcut and the parcel boundaries;

[d] A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each twenty-five-acre or larger clearcut from other twenty-five-acre or larger clearcuts, coppice cuts and seed tree cuts that occur within a fifteen-year period. The buffer strip separating two twenty-five-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;

[e] Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches diameter breast height (DBH) and six feet in height shall be left on the parcel for a minimum of five years; and

[f] The area of the parcel subject to the clearcut shall have contoured edges unless the boundary of the clearcut serves as a firebreak in which case straight edges may be used.

[2] Coppicing shall be permitted in all Pinelands native forest types, provided that:

[a] It shall be limited to 500 acres in size or 10% of a parcel, whichever is greater, during any permit period;

[b] A fifty-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any coppice cut and the parcel boundaries;

[c] A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each twenty-five-acre or larger coppice cut

from other twenty-five-acre or larger clearcuts, coppice cuts and seed tree cuts that occur within a fifteen-year period. The buffer strip separating two twenty-five-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;

- [d] Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches DBH and six feet in height shall be left on the parcel for a minimum of five years; and
 - [e] The area of the parcel subject to the coppice cut shall have contoured edges unless the boundary of the coppice cut serves as a firebreak in which case straight edges may be used.
- [3] Seed tree cutting shall be permitted in all Pinelands native forest types, provided that:
- [a] It shall be limited to 500 acres in size or 10% of a parcel, whichever is greater, during any permit period;
 - [b] A fifty-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any seed tree cut and the parcel boundaries;
 - [c] A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each twenty-five-acre or larger seed tree cut from other twenty-five-acre or larger clearcuts, coppice cuts and seed tree cuts that occur within a fifteen-year period. The buffer strip separating two twenty-five-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;
 - [d] Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches DBH and six feet in height shall be left on the parcel for a minimum of five years;
 - [e] The area of the parcel subject to the seed tree cut shall have contoured edges unless the boundary of the seed tree cut serves as a firebreak in which case straight edges may be used;
 - [f] Dominant residual seed trees shall be retained at a distribution of at least seven trees per acre; and

- [g] Residual seed trees shall be distributed evenly throughout the parcel; and
- [4] Shelterwood cutting, group selection and individual selection shall be permitted in all Pinelands native forest types.
- (k) The following standards shall apply to silvicultural practices for forest regeneration:
 - [1] Natural regeneration shall be permitted in all Pinelands native forest types and shall be required in the pine plains native forest type, except as provided in § 245-32G(3)(k)[2] below; and
 - [2] Artificial regeneration shall be permitted in all Pinelands native forest types, provided that:
 - [a] The use of nonnative cuttings, seedlings or seeds shall not be permitted;
 - [b] The use of hybrid cuttings, seedlings or seeds shall be permitted if it can be demonstrated that the cutting is from a locally native, naturally occurring hybrid which will be planted within its natural range and habitat;
 - [c] Cuttings, seedlings or seeds shall be collected and utilized so as to ensure genetic diversity; and
 - [d] When used in pine plains native forest types, artificial regeneration shall only be permitted to restore drastically disturbed sites if seeds or seedlings from the immediate vicinity have been collected from local, genetically similar sources.
- (l) Following site preparation and harvesting activities, slash shall be retained in piles on the parcel, distributed throughout the parcel, removed from the parcel or burned.
- (m) Thinning shall be permitted in all Pinelands native forest types, including that which serves to maintain an understory of native plants and/or manage stand composition, density, growth and spatial heterogeneity.
- (n) A copy of the approved municipal forestry permit shall be conspicuously posted on the parcel which is the site of the forestry activity.
- (4) Forestry permit procedures.
 - (a) Applications for a forestry permit shall be submitted to the Zoning Officer and shall be accompanied by an application fee of \$75. **[Amended 6-14-2010 by Ord. No. 10-012]**

- (b) Within 14 days of receipt of an application, the Zoning Officer shall determine whether the application is complete and, if necessary, notify the applicant in writing of any additional information which is necessary to complete the application. Should the Zoning Officer fail to make such a determination within 14 days, the application shall be considered to be complete as of the 15th day following its submission.
 - (c) Within 45 days of determining an application to be complete pursuant to Subsection G(4)(b) above, or such further time as may be consented to by the applicant, the Zoning Officer shall issue a forestry permit if the activities proposed in the application comply with the standards in Subsection G(3) above. Any such notice of disapproval shall specifically set forth the deficiencies of the application.
 - (d) Upon receipt of a notice of disapproval pursuant to Subsection G(4)(c), above, the applicant shall have 30 days in which to correct the deficiencies and submit any necessary revisions to the application to the Zoning Officer for review. The Zoning Officer shall review the revised application to verify conformity with the standards in Subsection G(3) above and shall, within 14 days of receipt of the revised application, issue a forestry permit or disapprove the application pursuant to Subsection G(4)(c) above.
 - (e) Failure of the Zoning Officer to act within the time period prescribed in Subsection G(4)(c) and (d) above shall constitute approval of the forestry permit application as submitted. At the request of the applicant, a certificate as to the failure of the Zoning Officer to act shall be issued by the municipality and it shall be sufficient in lieu of the written endorsement or other evidence of municipal approval required herein.
 - (f) In reviewing and issuing permits for forestry applications, the Zoning Officer shall also comply with the Pinelands Area notice and review procedures set forth in Subsection B and N.J.A.C. 7:50-4.31 et seq.
 - (g) Forestry permits shall be valid for a period of 10 years. Nothing in this section shall be construed to prohibit any person from securing additional permits, provided that the requirements of this chapter and the Pinelands Comprehensive Management Plan are met.
- (5) Administrative fees. Upon the issuance of a forestry permit pursuant to Subsection G(4)(c) above, the applicant shall be required to pay a sum of \$250 which shall serve as reimbursement for any administrative costs incurred by the municipality during the ten-year permit period. The applicant shall not be subject to

any additional fees or escrow requirements for the duration of the forestry permit.

- (6) Notification of harvesting. No harvesting shall be commenced until the applicant has provided the Zoning Officer with 72 hours' written notice of the intention to begin harvesting operations.
 - (7) Forestry harvesting. Applicants for forestry harvesting activities shall post financial sureties in accordance with N.J.A.C. 7:50-6.48, Guidelines and requirements for financial sureties, and Article X, Performance and Maintenance Guarantees, of this chapter.
[Amended 12-12-2011 by Ord. No. 11-025]
- H. General agricultural standards. Pursuant to N.J.A.C. 7:50-6.53, all agricultural activities and fish and wildlife management activities, including the preparation of land and the planting, nurturing and harvesting of crops, shall be carried out in accordance with recommended management practices established for the particular agricultural activity by the New Jersey Department of Agriculture, the Soil Conservation Service, and the New Jersey Agricultural Experimental Station at Rutgers University.
- I. Resource extraction. Pursuant to N.J.A.C. 7:50-6.63:
- (1) Except as expressly authorized in this chapter, the extraction or mining of mineral resources other than sand, gravel, clay and ilmenite is prohibited.
 - (2) Application requirements. Any application filed for approval of resource extraction operations in the Pinelands shall include at least the following information:
 - (a) The applicant's name and address and his interest in the subject property;
 - (b) The owner's name and address, if different from the applicant's, and the owner's signed consent of the filing of the application;
 - (c) The legal description, including block and lot designation and street address, if any, of the subject property;
 - (d) A description of all existing uses of the subject property;
 - (e) A brief written statement generally describing the proposed development;
 - (f) A USGS Quadrangle Map, or copy thereof, and a copy of the Township Tax Map sheet on which the boundaries of the subject property and the Pinelands management area designation and zoning designation are shown;

- (g) A topographic map at a scale of one inch equals 200 feet, showing the proposed dimensions, location and operations on the subject property;
- (h) The location, size and intended use of all buildings;
- (i) The location of all points of ingress and egress;
- (j) A location map, including the area extending at least 300 feet beyond each boundary of the subject property, showing all streams, wetlands and significant vegetation, forest associations and wildlife habitats;
- (k) The location of all existing and proposed streets and right-of-way, including railroad rights-of-way;
- (l) A soils map;
- (m) A reclamation plan which includes:
 - [1] Method of stockpiling topsoil and overburden;
 - [2] Proposed grading and final elevation;
 - [3] Topsoil material application and preparation;
 - [4] Type, quantity and age of vegetation to be used;
 - [5] Fertilizer application, including method and rates;
 - [6] Planting methods and schedules; and
 - [7] Maintenance requirements schedule.
- (n) A signed acknowledgment from both the owner and the applicant that they are responsible for any resource extraction activities which are contrary to any provision of this chapter or of the approved resource extraction plan done by any agent, employee, contractor, subcontractor or any other person authorized to be on the parcel by either the owner or the applicant;
- (o) A performance guarantee, guaranteeing performance of the requirements in Subsection I(4) and (5) below. The financial surety shall be in accord with the requirements of Article X, Performance and Maintenance Guarantees, of this chapter, and shall be equal to the cost of restoration of the area to be excavated during the two-year duration of any approval which is granted. The financial surety, which shall name the Pinelands Commission and the Township of Manchester as the obligee, shall be posted by the property owner or his agent with the Township of Manchester;

- (p) A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34 or, until January 14, 1991, evidence of prior approval from the Pinelands Review Board or the Pinelands Commission pursuant to the Interim Rules and Regulations; and
 - (q) When prior approval for the development has been granted by an approval agency, evidence of Pinelands Commission review pursuant to Subsection B(4).
- (3) Time limit on Board approval. Board approvals authorizing resource extraction shall be effective for a period of two years. Additional approvals shall be considered by the Board only if the requirements of this section have been met.
- (4) Resource extraction standards. Resource extraction operations shall be approved only if the applicant can demonstrate that the proposed resource extraction operation:
- (a) Will not result in a substantial adverse impact upon those significant resources depicted on the Special Areas Map appearing as Figure 7.1 in the Pinelands Comprehensive Management Plan;
 - (b) Is designed so that no area of excavation, sedimentation pond, storage area equipment or machinery or other structure or facility is closer than 200 feet to any property line; unless it can be demonstrated that a distance between 100 and 200 feet will not result in greater off-site environmental impacts;
 - (c) Is to be located on a parcel of land at least 20 acres;
 - (d) Provides that all topsoil that is necessary for restoration will be stored on the site but not within 200 feet of any property line unless the area proposed for storage is unforested and will be restored; and that the topsoil will be protected from wind or water erosion;
 - (e) Is fenced or blocked so as to prevent unauthorized entry into the resource extraction operation through access roads;
 - (f) Provides ingress and egress to the resource extraction operation from public roads by way of gravel or porous paved roadways;
 - (g) Is designed so that the surface runoff will be maintained on the parcel in a manner that will provide for on-site recharge to groundwater;
 - (h) Will not involve excavation exceeding 65 feet below the natural surface of the ground existing prior to excavation unless it can be demonstrated that a depth greater than 65 feet will result

in no significant adverse impact relative to the proposed final use or on off-site areas;

- (i) Will be carried out in accordance with an extraction schedule which depicts the anticipated sequence, as well as anticipated length of time that each of the 20 acre units of the parcel proposed for extraction will be worked. This shall not preclude more than one twenty-acre unit from being worked at any one time, provided that there is a demonstrated need for additional units, restoration is proceeding on previously mined units and the area of clearing does not exceed that specified in Subsection I(4)(k) below or N.J.A.C. 7:50-6.68(a)11;
 - (j) Will involve restoration of disturbed areas at the completion of the resource extraction operation in accordance with Subsection I(5) below and N.J.A.C. 7:50-6.69, and the implementation of the restoration plan is secured by a letter of credit, surety bond or other guarantee of performance; and
 - (k) Will not involve clearing adjacent to ponds in excess of 20 acres or an area necessary to complete scheduled operations; or will not involve unreclaimed clearing exceeding 100 acres or 50% of the area to be mined, whichever is less, for surface excavation at any time.
- (5) Restoration of resource extraction lands. All parcels of land which are used for resource extraction operations shall be restored as follows:
- (a) Restoration shall be a continuous process and each portion of the parcel shall be restored such that the ground cover be established within two years and tree cover established within three years after resource extraction is completed for each portion of the site mined;
 - (b) Restoration shall proceed in the same sequence and time frame set out in the extraction schedule required in Subsection I(4)(i) above and N.J.A.C. 7:50-6.69(a)9;
 - (c) All restored areas shall be graded so as to conform to the natural contours of the parcel to the maximum extent practical. Grading techniques that help to control erosion and foster revegetation shall be utilized. The slope of surface of restored surfaces shall not exceed one foot vertical to three feet horizontal except as provided in Subsection I(5)(f) of this section;
 - (d) Topsoil shall be restored in approximately the same quality and quantity as existed at the time the resource extraction operation was initiated. All topsoil removed shall be stockpiled and used for the next area to be restored unless it is

immediately reused for reclamation that is currently underway;

- (e) Drainage flows, including direction and volume, shall be restored to the maximum extent practical to those flows existing at the time the resource extraction operation was initiated;
- (f) Any body of water created by the resource extraction operation shall have a shoreline not less than three feet above and three feet below the projected average water table elevation. The shoreline both above and below the surface water elevation shall have a slope of not less than five feet horizontal to one foot vertical. This requirement shall apply to any water body or portion of a water body created after December 5, 1994. For any water body or portion of a water body created prior to December 5, 1994, this requirement shall apply to the extent that it does not require grading of areas which have not been disturbed by mining activities. Where grading would require such disturbance, a reduction in the distance of the graded shoreline above and below the average water table elevation shall be permitted;
- (g) Slopes beyond a water body's shoreline shall be permitted at the natural angle of repose to the bottom of the pond;
- (h) All equipment, machinery and structures, except for structures that are usable for recreational purposes or any other use authorized in the area, shall be removed within six months after the resource extraction operation is terminated and restoration is completed;
- (i) Reclamation shall, to the maximum extent practical, result in the reestablishment of the vegetation association which existed prior to the extraction activity and shall include:
 - [1] Stabilization of exposed areas by establishing ground cover vegetation; and
 - [2] Reestablishment of the composition of the natural forest and shrub types that existed prior to the extraction activity through one of the following:
 - [a] The planting of a minimum of 1,000 one-year old pitch pine seedlings or other native Pinelands tree species per acre in a random pattern;
 - [b] Cluster planting of characteristic Pinelands oak species, such as blackjack oak, bear oak, chestnut oak and black oak, and shrubs such as black huckleberry, sheep laurel and mountain laurel, at a spacing sufficient to ensure establishment of the species;

- [c] A combination of the planting techniques set forth in Subsection I(5)(i)[2][a] and [b] above; or
 - [d] The use of other planting techniques or native Pinelands species as may be necessary to restore the vegetation association which existed prior to the extraction activity.
 - (j) The letter of credit, surety bond, or other performance guarantee which secures restoration of each section shall be released after the Township of Manchester has determined that the requirement of Subsection I(5)(a) through (i) above are met and is replaced with a maintenance guarantee for a period of two years thereafter in accordance with Article X, Performance and Maintenance Guarantees, of this chapter.
- J. Waste management. No hazardous or toxic substances, including hazardous wastes, shall be stored, transferred, processed, discharged, disposed or otherwise used in the Pinelands Area. The land application of waste or waste derived materials is prohibited in the Pinelands Area, except as expressly authorized in N.J.A.C. 7:50-6.79. Waste management facilities shall only be permitted in the Pinelands Area in accordance with the standards set forth in N.J.A.C. 7:50-6.
- K. Water quality.
 - (1) Minimum standards necessary to protect and preserve water quality. The following minimum standards shall be applied to development permitted in the Pinelands area to protect and preserve water quality in accordance with N.J.A.C. 7:50-6.83 through 7:50-6.86:
 - (a) All development permitted by N.J.A.C. 7:50 et seq., Pinelands Comprehensive Plan, shall be designed and carried out so that the quality of surface and groundwater will be protected and maintained. For purposes of this section, "agricultural use" shall not be considered development.
 - (b) Except as specifically authorized in this section and N.J.A.C. 7.50, Part VIII, Water Quality, no development which degrades surface or groundwater quality or which establishes new point sources of pollution shall be permitted.
 - (c) No development shall be permitted which does not meet the minimum water quality standards of the State of New Jersey or the United States.
 - (2) Minimum standards for point and nonpoint source discharges. The following point and nonpoint sources may be permitted in the Pinelands:

- (a) Development of new or the expansion of existing commercial, industrial, and wastewater treatment facilities, or the development of new or the expansion of existing nonpoint sources otherwise permitted in N.J.A.C. 7:50-5, except those specifically regulated in Subsection K(2)(b) through (f) below, provided that:
 - [1] There will be no direct discharge into any surface water body;
 - [2] All discharges from the facility are of a quality and quantity such that groundwater exiting from the parcel of land or entering a surface body of water will not exceed two parts per million nitrate/nitrogen;
 - [3] All public wastewater treatment facilities are designed to accept and treat septage; and
 - [4] All storage facilities, including ponds or lagoons, are lined to prevent leakage into groundwater.
- (b) Development of new wastewater treatment or collection facilities which are designed to improve the level of nitrate/nitrogen attenuation of more than one existing on-site wastewater treatment system where a public health problem has been identified may be exempted from the standards of Subsection K(2)(a)[2] above, provided that:
 - [1] There will be no direct discharge into any surface water body;
 - [2] The facility is designed only to accommodate wastewater from existing residential, commercial, and industrial development;
 - [3] Adherence to Subsection K(2)(a)[2] above cannot be achieved due to limiting site conditions or that the costs to comply with the standard will result in excessive user fees; and
 - [4] The design level of nitrate/nitrogen attenuation is the maximum possible with the cost limitations imposed by such user fee guidelines but in no case shall groundwater exiting from the parcel or entering a surface water body exceed five parts per million nitrate/nitrogen.
- (c) Improvements to existing commercial, industrial, and wastewater treatment facilities which discharge directly into surface waters, provided that:
 - [1] There is no practical alternative available that would adhere to the standards of Subsection K(2)(a)[1] above;

- [2] There is no increase in the existing approved capacity of the facility; and
 - [3] All discharges from the facility into surface waters are such that the nitrate/nitrogen levels of the surface waters at the discharge point do not exceed two parts per million. In the event that nitrate/nitrogen levels in the surface waters immediately upstream of the discharge point exceeds two parts per million, the discharge shall not exceed two parts per million nitrate/nitrogen.
- (d) Individual on-site septic wastewater treatment systems which are not intended to reduce the level of nitrate/nitrogen in the wastewater, provided that the following standards are met:
- [1] The proposed development to be served by the system is otherwise permitted pursuant to N.J.A.C. 7:50-4, Development Review, and 7:50-5, Minimum Standards for Land Use and Intensities;
 - [2] The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located, will ensure that groundwater exiting from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen calculated pursuant to the Pinelands Dilution Model dated December 1993, as amended, incorporated by reference as subchapter Appendix A of N.J.A.C. 7:50-1 et seq., subject to the provisions of Subsection K(2)(d)[3] below. For purposes of this section, the entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous lands that have been deed restricted pursuant to Subsection C or § 245-33C(4)(a) and N.J.A.C. 7:50-5.30 or 7:50-5.47;
 - [3] Only contiguous land located within the same Pinelands Area zoning district as the proposed septic wastewater treatment system or systems may be utilized for septic dilution purposes, except for the development of an individual single-family dwelling on a lot existing as of January 14, 1981, nonresidential development on a lot of five acres or less existing as of January 14, 1981, or cluster development as permitted by N.J.A.C. 7:50-5.19, Cluster Development;
 - [4] The depth to seasonal high water table is at least five feet;
 - [5] Any potable water well will be drilled and cased to a depth of least 100 feet, unless the well penetrates an

impermeable clay aquiclude, in which case the well shall be cased to at least 50 feet;

- [6] The system will be maintained and inspected in accordance with the requirements of N.J.A.C. 7:50-6.85, Individual Wastewater Treatment Facility and Petroleum Tank Maintenance;
 - [7] The technology has been approved for use by the New Jersey Department of Environmental Protection; and
 - [8] Flow values for nonresidential development shall be determined based on the values contained in N.J.A.C. 7:9A-7.4, as amended, except that number of employees may not be utilized in calculating flow values for office uses. In the event that N.J.A.C. 7:9A-7.4 does not provide flow values for a specific use, but a flow value is assigned for that use in N.J.A.C. 7:14A-23.3(a), the flow value specified in N.J.A.C. 7:14A-23.3(a) shall be used in calculating flow.
- (e) Individual on-site septic wastewater treatment systems which are intended to reduce the level of nitrate/nitrogen in the wastewater, provided that the following standards are met:
- [1] The technology has been approved by the New Jersey Department of Environmental Protection;
 - [2] The proposed development to be served by the system is otherwise permitted pursuant to N.J.A.C. 7:50-4 and 5;
 - [3] The proposed development is either residential, or if nonresidential, is located within the Ridgeway Regional Growth Area or Whiting Town; and
 - [4] The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located, will ensure that groundwater exiting from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen calculated pursuant to the Pinelands Dilution Model dated December 1993, as amended and included as Appendix A in N.J.A.C. 7:50-1 et seq., subject to the provisions of Subsection K(2)(d)[3] above. For purposes of this section, the entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous lands that have been deed restricted pursuant to Subsection C or § 245-33C(4)(a) or N.J.A.C. 7:50-5.30 or 7:50-5.47.

- (f) Surface water runoff in accordance with N.J.A.C. 7:50-6.84(a)6, provided that:
- [1] The total runoff generated from any net increase in impervious surfaces by a ten-year storm of a twenty-four-hour duration shall be retained and infiltrated on site. Runoff volumes shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55, including the definitions, methodologies and guidance contained therein, or the Soil Conservation Service National Engineering Handbook, Section 4;
 - [2] The rates of runoff generated from the parcel by a two-, ten-, and one-hundred-year storm, each of a twenty-four-hour duration, shall not increase as a result of the proposed development. Runoff rates shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55, including the definitions, methodologies and guidance contained therein, or the SCS National Engineering Handbook, Section 4;
 - [3] The standards set forth in Subsections K(2)(f)[1] and [2] above shall not apply to minor residential development, provided such development does not involve the construction of any new roads, or to minor nonresidential development, provided such development does not involve the grading, clearing or disturbance of an area in excess of 5,000 square feet within any five-year period;
 - [4] Surface water runoff shall not be directed in such a way as to increase the volume and rate of discharge into any surface water body from that which existed prior to development of the parcel;
 - [5] Excessively and somewhat excessively drained soils, as defined by the Soil Conservation Service, should be avoided for recharge of runoff wherever practical;
 - [6] A minimum separation of at least two feet between the elevation of the lowest point of the bottom of the infiltration or detention facility and the seasonal high water table is met, or a lesser separation when it is demonstrated that the separation, either due to soil conditions or when considered in combination with other stormwater management techniques, is adequate to protect groundwater quality; and
 - [7] For private development applications, a four-year maintenance guarantee is provided for the entire stormwater management system by the applicant. In addition, for both private and public development

applications, the applicant or other interested party shall fund or otherwise guarantee an inspection and maintenance program for a period of no less than 10 years. This may be accomplished by various mechanisms, including but not limited to the assumption of the inspection and maintenance program obligation by the Township, Ocean County, or homeowners' association, or other viable mechanism to achieve the purposes of this section. The program proposed shall identify the entity charged with responsibility for annual inspections and the completion of any necessary maintenance, and the method to finance said program.

(g) Alternate design pilot program treatment systems, provided that: **[Added 2-24-2003 by Ord. No. 03-001]**

- [1] The proposed development to be served by the system is residential and is otherwise permitted pursuant to the provisions of this chapter;
- [2] The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located, will ensure that groundwater exiting from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model dated December 1993, as amended, subject to the provisions of Subsection K(2)(g)[3] below. The entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous lands that have been deed restricted pursuant to Subsection C or § 245-33C(4)(a) or N.J.A.C. 7:50-5.30 or 7:50-5.47;
- [3] Only contiguous lands located within the same zoning district and Pinelands management area as the proposed system or systems may be utilized for septic dilution purposes, except for the development of an individual single-family dwelling on a lot existing as of January 14, 1981, nonresidential development on a lot of five acres or less existing as of January 14, 1981, or cluster development as permitted by N.J.A.C. 7:50-5.19;
- [4] The depth to seasonal high water table is at least five feet;
- [5] Any potable water well will be drilled and cased to a depth of at least 100 feet, unless the well penetrates an impermeable clay aquiclude, in which case the well shall be cased to at least 50 feet;

- [6] No more than 10 alternate design pilot program treatment systems utilizing the same technology shall be installed in the development of any parcel if those systems are each serving one single-family dwelling;
 - [7] Each system shall be equipped with automatic dialing capability to the manufacturer, or its agent, in the event of a mechanical malfunction;
 - [8] Each system shall be designed and constructed so that samples of effluent leaving the alternate design pilot program septic system can be readily taken to confirm the performance of the technology;
 - [9] The manufacturer or its agent shall provide to each owner an operation and maintenance manual approved pursuant to N.J.A.C. 7:50-10.22(a)2iv;
 - [10] Each system shall be covered by a five-year warranty and a minimum five-year maintenance contract consistent with those approved pursuant to N.J.A.C. 7:50-10.22(a)2v that cannot be canceled and is renewable and which includes a provision requiring that the manufacturer or its agent inspect the system at least once a year and undertake any maintenance or repairs determined to be necessary during any such inspection or as a result of observations made at any other time;
 - [11] The property owner shall record with the deed to the property a notice consistent with that approved pursuant to N.J.A.C. 7:50-10.22(a)2vi that identifies the technology, acknowledges the owner's responsibility to operate and maintain it in accordance with the manual required in Subsection K(2)(g)[9] above, and grants access, with reasonable notice, to the local Board of Health, the Commission and its agents for inspection and monitoring purposes. The recorded deed shall run with the property and shall ensure that the maintenance requirements are binding on any owner of the property during the life of the system and that the monitoring requirements are binding on any owner of the property during the time period the monitoring requirements apply pursuant to the pilot program or any subsequent regulations adopted by the Commission that apply to said system; and
 - [12] No system shall be installed after August 5, 2007.
- (3) Individual wastewater treatment facility and petroleum tank maintenance. Pursuant to N.J.A.C. 7:50-6.85:
- (a) The owner of every on-site septic wastewater treatment facility in the Pinelands shall, as soon as suitable septicage disposal

facility capacity is available, in accordance with the provisions of Chapter 326 of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and Section 201 of the United States Clean Water Act:

- [1] Have the facility inspected by a technician at least once every three years;
- [2] Have the facility cleaned at least once every three years; and
- [3] Once every three years submit to the Board of Health serving Manchester Township a sworn statement that the facility has been inspected, cleaned and is functional, setting forth the name of the person who performed the inspection and cleaning and the date of such inspection.

(b) The owners of commercial petroleum storage tanks shall comply with the requirements of N.J.S.A. 58:10A-29.

(4) Water management. Pursuant to N.J.A.C. 7:50-6.86:

- (a) Interbasin transfer of water between watersheds in the Pinelands should be avoided to the maximum extent practical. In areas served by central sewers, water-saving devices such as water-saving toilets, showers and sink faucets shall be installed in all new developments.
- (b) Water shall not be exported from the Pinelands except as otherwise provided in N.J.S.A. 58:1A-7.1.
- (c) All wells and all increases in diversion from existing wells which require water allocation permits from the New Jersey Department of Environmental Protection shall be designed and located so as to minimize impacts on wetlands and surface waters. Hydrologic analyses shall be conducted in accordance with the New Jersey Department of Environmental Protection Guidelines for Water Allocation Permits, with an Appendix on Aquifer-Test Analysis Procedures, New Jersey Geological Survey Report GSR 29, 1992, incorporated herein by reference, as contained in pages 53 through 91 of the Technical Manual for Water Supply Element, Bureau of Water Allocation, Water Allocation Permits dated May 19, 1993, as amended.
- (d) All applications for the development of water supply wells or the expansion of existing water distribution systems shall address measures in place or to be taken to increase water conservation in all areas to be served by the proposed well or system. This shall include efforts by water purveyors and Manchester Township to reduce water demands by users and to reduce losses in the supply and distribution system.

- (e) Except for agricultural uses, all potable and nonpotable water supply diversions of more than 100,000 gallons per day that utilize the Kirkwood-Cohansey aquifer as a source of water supply and new increases in existing potable and nonpotable water supply diversions of over 100,000 gallons per day that utilize the Kirkwood-Cohansey aquifer may be permitted only if it is demonstrated that:
 - [1] No viable alternative water supply sources are available; or
 - [2] The proposed use of the Kirkwood-Cohansey aquifer will not result in any adverse ecological impact on the Pinelands Area.
- (5) Prohibited chemicals and materials. Pursuant to N.J.A.C. 7:50-6.87:
 - (a) Use of the following substances is prohibited in the Pinelands Area to the extent that such use will result in direct or indirect introduction of such substances to any surface, or ground or surface water or any land:
 - [1] Septic tank cleaners; and
 - [2] Waste oil.
 - (b) All storage facilities for deicing chemical shall be lined to prevent leaking into the soil, and shall be covered with an impermeable surface which shields the facility from precipitation.
 - (c) No person shall apply any herbicide to any road or public utility right-of-way within the Pinelands Area unless necessary to protect an adjacent agricultural activity.

L. Air quality.

- (1) General standard. Pursuant to N.J.A.C. 7:50-6.91 through 7:50-6.94, all development shall adhere to the relevant air quality standards of N.J.A.C. 7:27. Adherence to air quality standards shall be determined by means of an air quality simulation model approved by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:27-18.3.
- (2) Standards for specified development. Pursuant to N.J.A.C. 7:50-6.94, applications for the following development shall ensure that all state ambient air quality standards in N.J.A.C. 7:27 et seq. for carbon monoxide shall not be exceeded at places of maximum concentration and at sensitive receptors:
 - (a) Residential development of 50 or more units and any other development involving more than 100 parking spaces located

in the Ridgeway Regional Growth Area or in the Pinelands Whiting Town area; and

- (b) Residential development of 100 or more units and any other development involving more than 300 parking spaces located in any other Pinelands management area.

M. Scenic. Scenic values of the Pinelands are to be protected in accordance with N.J.A.C. 7:50-6.101 through 7:50-6.105, Requirements for Special Scenic Corridors, as follows:

(1) Scenic corridors.

- (a) Except for those roads which provide for internal circulation within residentially developed areas, all public, paved roads in the Pinelands Preservation Area (PPA) and Pinelands Forest Area - Sending (PFA-S) zones shall be considered scenic corridors.
- (b) The Toms River, from the Central Railroad of New Jersey (Conrail) bridge upstream to the Jackson Township border, is designated as a special scenic corridor in accordance with N.J.A.C. 7:50-6.105.

(2) Requirements for special scenic corridors.

- (a) Except as provided in this section, no permit shall be issued for development other than for agricultural commercial establishments unless the applicant demonstrates that all buildings are set back at least 200 feet from the center line of the scenic corridor.
- (b) If compliance with the two-hundred-foot setback is constrained by environmental or other physical considerations such as wetland, or active agricultural operation, the building shall be set back as close to 200 feet as practical and the site shall be landscaped in accordance with the provisions of Subsection E, Vegetation, revegetation and landscaping plans, of this section so as to provide screening from the corridor.
- (c) If an applicant for development approval demonstrates that existing development pattern of the corridor are such that buildings are set back less than 200 feet within 1,000 feet of the site proposed for development than a setback shall be set for the proposed development which is consistent with the established development pattern, provided that the site is landscaped in accordance with the provisions of Subsection E, Vegetation, revegetation and landscaping plans, so as to provide screening between the building and corridor.
- (d) The requirements of § 245-32M(2)(a) through (c) above shall not apply to residential cluster developments within the

Pinelands Forest Area (PFA) Zoning District which comply with the standards of § 245-33C(1)(b) or D(1)(b). **[Added 12-12-2011 by Ord. No. 11-025]**

- (3) Requirements for Toms River special scenic corridors. The Toms River shall be considered a special scenic corridor in accordance with Subsection M(1)(b) above and all structures within 1,000 feet of the center line of the Toms River scenic corridor shall be designed to avoid visual impacts as viewed from the corridor.
- N. Signs. Signs within the Pinelands are to be governed in accordance with N.J.A.C. 7:50-6.106 through 7:50-6.109, as follows:
- (1) Mandatory sign provisions.
 - (a) No sign, other than warning or safety signs, which is designed or intended to attract attention by sudden, intermittent or rhythmic movement, or physical or lighting change, shall be permitted in any Pinelands Area of Manchester.
 - (b) No sign, other than warning or safety signs, which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation shall be permitted in any Pinelands Area of Manchester Township.
 - (c) No outdoor off-site commercial advertising sign, other than those off-site signs specifically authorized in N.J.A.C. 7:50-6.108 and 7:50-6.109, shall be permitted in the Pinelands Area except as follows:
 - [1] Off-site outdoor signs advertising agricultural commercial establishments shall be permitted subject to the following conditions:
 - [a] A maximum of two signs shall be placed in any one direction along each road directly approaching the stand; and
 - [b] Each sign along four-lane state or U.S. highways shall be limited to a maximum of 50 square feet in area; each sign along all other roads shall be limited to a maximum of 32 square feet in area.
 - [2] Off-site outdoor directional signs may be permitted in any Pinelands Area zoning district, provided that such signs do not contain advertising and are restricted to the name of the public or private use and any necessary directions, the number of signs per use is the minimum necessary to give adequate directions and the size of such signs does not exceed that necessary to convey directions.

- [3] Existing lawful off-site commercial advertising signs, in existence as of January 14, 1981, shall be permitted in the following zones:
 - [a] Ridgeway Regional Growth Area;
 - [b] Pinelands Whiting Town.
- (d) Any existing sign that violates Subsections N(1)(a) and (b) above shall be removed immediately. Any existing off-site commercial advertising sign which does not conform to Subsection N(1)(c) above shall be removed no later than December 5, 1996.
- (e) To the maximum extent practical, the character and composition of construction materials for all signs shall be harmonious with the scenic values of the Pinelands.
- (2) Mandatory sign provisions in the PPA - Pinelands Preservation Area District.
 - (a) No sign shall be constructed, repaired or maintained in the PPA-Pinelands Preservation Area pursuant to N.J.A.C. 7:50-6.108 except in accordance with the provisions of N.J.A.C. 7:50-6.107, § 245-27, Sign regulations; permitted uses, and this subsection.
 - (b) The following signs are permitted in the PPA Pinelands Preservation Area District:
 - [1] Official public safety and information signs displaying road names, numbers and safety directions;
 - [2] On-site advertising the sale or rental of the premises, provided that:
 - [a] The area on one side of any such sign shall not exceed 12 square feet;
 - [b] No more than one sign is located on any parcel of land held in common ownership;
 - [3] On-site identification signs for schools, churches, hospitals, or similar public service institution, provided that:
 - [a] The size of any such sign shall not exceed 12 square feet; and
 - [b] No more than one sign is placed on any single property.
 - [4] Trespassing signs or signs indicating the private nature of a road, driveway, or premises, and sign prohibiting or

otherwise controlling fishing or hunting, provided that the size of such signs does not exceed 12 square feet;

- [5] On-site professional, home occupation, or name signs indicating the profession and/or activity and/or name of the occupant of the dwelling, provided that:
 - [a] The size of any such sign shall not exceed 12 square feet; and
 - [b] No more than one sign is permitted for any individual parcel of land.
 - [6] On-site business or advertising signs, provided that:
 - [a] No more than two signs are located on any one premises or on the premises leased or utilized by any one business establishment; and
 - [b] The total of such signs shall not exceed 20 square feet per side, with the maximum height to the top of the sign not to exceed 15 feet from ground level;
 - [7] Temporary signs advertising political parties or candidates for election, provided that the size of any such sign does not exceed four square feet;
 - [8] Temporary on-site and off-site signs advertising civil, social or political gatherings and activities, provided that the size of such signs does not exceed four square feet.
- (3) Guidelines for sign provisions outside the PPA Preservation Area District. The following guidelines shall be used in the Pinelands Area outside the PPA Preservation Area District:
- (a) Official public safety and information signs displaying road names, numbers and safety directions shall be permitted;
 - (b) On-site signs advertising the sale or rental of the premises shall be permitted, provided that:
 - [1] The area on one side of any such sign does not exceed 12 square feet;
 - [2] No more than one sign is located on any parcel of land held in common ownership.
 - (c) On-site identification signs for schools, churches, hospitals, or similar public service institutions shall be permitted, provided that:
 - [1] The size of any such sign does not exceed 12 square feet;
 - [2] No more than one sign is placed on any single property.

- (d) Temporary signs advertising political parties or candidates for election shall be permitted, provided that the size of any such sign does not exceed 12 square feet;
 - (e) Temporary on-site and off-site signs advertising civic, social or political gatherings and activities may be permitted, provided that the size of such signs does not exceed 12 square feet;
 - (f) Trespassing signs or signs indicating the private nature of a road, driveway, or premise, and sign prohibiting or otherwise controlling fishing or hunting may be permitted, provided that the size of such signs does not exceed four square feet;
 - (g) On-site professional, home occupation, or name signs indicating the professional and/or activity and/or name of the occupant of the dwelling may be permitted; provided that:
 - [1] The size of such sign does not exceed four square feet;
 - [2] No more than one sign is permitted for any individual parcel of land.
 - (h) On-site business or advertising signs may be permitted, provided that:
 - [1] No more than two signs are located on any one premises leased or utilized by any one business establishment;
 - [2] The total area of such signs shall not exceed 20 square feet per side with the maximum height to the top of the sign not to exceed 15 feet from ground level.
- O. Motor vehicle screening and storage. Pursuant to N.J.A.C. 7:50-6.110, no more than 10 automobiles, truck or other motor vehicles, whether or not they are in operating condition, shall be stored on any lot unless such motor vehicles are adequately screened from adjacent residential uses and scenic corridors. All vehicles not in operating condition shall be stored only if the gasoline tanks of the vehicles are drained. This subsection shall not apply to vehicles which are in operating condition and which are maintained for agricultural purposes.
- P. Location of utilities. Utilities shall be located in accordance with N.J.A.C. 7:50-6.111 as follows:
- (1) New utility distribution lines to locations not presently served by utilities shall be placed underground, except for those lines which are located on or adjacent to active agricultural operations.
 - (2) All electric transmission lines shall be located on existing towers or underground to the maximum extent practical.
 - (3) Aboveground generating facilities, switching complexes, pumping stations, and substations shall be screened with vegetation from

adjacent uses in accordance with N.J.A.C. 7:50-6, Part II, and Subsection E, Vegetation, revegetation and landscaping plans.

Q. Fire management. A fire management program is hereby established in accordance with the requirements of N.J.A.C. 7:50-6.121 through 7:50-6.125 as follows:

- (1) Fire hazard classification. The following vegetation classifications shall be used in accordance with N.J.A.C. 7:50-6.123 in determining the fire hazard of a parcel of land:

Fire Hazard Classification	
Hazard	Vegetation Type
Low	Atlantic white cedar Hardwood swamps
Moderate	Non-pine Barrens forest and prescribed burned areas
High	Pine Barrens forest, including mature forms of pine, pine-oak, and oak-pine
Extreme	Immature or dwarf forms of pine-oak or oak-pine, all classes of pine-scrub oak and pine-lowland

- (2) Fire hazard mitigation standards. No application for development approval shall be granted in moderate, high and extreme hazard areas unless the applicant demonstrates that:

- (a) All proposed developments, or units or sections thereof, of 25 dwelling units or more will have two accessways of a width and surface composition sufficient to accommodate fire-fighting equipment;
- (b) All dead-end roads will terminate in a manner which provides safe and effective entry and exit for fire-fighting equipment;
- (c) The rights-of-way of all roads will be maintained so that they provide an effective fire break;
- (d) Except as provided in Subsection Q(2)(e) below, a fire hazard fuel break is provided around structures proposed for human use by the selective removal or thinning of trees, bushes, shrubs and ground cover as follows:

[1] In moderate fire hazard areas, a fuel break of 30 feet measured outward from the structure in which:

- [a] Shrubs, understory trees and bushes and ground cover are to be selectively removed, mowed or pruned on an annual basis; and

- [b] All dead plant material is removed.
- [2] In high fire hazard areas, a fuel break of 75 feet measured outward from the structure in which:
 - [a] Shrubs, understory trees and bushes and ground cover are to be selectively removed, mowed or pruned on an annual basis; and
 - [b] All dead plant material is removed.
- [3] In extreme high fire hazard areas, a fuel break of 100 feet measured outward from the structure in which:
 - [a] Shrubs, understory trees and bushes and ground cover are to be selectively removed, mowed or pruned on an annual basis;
 - [b] No pine tree (*Pinus* spp.) is closer than 25 feet to another pine tree; and
 - [c] All dead plant material is removed.
- (e) All residential development of 100 dwelling units or more in high or extreme high hazard areas will have a two-hundred-foot perimeter fuel break between all structures and the forest in which:
 - [1] Shrubs, understory trees and bushes and ground cover are selectively removed, mowed or pruned and maintained on an annual basis;
 - [2] All dead plant material is removed;
 - [3] Roads, rights-of-way, wetlands and waste disposal sites shall be used as fire breaks to the maximum extent practical; and
 - [4] There is a specific program for maintenance.
- (3) Guidelines for construction for fire protection of buildings. All structures will meet the following specifications consistent with N.J.A.C. 7:50-6.125:
 - (a) Roofs and exteriors will be constructed of fire-resistant materials such as asphalt rag felt roofing, tile, slate, asbestos cement shingles, sheet iron, aluminum, or brick. Fire retardant-treated wood shingles and shakes are prohibited in high or extreme fire hazard areas;
 - (b) All projections such as balconies, decks, and roof gables shall be constructed of fire-resistant materials or materials treated with fire-retardant chemicals;

- (c) Any openings in the roof, attic and the floor shall be screened;
 - (d) Chimneys and stovepipes which are designed to burn solid or liquid fuels shall be equipped with screens over the outlets;
 - (e) Flat roofs are prohibited in areas where vegetation is higher than the roof.
- R. Recreation. All recreational facilities within the Pinelands Area shall conform to N.J.A.C. 7:50-6.141 through 7:50-6.144 requirements:
 - (1) No power vessel in excess of 10 horsepower shall operate on any waters within the Pinelands of Manchester Township.
 - (2) No power vehicle other than fire, police or emergency vehicles or those vehicles used for the administration or maintenance of any public land shall be operated upon publicly owned land within the Pinelands. Other motor vehicles may operate on public lands for recreational purposes on public highways and areas on land designated prior to August 8, 1980, for such use by and local government entities until designated as inappropriate for such use by the Pinelands Commission in accordance with N.J.A.C. 7:50-6.143(a)3 and 4.
 - (3) All recreation areas and facilities shall be designed in accordance with the New Jersey Department of Environmental Protection publication Administration Guidelines: Barrier-Free Design Standards for Parks and Recreational Facilities.
 - (4) In the Pinelands Preservation Area and Forest Area Districts, improved bicycling facilities shall be provided only in conjunction with paved roads.
- S. Historic, archaeological and cultural preservation. Pursuant to N.J.A.C. 7:50-6.151 through 7:50-6.158, historically distinctive resources, including buildings, structures, sites and districts of historic, archaeological, architectural, or cultural importance, help define the Pinelands environment and the following program for protection of historic resources is adopted as follows:
 - (1) Authorities of Township officials and agencies.
 - (a) Planning Board. The Planning Board shall exercise all the powers and perform all the duties set forth in N.J.A.C. 7:50-6.153(a), Authorities of Municipal Officials and Agencies, including recommendations to the Township Council and Pinelands Commission regarding designation of historic resources and districts of local Pinelands, national or state significance, in accordance with N.J.S.A. 40:55D-1 et seq. and N.J.A.C. 7:50-6.154. The Planning Board shall issue all certificates of appropriateness except as specified in Subsection S(1)(b) below.

- (b) Board of Adjustment. The Board of Adjustment shall review and issue certificates of appropriateness, in accordance with the provisions of N.J.A.C. 7:50-6.155, Evaluation of Development Proposals, and 7:50-6.156, Treatment of Resources, for any application for development which it is otherwise empowered to review.
- (2) Certificates of appropriateness required. Certificates of appropriateness shall be required for the following:
 - (a) Construction, encroachment upon, alternation, remodeling, removal, disturbance or demolition of any resource designated by the Township Council or the Pinelands Commission, pursuant to N.J.A.C. 7:50-6.154, Designation of Historic Resources and Districts, or any action which renders such a site inaccessible; and
 - (b) Development not otherwise exempted from review, pursuant to Subsection B(1), where a significant resource has been identified pursuant to Subsection S(4) below.
- (3) Applications for certificates of appropriateness. Applications for certificates of appropriateness shall include the information specified in N.J.A.C. 7:50-6.156(b), Treatment of Resources.
- (4) Cultural resources survey.
 - (a) A cultural resource survey shall accompany all applications for development in the BVR-40 zone or in the Whiting Town (WT) zones and all applications for major developments in other Pinelands Management Areas in order to determine whether any significant historic resources exist on the parcel. Guidelines for this survey are contained in N.J.A.C. 7:50, Appendix B, of the Cultural Resource Management Plan, dated April 1991, as amended. In general, the survey shall include: a statement as to the presence of any properties listed on the National and State Registers of Historic Places on the site or within the area of the project's potential environmental impacts; a thorough search of state, local, and any other pertinent inventories to identify sites of potential significance; a review of the literature and consultation with professional and avocational archaeologists knowledgeable about the area; thorough pedestrian and natural resources surveys; archaeological testing as necessary to provide reasonable evidence of the presence or absence of historic resources of significance; adequate recording of the information gained and methodologies and sources used; and a list of personnel involved and qualifications of the person(s) performing the survey. The Pinelands Commission shall assume the responsibility for completing a cultural resource survey when a

request to do so is submitted pursuant to N.J.A.C. 7:50-6.43(b) in conjunction with an application for a forestry operation.

- (b) Survey exemptions. Notwithstanding Subsection S(4)(a) above, the need for a cultural resource survey may be:

[1] Eliminated by the local approval agency in portions of Whiting Town or Beckerville Village if there is insignificant evidence of cultural activity within the area or, in the case of archaeological resources, within the vicinity; and

[2] Waived by the Pinelands Commission or by an approval agency for individual applications for development if it is determined that:

[a] There is insufficient evidence of cultural activity on the project site, or, in the case of archaeological resources, within the vicinity; or

[b] The evidence of cultural activity on the site lacks the potential for importance because further recording of the available data will not contribute to a more comprehensive understanding of Pinelands culture; or

[c] The evidence of cultural activity lacks any potential for significance pursuant to the standards of N.J.A.C. 7:50-6.154 and Subsection S(4)(c) below.

- (c) Determination of significance. The Planning Board shall utilize the standards herein in identifying areas, sites, structures or districts as resources of significance in accordance with the provisions of N.J.S.A. 40:55D-1 et seq. and recommending that the Township Council designate same by ordinance. A resource shall be deemed to be significant if it possesses integrity of location, design, setting, materials, workmanship, feeling and association which reflects its significance in American history, architecture, archaeology, or culture under one or more of the following criteria:

[1] The presence of structures, sites or areas associated with events of significance to be cultural, political, economic or social history of the nation, state, local community or the Pinelands; or

[2] The presence of structures, sites or areas associated with the lives of persons or institutions of significance to the cultural, political, economic or social history of the nation, state, local community or the Pinelands; or

[3] The presence of structures that represent the work of a master, or that possess high artistic values, or that embody the distinctive characteristics of a type, period or method

of construction, or that represent a distinguishable entity of significance to the architectural, cultural, political, economic or social history of the nation, state, local community or the Pinelands; or

[4] The presence of a site or area which has yielded or is like to yield significant information regarding the history or archaeological history of the Pinelands.

(5) Effect of issuance of certificate of appropriateness.

(a) All subsequent development approvals shall be issued or denied in a manner consistent with the certificate of appropriateness except as provided in Subsection S(5)(b) below.

(b) A certificate of appropriateness issued as a result of the cultural resource survey requirement set forth in Subsection S(4) above shall be valid for two years. If the resource is not designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154, Designation of Historic Resources and Districts, or by the Township Council pursuant to N.J.S.A. 40:55D-12 et seq. within two years, the historic resource standards of this section shall not apply to the cultural resource in question until such time as the Pinelands Commission designates the resource pursuant to N.J.A.C. 7:50-6.154.

(6) Documentation required for sites with sufficient remains. The following information will be required to document resources which are not found to be significant, but which are otherwise found to present graphic evidence of a cultural activity:

(a) A narrative description of the resource and its cultural environment;

(b) Photographic documentation to record the exterior appearance of buildings, structures, and engineering resources;

(c) A site plan depicting in correct scale the location of all buildings, structures, and engineering resources; and

(d) A New Jersey State inventory form as published by the New Jersey Department of Environmental Protection for buildings and a narrative description of any process or technology if necessary to elaborate upon the photographic record.

(7) Emergency provisions. If at any time after construction has been commenced, archaeological data is discovered on a site, the developer shall immediately cease construction, notify the Pinelands Commission, Planning Board and Construction Official; and take all reasonable steps to protect the archaeological data

in accordance with the Guidelines for Recovery of Scientific, Prehistoric, Historic, and Archaeological Data: Procedures for Notification, Reporting, and Data Recovery (36 CFR Part 66).

§ 245-33. Pinelands Area Zoning Districts.

- A. Schedules of development. Schedule B, Schedule of General Requirements, Pinelands Area Zoning District, and Schedule C, Beckerville Village and Whiting Town Zoning Districts Schedule, are hereby made a part of this chapter.⁴⁶
- B. PPA Pinelands Preservation Area. Minimum standards governing the distribution and intensity of development in the Pinelands Preservation Area are hereby established in accordance with N.J.A.C. 7:50-5.22 et seq.
 - (1) Permitted uses. The following uses will be permitted in the Pinelands Preservation Area of Manchester Township subject to the environmental standards of § 245-32 above.
 - (a) Detached single-family dwellings on lots of 3.2 acres in accordance with § 245-32A(4).
 - (b) Detached single-family dwellings on lots of one acre in accordance with § 245-32A(6).
 - (c) Agricultural employee housing as an element of, and accessory to, an active agricultural operation.
 - (d) Berry agriculture and horticulture of native plants and other agricultural activities compatible with the existing soil and water conditions that support traditional Pinelands berry agriculture.
 - (e) Forestry.
 - (f) Beekeeping.
 - (g) Fish and wildlife management and wetlands management. **[Amended 12-12-2011 by Ord. No. 11-025]**
 - (h) Low-intensity recreational uses, provided that:
 - [1] The parcel proposed for low-intensity recreational use has an area of at least 50 acres.
 - [2] The recreational use does not involve the use of motorized vehicles except for necessary transportation.
 - [3] Access to bodies of water is limited to no more than 15 linear feet of frontage per 1,000 feet of water body frontage.

46. Editor's Note: The schedules are included in Appendix 6 at the end of this chapter.

- [4] The parcel will contain no more than one campsite per two acres, provided that the campsites shall not be clustered at a net density exceeding six campsites per acre.
 - [5] Clearing of vegetation, including ground cover and soil disturbance, does not exceed 5% of the parcel.
 - [6] No more than 1% of the parcel will be covered with impervious surfaces. **[Amended 12-12-2011 by Ord. No. 11-025]**
- (i) Expansion of intensive recreational uses, provided that:
 - [1] The intensive recreational use was in existence on February 7, 1979, and the capacity of the use will not exceed two times the capacity of the use on February 7, 1979.
 - [2] The use is necessary to achieve recreational use of a particular element of the existing Pinelands environment.
 - [3] The use is environmentally and aesthetically compatible with the essential character of the Pinelands Preservation Area District and the characteristics of the particular basin in which the use is to be located, taking into consideration the proportion of cleared and developed land, ambient water quality, ecologically sensitive areas and unique resources, and will not unduly burden available public services.
 - (j) Public service infrastructure which is necessary to serve only the needs of the PPA Pinelands Preservation Area District uses.
 - [1] Centralized wastewater treatment and collection facilities shall be permitted to service the Pinelands Preservation Area District only in accordance with § 245-32K(2)(b) and N.J.A.C. 7:50-6.84(a)2.
 - [2] Communication cables not primarily intended to serve the needs of the PPA Pinelands Preservation Area District may be permitted, provided that they are installed within existing developed rights-of-way and are installed underground or are attached to road bridges, where available, for the purpose of crossing water bodies or wetlands.
 - (k) Continuation of resource extraction operations in accordance with the standards of N.J.A.C. 7:50-6.63, Part VI. **[Amended 7-26-1999 by Ord. No. 99-026]**
 - (l) Pinelands development credits. **[Amended 7-26-1999 by Ord. No. 99-026]**

- (2) Signs. Signs shall be permitted in accordance with § 245-32N.
 - (3) Permitted accessory uses. As defined in Article II, Terminology, of this chapter.
 - (4) Minimum lot sizes for nonresidential uses. Notwithstanding the minimum lot areas set forth above or in Schedule B, no such minimum lot area for a nonresidential use in the PPA zone shall be less than that needed to meet the water quality standards of § 245-32K(2)(d), whether or not the lot may be served by a centralized sewer treatment or collection system.
- C. PFA-S Pinelands Forest Area - Sending. Minimum standards governing the distribution and intensity of development and land use in the Pinelands Forest Area - Sending District shall be as follows:
- (1) Permitted uses. The following uses will be permitted in the Pinelands Forest Area - Sending District of this chapter and subject to the environmental standards of § 245-32:
 - (a) Residential dwelling units on lots 3.2 acres in accordance with § 245-32A(4).
 - (b) Single-family residential dwelling units. Clustering of the permitted single-family dwellings shall be required whenever two or more units are proposed as part of a residential development. The following standards shall apply: **[Amended 12-12-2011 by Ord. No. 11-025]**
 - [1] Permitted density shall be one unit per 20 acres;
 - [2] The number of residential lots permitted within the cluster shall be calculated on the basis of the size of the parcel of land and the density permitted in Subsection C(1)(b)[1] above. If the development area identified pursuant to Subsection C(1)(b)[3] below is located on contiguous lands in a PFA-R Pinelands Forest Receiving Zone, a bonus shall be applied as follows:
 - [a] For parcels under 50 acres in size: zero bonus units.
 - [b] For parcels between 50 and 99.99 acres in size: twenty-percent bonus.
 - [c] For parcels between 100 and 149.99 acres: twenty-five-percent bonus.
 - [d] For parcels of 150 acres or more in size: thirty-percent bonus.
 - [3] The residential cluster shall be located on the parcel such that the development area:
 - [a] Is located proximate to existing roads;

- [b] Is located proximate to existing developed sites on adjacent or nearby parcels;
 - [c] Is or will be appropriately buffered from adjoining or nearby nonresidential land uses; and
 - [d] Conforms with the minimum standards of § 245-32, Pinelands Area development.
- [4] Development within the residential cluster shall be designed as follows:
- [a] Residential lots shall be a minimum of one acre in size within a PFA-S Zone but may be larger if dictated by unusual site conditions. In no case shall the average size of residential lots within a cluster exceed 1.1 acres; **[Amended 6-25-2012 by Ord. No. 12-015]**
 - [b] Lot width and yard requirements shall be consistent with those set forth in Schedule A⁴⁷ for the PRA Zone;
 - [c] Individual on-site septic wastewater treatment systems which are not intended to reduce the level of nitrate/nitrogen in the waste that comply with the water quality standards of § 245-32K(2)(d) may serve the lots within the cluster development area. Community on-site wastewater treatment systems serving two or more residential dwelling units which meet the standards of § 245-(2)(e) or (g) shall also be permitted;
 - [d] The residential cluster development area shall include such land and facilities as are necessary to support the development, including wastewater facilities, stormwater management facilities and recreation amenities; and
 - [e] Permitted recreation amenities may include playgrounds, tot lots, swimming pools, tennis courts and other such recreational facilities, which are solely for use by the residents of the cluster development. Recreational amenities shall not be limited to the foregoing so that the applicant may propose additional facilities. All such facilities shall be accessory to the residential cluster development. No advertising or commercial enterprise shall be permitted. In no case may such amenities occupy more than 1/2 acre of land or the equivalent of one acre of land for every 25 residential lots, whichever is greater.

47. Editor's Note: Schedule A is included at the end of this chapter.

- [5] The balance of the parcel located outside of the residential cluster development shall be owned and managed by a duly constituted homeowners' association, a nonprofit conservation organization, Manchester Township or incorporated as part of one of the lots within the cluster development area.
 - [a] All such land shall be permanently protected through recordation of a deed of conservation restriction. Such restriction shall be in favor of Manchester Township or another public agency or nonprofit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission; and
 - [b] Such deed of conservation restriction shall permit the land to be managed for low-intensity recreation, ecological management and forestry, provided that no more than 5% of the land may be cleared, no more than 1% of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of Chapter 245.
- (c) Detached single-family dwellings on lots of one acre in accordance with § 245-32A(6).
- (d) Agriculture.
- (e) Agricultural employee housing as an element of, and accessory to, an active agricultural operation.
- (f) Forestry.
- (g) Low-intensity recreational uses, provided that:
 - [1] The parcel proposed for low-intensity recreational use has an area of at least 50 acres.
 - [2] The recreational use does not involve the use of motorized vehicles except for necessary transportation.
 - [3] Access to bodies of water is limited to no more than 15 linear feet of frontage per 1,000 feet of water body frontage.
 - [4] The parcel will contain no more than one campsite per two acres, provided that the campsites shall not be clustered at a net density exceeding six campsites per acre.
 - [5] Clearing of vegetation, including ground cover and soil disturbance, does not exceed 5% of the parcel.

[6] No more than 1% of the parcel will be covered with impermeable surfaces.

(h) Expansion of intensive recreational uses, provided that:

[1] The intensive recreational use was in existence on February 7, 1979, and the capacity of the use will not exceed two times the capacity of the use on February 7, 1979;

[2] The use is necessary to achieve recreational use of a particular element of the existing Pinelands environment;

[3] The use is environmentally and aesthetically compatible with the essential character of the Pinelands Forest Area and the characteristics of the particular basin in which the use is to be located, taking into consideration the proportion of cleared and developed land, ambient water quality, ecologically sensitive areas and unique resources, and will not unduly burden available public services.

(i) Public service infrastructure intended to primarily serve only the needs of the Pinelands. Centralized wastewater and collection facilities shall be permitted to service the Pinelands Forest Area Sending District only in accordance with § 245-32K(2)(b) of this chapter and N.J.A.C. 7:50-6.84(a)2. Communication cables not primarily intended to serve the needs of the Pinelands Forest Area Sending District may be permitted, provided that they are installed within existing developed rights-of-way and are installed underground or are attached to road bridges, where available, for the purpose of crossing water bodies or wetlands.

(j) Institutional uses, provided that:

[1] The use does not require or will not generate subsidiary or satellite development in the Pinelands Forest Area - Sending (PFA-S) or Pinelands Forest Area - Receiving Zones (PFA-R).

[2] The applicant has demonstrated that adequate public service infrastructure will be available to serve the use.

[3] The use is primarily designed to serve the needs of the Pinelands Forest Area - Sending (PFA-S) or Pinelands Forest Area - Receiving Zones (PFA-R).

(k) Pinelands resource-related industrial or manufacturing uses, excluding resource extraction and uses that rely on sand and gravel as raw products, provided that:

[1] The parcel proposed for development has an area of at least five acres.

- [2] The principal raw material for the proposed use is found or produced in the Pinelands.
- [3] The use does not require or will not generate subsidiary or satellite development in a Forest Area (PFA-S or PFA-R).
- (l) Agricultural commercial establishments excluding supermarkets, restaurants, and convenience stores, provided that:
 - [1] The principal goods or products available for sale were produced in the Pinelands.
 - [2] The sales area of the establishment does not exceed 5,000 square feet.
- (m) Fish and wildlife management areas and wetlands management. **[Amended 12-12-2011 by Ord. No. 11-025]**
- (n) Continuation of resource extraction operations in accordance with the standards of N.J.A.C. 7:50-6.63, Part VI.
- (o) Pinelands development credits.
- (2) Signs. Signs shall be permitted in accordance with § 245-32N.
- (3) Accessory uses. As defined in Article II, Terminology, of this chapter.
- (4) Conditional uses. The following uses will be permitted in the PFA-S District of this chapter upon obtaining a conditional use permit pursuant to Article VIII, Conditional Use Permits, Procedures and Requirements, of this chapter.
 - (a) Campgrounds.
 - (b) Roadside retail sales and service establishments, provided that:
 - [1] The parcel proposed for development has roadway frontage of at least 50 feet.
 - [2] No portion proposed of any structure proposed for development will be more than 300 feet, measured along a line parallel to the roadway, from the closest part of a roadside retail sales and service establishment structure that was in existence on February 7, 1979.
 - [3] The proposed use will not unduly burden public services, including but not limited to water, sewer and roads.
 - (c) Detached single-family dwellings which are not clustered in accordance with the standards of Subsection C(1)(b) above

may be permitted, provided that: **[Added 12-12-2011 by Ord. No. 11-025]**

[1] The Planning Board finds that:

[a] Clustering of the proposed dwellings would be inconsistent with the standards of Article IV, Pinelands area development standards; or

[b] Clustering of the proposed dwellings would disrupt the contiguity of the forest ecosystem to a greater degree than nonclustered development; and

[2] Minimum lot area: 25 acres.

(5) Substandard lots. Notwithstanding any other provision of this article, the owner of a parcel of land of one acre or more in the Pinelands Forest Area Sending District, shall be exempt from the density limitations of this chapter, provided that:

(a) The dwelling unit will be the principal residence of the property owner or a member of the immediate family of the property owner;

(b) The parcel has been in the continuous ownership since February 7, 1979, of the person whose principal residence the dwelling unit will be, a member of that person's immediate family, or a partnership or corporation in which members of that person's immediate family collectively own more than a majority interest in such partnership or corporation;

(c) The parcel was not in common ownership with any contiguous land on or after February 8, 1979, that contains any substantial improvements; and

(d) The parcel includes all vacant contiguous lands in common ownership on or after February 8, 1979.

(6) Area, yard and building requirements: as specified in Schedule B⁴⁸ of this chapter. Notwithstanding the minimum lot areas set forth in Schedule B, no such minimum lot area for a nonresidential use in the PFA-S Zone shall be less than that needed to meet the water quality standards of § 245-32K(2)(d), whether or not the lot may be served by a centralized sewer treatment or collection system. **[Added 12-12-2011 by Ord. No. 11-025]**

D. PFA-R Pinelands Forest Area - Receiving District. Minimum standards governing the distribution and intensity of development and land use in the Pinelands Forest Area - Receiving Zone are as follows:

48. Editor's Note: Schedule B is included as an attachment to this chapter.

- (1) Permitted uses. The following will be permitted in the Pinelands Forest Area - Receiving Zone of this chapter and subject to the environmental standards of § 245-32:
 - (a) Residential dwelling units on lots of 3.2 acres in accordance with § 245-32A(4).
 - (b) Single-family residential dwelling units. Clustering of the permitted single-family dwellings shall be required whenever two or more units are proposed as part of a residential development. The following standards shall apply: **[Amended 12-12-2011 by Ord. No. 11-025]**
 - [1] Permitted density shall be one unit per 20 acres;
 - [2] The number of residential lots permitted within the cluster shall be calculated on the basis of the size of the parcel of land and the density permitted in § 245-33D(1)(b)[1] above, with a bonus applied as follows:
 - [a] For parcels under 50 acres in size: zero bonus units.
 - [b] For parcels between 50 and 99.99 acres in size: twenty-percent bonus.
 - [c] For parcels between 100 and 149.99 acres: twenty-five-percent bonus.
 - [d] For parcels of 150 acres or more in size: 30 percent bonus
 - [3] The residential cluster shall be located on the parcel such that the development area:
 - [a] Is located proximate to existing roads;
 - [b] Is located proximate to existing developed sites on adjacent or nearby parcels;
 - [c] Is or will be appropriately buffered from adjoining or nearby nonresidential land uses; and
 - [d] Conforms with the minimum standards of § 245-32, Pinelands Area development.
 - [4] Development within the residential cluster shall be designed as follows:
 - [a] Residential lots shall be a minimum of 44,000 square feet in area except for existing corner lots which shall be 66,000 square feet in area. In no case shall the average size of residential lots within a cluster exceed 49,500 square feet; **[Amended 6-25-2012 by Ord. No. 12-015]**

- [b] Lot width and yard requirements shall be consistent with those set forth in Schedule A⁴⁹ for the PRA Zone;
 - [c] Individual on-site septic wastewater treatment systems which are not intended to reduce the level of nitrate/nitrogen in the waste that comply with the water quality standards of § 245-32K(2)(d) may serve the lots within the cluster development area. Community on-site wastewater treatment systems serving two or more residential dwelling units which meet the water quality standards of § 245-32K(2)(e) or (g) shall also be permitted;
 - [d] The residential cluster development area shall include such land and facilities as are necessary to support the development, including wastewater facilities, stormwater management facilities and recreation amenities; and
 - [e] Permitted recreation amenities may include playgrounds, tot lots, swimming pools, tennis courts and other such recreational facilities, which are solely for use by the residents of the cluster development. Recreational amenities shall not be limited to the foregoing so that the applicant may propose additional facilities. All such facilities shall be accessory to the residential cluster development. No advertising or commercial enterprise shall be permitted. In no case may such amenities occupy more than 1/2 acre of land or the equivalent of one acre of land for every 25 residential lots, whichever is greater.
- [5] The balance of the parcel located outside of the residential cluster development shall be owned and managed by a duly constituted homeowners' association, a nonprofit conservation organization, Manchester Township or incorporated as part of one of the lots within the cluster development area.
- [a] All such land shall be permanently protected through recordation of a deed of conservation restriction. Such restriction shall be in favor of Manchester Township or another public agency or nonprofit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission; and
 - [b] Such deed of conservation restriction shall permit the land to be managed for low-intensity recreation,

49. Editor's Note: Schedule A is included as an attachment to this chapter.

ecological management and forestry, provided that no more than 5% of the land may be cleared, no more than 1% of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of this Chapter 245.

- (c) Agriculture.
- (d) Agriculture employee housing as an element of, and accessory to, an active agriculture operation.
- (e) Public service infrastructure intended to primarily serve the needs of the Pinelands. Centralized wastewater treatment and collection facilities shall be permitted to service the Pinelands Forest Area - Receiving Zone only in accordance with § 245-32K(2)(b).
- (f) Institutional uses, provided that:
 - [1] The use does not require or will not generate subsidiary or satellite development in the Pinelands Forest Area - Receiving or Pinelands Forest Area - Sending Zone.
 - [2] The applicant has demonstrated that adequate public service infrastructure will be available to serve the use.
 - [3] The use is primarily designed to serve the needs of the Pinelands Forest Area-Receiving and Pinelands Forest Area - Sending Zones.
- (2) Signs. Signs shall be permitted in accordance with § 245-32N.
- (3) Accessory uses. As defined in Article II, Terminology, of this chapter.
- (4) The following uses will be permitted in the PFA-R Zone upon obtaining a conditional use permit pursuant to Article VII, Conditional Use Permits, Procedures and Requirements, of this chapter: **[Amended 12-12-2011 by Ord. No. 11-025]**
 - (a) Detached single-family dwellings on lots of at least 40,000 square feet in area, provided that:
 - [1] The owner of the lot proposed for development acquires sufficient vacant contiguous or noncontiguous land which, when combined with the acreage of the lot to be developed, equals at least 20 acres;
 - [2] All noncontiguous lands acquired pursuant to Subsection D(4)(a)[1] above, which may or may not be developable, are located within the PFA-S Zone;

- [3] All noncontiguous lands acquired pursuant to Subsection D(4)(a)[1] and [2] above are permanently protected through recordation of a deed of restriction. Such restriction shall be in favor of the parcel to be developed and the municipality or another public agency or nonprofit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission. Such deed of restriction shall permit the parcel to be managed for low-intensity recreation, ecological management and forestry, provided that no more than 5% of the land may be cleared, no more than 1% of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of this Chapter 245;
 - [4] Tax assessments for the acquired noncontiguous lands are combined and assigned to the lot to be developed; and
 - [5] The lot to be developed otherwise meets the minimum standards of § 245-32 of this chapter.
- (b) Detached single-family dwellings which are not clustered in accordance with the standards of § 245-33D(1)(b) above, provided that:
- [1] The Planning Board finds that:
 - [a] Clustering of the proposed dwellings would be inconsistent with the standards of § 245-32 of this Chapter 245; or
 - [b] Clustering of the proposed dwellings would disrupt the contiguity of the forest ecosystem to a greater degree than nonclustered development; and
 - [2] Minimum lot area: 20 acres.
- (5) Substandard lots. Notwithstanding any other provision of this article, the owner of a parcel of land of one acre or more in the Forest Area - Receiving District, shall be exempt from the density limitations of this chapter, provided that:
- (a) The dwelling unit will be the principal residence of the property owner or member of the immediate family of the property owner;
 - (b) The parcel has been in the continuous ownership since February 7, 1979, of the person whose principal residence the dwelling unit will be, a member of that person's immediate family, or a partnership or corporation in which members of that person's immediate family collectively own more than a majority interest in such partnership or corporation;

- (c) The parcel was not in common ownership with a contiguous land on or after February 8, 1979 that contains any substantial improvements; and
- (d) The parcel includes all vacant contiguous lands in common ownership on or after February 8, 1979.

E. PR-40 Pinelands Single-Family Residential Zone.

- (1) Permitted uses. All uses and standards as permitted and specified in the R-40 zone of this chapter subject to the Pinelands Environmental Standards of § 245-32.
- (2) Pinelands development credits. Pinelands development credits may be accommodated in this zone in the following manner and as per § 245-32C:
 - (a) In the event that there is a request for a subdivision of more than 25 units, there shall be permitted a density bonus of 0.5 unit per acre added to the density of an R-40 subdivision.
 - (b) In the event there is a request for a subdivision of more than 25 units, the following lot standards for square footage, bulk and setback requirements shall apply, provided that the above bonus density is not exceeded. This zoning option shall only be permitted upon successful implementation and purchase of Pinelands development credits pursuant to § 245-32C; and, that the subdivision will be serviced by public sewer and water. The lot standards shall be as follows:
 - [1] Minimum lot area in square feet: 20,000.
 - [2] Minimum lot width in feet: 125.
 - [3] Minimum front yard, principal building, in feet: 50.
 - [4] Minimum side yard, principal building, in feet: 20.
 - [5] Minimum rear yard, principal building, in feet: 25.
 - [6] Minimum side yard, accessory building, in feet: 10.
 - [7] Maximum percent lot coverage: 25%.
 - [8] Maximum building height in feet: 35.

F. PR-A Pinelands Rural Agricultural Zone.

- (1) Permitted uses.
 - (a) All uses and standards are permitted and specified in the R-A zone of this chapter with the exception of golf courses, subject to the Pinelands Environmental Standards of § 245-32.
 - (b) Planned retirement communities.

- (2) Pinelands development credits. Pinelands development credits may be accommodated in this zone in the following manner and as per § 245-32:
 - (a) In the event that there is a request for a planned retirement community in the PR-A Zone, there shall be permitted a base density of five units per acre, provided, however, that such density may be increased to eight units per acre by the accommodation of the applicable Pinelands development credits.
- G. PR-15 Pinelands Single-Family Residential Zone. All uses and standards as permitted and specified in the R-15 Zone of this chapter subject to the Pinelands Environmental Standards of § 245-32.
- H. PRC Pinelands Retirement Community. (See § 245-67, Planned retirement communities; § 245-73, Senior citizen light care centers; and § 245-75, Continuing care facility for the elderly).
- I. PRC/RCL. Pinelands Retirement Community/Residential Cluster. **[Amended 9-8-2014 by Ord. No. 14-016; 7-13-2015 by Ord. No. 15-009]**
 - (1) Purposes. The purposes of the PRC/RCL, Pinelands Retirement Community/Residential Cluster Zone are to permit planned residential development consisting of 75% age-restricted and 25% conventional housing in accordance with N.J.S.A. 40:55D-39b; to provide for low- and moderate-income inclusionary development in accordance with the Fair Housing Law, N.J.S.A. 52:27D-301 and COAH Procedural and Substantive Regulations contained in N.J.A.C. 5:91 and 5:93; to provide for consistency with the New Jersey Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1 et seq., the Ocean County 208 Waste Water Management Plan and the Manchester Township Master Plan adopted on October 18, 1993.
 - (2) Permitted uses.
 - (a) Single-family detached housing regulations in accordance with the PR-40 Zone.
 - (b) Planned Retirement Community and Residential Cluster Option containing 75% age-restricted housing comprised of single-family, multifamily, assisted care and congregate care housing and 25% single-family detached non-age-restricted housing, provided that 10% of all sales housing units and 15% of all rental units shall be affordable to low- and moderate-income households in accordance with Article XI.
 - [1] Single-family detached non-age-restricted housing shall conform with the requirements of the WTR-10 Zone.

[2] Planned retirement community development shall conform with the following conditional uses:

[a] Planned retirement communities, § 245-67.

[b] Senior citizen light care centers, § 245-73.

[c] Continuing care for the elderly, § 245-75.

(c) Density.

[1] Single-family detached housing option. Gross density shall not exceed 0.9 dwelling unit per acre.

[2] PRC/RCL option. Gross density shall not exceed three dwelling units per acre; provided, however, that the gross density may be increased to four dwelling units per acre with Pinelands development credits in accordance with the N.J.A.C. 7:50-1 et seq.

J. PMP Pinelands Mobile Home Park.

(1) Permitted uses.

(a) Same as RA Zone.

(b) Mobile home parks in accordance with Chapter 267, Mobile Homes and Trailers.

(2) Permitted accessory uses. Same as R-A Zone.

(3) Conditional uses. Same as R-A Zone.

(4) Yard, area, and building requirements. Same as R-A Zone.

(5) Off-street parking, loading and vehicular access. Same as R-A Zone.

(6) Signs. As per § 245-32N of this chapter.

K. PB-1 Pinelands Business Zone.

(1) Permitted uses. As specified in Schedule G, Pinelands Area Nonresidential Zoning District Permitted and Conditional Use Schedule,⁵⁰ subject to the environmental standards of § 245-32.

(2) Conditional uses. The conditional uses specified in Pinelands Area Nonresidential Zoning District Permitted and Conditional Use Schedule may be permitted subject to the requirements and procedures as set forth in Article VIII, Conditional Use Permits, Procedures and Requirements, of this chapter.⁵¹

50.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

51.Editor's Note: The schedules are included at the end of this chapter.

- (3) Permitted accessory uses. As defined in Article II, Terminology, of this chapter.
- (4) Yard, area, and building requirements. As specified for the WTR-40, WTR-14AF or WTR-15AF zone in Schedule B, Subsection A, of this section.
- (5) Off-street parking, loading and vehicular access.
 - (a) As per § 245-28 of this chapter as defined for that particular use.
 - (b) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 245-28 of this chapter.
- (6) Signs. Signs shall be permitted in accordance with § 245-32N of this chapter.
- (7) Variances for residential development. Any residential development in the PB-1 Zone which is approved by variance shall require that Pinelands development credits be used for all dwelling units in such development.

L. POR-LI Pinelands Office, Research and Light Industrial.

- (1) Permitted uses. As specified in the Pinelands Nonresidential Zoning District Permitted and Conditional Use Schedule subject to the environmental standards of § 245-32.⁵²
- (2) Conditional uses. The conditional uses specified in the Pinelands Area Nonresidential Zoning District Permitted and Conditional Use Schedule⁵³ may be permitted subject to the requirements and procedures as set forth in Article VIII, Conditional Use Permits, Procedures and Requirements, of this chapter.
- (3) Permitted accessory uses. As defined in Article II, Terminology, of this chapter.
- (4) Yard, area, and building requirements. As specified in Schedule B,⁵⁴ as referenced in Subsection A of this section.
- (5) Off-street parking, loading and vehicular access.
 - (a) As per § 245-28 of this chapter as defined for that particular use.
 - (b) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is

52.Editor's Note: The schedules are included at the end of this chapter.

53.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

54.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

intended to serve in accordance with the standards set forth in § 245-28 of this chapter.

- (6) Signs. Signs shall be permitted in accordance with § 245-32N.
- (7) Variances for residential development. Any residential development in the POR-LI Zone which is approved by variance shall require that Pinelands development credits be used for all dwelling units in such development.

M. BVR-40 Beckerville Village Residential.

- (1) Permitted uses. All uses and standards as permitted and specified in the R-40 zone of this section subject to the Pinelands environmental standards of § 245-32.
- (2) Variances. Any municipal variance approval which grants relief from the lot area requirements set forth on Schedule C for a residential or principal nonresidential use in the BVR-40 Zone shall require that Pinelands development credits be used for all dwelling units or lots in excess of that otherwise permitted without the variance.

N. WTRA Whiting Town Rural Agricultural Zone.

- (1) Permitted uses. All uses and standards as permitted and specified in the RA zone of this section subject to the Pinelands environmental standards of § 245-32. Pinelands development credits may not be applied within this zone; therefore, the density of a planned retirement community may not exceed five dwelling units per acre.
- (2) Variances for residential density or nonresidential development. Any municipal variance approval which grants relief from the lot area requirements set forth on Schedule C for a residential or principal nonresidential use in the WTRA Zone shall require that Pinelands development credits be used for all dwelling units or lots in excess of that otherwise permitted without the variance.

O. WTR-40 Whiting Town Single-Family Residential.

- (1) Permitted uses. All uses and standards as permitted and specified in the R-40 zone of this chapter subject to the Pinelands environmental standards of § 245-32. Pinelands development credits may not be applied within this zone.
- (2) Variances. Any municipal variance approval which grants relief from the lot area requirements set forth on Schedule C for a residential or principal nonresidential use in the WTR-40 Zone shall require that Pinelands development credits be used for all dwelling units or lots in excess of that otherwise permitted without the variance.⁵⁵

P. WTRC Whiting Town Retirement Community.

- (1) Permitted uses. All uses and standards as permitted and specified in the R-A Zone of this chapter subject to the Pinelands environmental standards of § 245-32.
- (2) Conditional uses. Planned retirement communities in accordance with § 245-67; age-restricted garden apartments - affordable in accordance with § 245-69; senior citizen light care in accordance with § 245-73; and continuing care for the elderly in accordance with § 245-75. Pinelands development credits may not be applied within this zone; therefore, the density of a planned retirement community may not exceed five dwelling units per acre. **[Amended 5-9-2005 by Ord. No. 05-017]**
- (3) Permitted accessory uses. As defined in Article II, Terminology, of this chapter.
- (4) Yard, area, and building requirements. As specified in the schedule referenced in Subsection A of this section.⁵⁶
- (5) Off-street parking, loading and vehicular access.
 - (a) As per § 245-28 of this chapter as defined for that particular use.
 - (b) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 245-28 of this chapter.
- (6) Signs. Signs shall be permitted in accordance with § 245-32N.
- (7) Variances. Any municipal variance approval which grants relief from the lot area requirements set forth on Schedule C for a residential or principal nonresidential use in the WTRC Zone shall require that Pinelands development credits be used for all dwelling units or lots in excess of that otherwise permitted without the variance.⁵⁷

Q. WTR-10AF and WTR-14AF Whiting Town Single-Family Residential Zones.

- (1) The following options will be permitted in the WTR-10AF and WTR-14AF Single-Family Residential Zones:
 - (a) WTR-40 single-family residential option. All uses and standards as permitted and specified in the WTR-40 Single-Family Residential Zone.

55. Editor's Note: The schedules are included at the end of this chapter.

56. Editor's Note: The schedules are included in Appendix 6 at the end of this chapter.

57. Editor's Note: The schedules are included at the end of this chapter.

- (b) Affordable housing option. Single-family detached dwellings in accordance with the following provisions:
 - [1] The development shall be serviced by public water and public sanitary sewer service;
 - [2] The development shall include a minimum of 10% of all housing units as affordable housing for low- and moderate-income households in accordance with the affordability requirements of Article XI, Affordable Housing; and
 - [3] Affordable units shall contain a minimum of three bedrooms.
 - (2) Permitted accessory uses. As defined in Article II, Terminology, of this chapter.
 - (3) Conditional uses. The following uses are defined as conditional uses and may be permitted subject to the requirements and procedures as set forth in Article VIII, Conditional Use Permits, Procedures and Requirements, of this chapter.
 - (a) Cluster development. Cluster lot modification is permitted as outlined in Article VIII, § 245-70, Cluster development, for developments permitted in § 245-31F, WTR-40 single-family residential option.
 - (4) Yard, area, and building requirements. As specified for the WTR-40, WTR-14AF or WTR-10AF Zone in the schedule, Subsection A of this section.
 - (5) Off-street parking, loading and vehicular access.
 - (a) As per § 245-28 of this chapter as defined for that particular use.
 - (b) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 245-28 of this chapter.
 - (6) Signs. Signs shall be permitted in accordance with § 245-32N.
- R. WTB-1 Whiting Town Business.
- (1) Permitted uses. As specified in Schedule G, Pinelands Nonresidential Zoning District Permitted and Conditional Use Schedule,⁵⁸ subject to the environmental standards of § 245-32.
 - (2) Conditional uses. The conditional uses specified in the Pinelands Area Nonresidential Zoning District Permitted and Conditional Use Schedule,⁵⁹ may be permitted subject to the requirements and

58.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

procedures as set forth in Article VIII, Conditional Use Permits, Procedures and Requirements, of this chapter.

- (3) Permitted accessory uses. As defined in Article II, Terminology, of this chapter.
- (4) Yard, area, and building requirements. As specified in the schedule referenced in Subsection A of this section.⁶⁰
- (5) Off-street parking, loading and vehicular access.
 - (a) As per § 245-28 of this chapter as defined for that particular use.
 - (b) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 245-28 of this chapter.
- (6) Signs. Signs shall be permitted in accordance with § 245-32N.
- (7) Variances. Any municipal variance approval which grants relief from the lot area requirements set forth on Schedule C for a residential or principal nonresidential use in the WTB-1 Zone shall require that Pinelands development credits be used for all dwelling units or lots in excess of that otherwise permitted without the variance.

S. WTO-P Whiting Town Office Professional.

- (1) Permitted uses. As specified in the Pinelands Nonresidential Zoning District Permitted and Conditional Use Schedule,⁶¹ subject to the environmental standards of § 245-32.
- (2) Conditional uses. The conditional uses specified in the Pinelands Area Nonresidential Zoning District Permitted and Conditional Use Schedule⁶² may be permitted subject to the requirements and procedures as set forth in Article VIII, Conditional Use Permits, Procedures and Requirements, of this chapter.
- (3) Permitted accessory uses. As defined in Article II, Terminology, of this chapter.
- (4) Yard, area, and building requirements. As specified in the schedule referenced in Subsection A of this section.⁶³
- (5) Off-street parking, loading and vehicular access.

59.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

60.Editor's Note: The schedules are included in Appendix 6 at the end of this chapter.

61.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

62.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

63.Editor's Note: The schedules are included in Appendix 6 at the end of this chapter.

- (a) As per § 245-28 of this chapter as defined for that particular use.
 - (b) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 245-28 of this chapter.
- (6) Signs. Signs shall be permitted in accordance with § 245-32N.
- (7) Variances. Any municipal variance approval which grants relief from the lot area requirements set forth on Schedule C for a residential or principal nonresidential use in the WTO-P Zone shall require that Pinelands development credits be used for all dwelling units for lots in excess of that otherwise permitted without the variance.

T. WTHD Whiting Town Highway Development.

- (1) Permitted uses. As specified in the Pinelands Nonresidential Zoning District Permitted and Conditional Use Schedule,⁶⁴ subject to the environmental standards of § 245-32.
- (2) Conditional uses. The conditional uses specified in Schedule G, Pinelands Area Nonresidential Zoning District Permitted and Conditional Use Schedule,⁶⁵ may be permitted subject to the requirements and procedures as set forth in Article VIII, Conditional Use Permits, Procedures and Requirements, of this chapter.
- (3) Permitted accessory uses. As defined in Article II, Terminology, of this chapter.
- (4) Yard, area, and building requirements. As specified in the schedule referenced in Subsection A of this section.⁶⁶
- (5) Off-street parking, loading and vehicular access.
 - (a) As per § 245-28 of this chapter as defined for that particular use.
 - (b) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in § 245-28 of this chapter.
- (6) Signs. Signs shall be permitted in accordance with § 245-32Q.

64.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

65.Editor's Note: Said schedule is included in Appendix 6 at the end of this chapter.

66.Editor's Note: The schedules are included in Appendix 6 at the end of this chapter.

- (7) Variances. Any municipal variance approval which grants relief from the lot area requirements set forth on Schedule C for a residential or principal nonresidential use in the WTHD Zone shall require that Pinelands development credits be used for all dwelling units for lots in excess of that otherwise permitted without the variance.

U. M-I Military Installation.

- (1) Any uses associated with the function of the federal installation may be permitted, provided that:
 - (a) Where feasible, development shall be located in that portion of the installation located within the Pinelands Protection Area;
 - (b) The use shall not require any development, including public service infrastructure, in the PPA Preservation Area District or in the Pinelands Forest Area;
 - (c) All development undertaken by the federal government substantially meets the standards of N.J.A.C. 7:50-6 of the Pinelands Comprehensive Management Plan or an intergovernmental agreement entered into pursuant to N.J.A.C. 7:50-4, Part IV; and
 - (d) No hazardous waste facility, landfill or incinerator shall be permitted, except as expressly authorized in N.J.A.C. 7:50-6.75 or 7:50-6.78.
- (2) Any other public purpose use undertaken by or on behalf of another level of government may be permitted, provided that:
 - (a) The use is sanctioned by the installation;
 - (b) The use is located within a substantially developed area which is served by a centralized sewer treatment and collection system;
 - (c) No hazardous waste facility, landfill or incinerator shall be permitted, except as expressly authorized in N.J.A.C. 7:50-6.75 or 7:50-6.78; and
 - (d) All development meets the standards of N.J.A.C. 7:50-6 or an intergovernmental agreement entered into pursuant to N.J.A.C. 7:50-4, Part IV.

V. PED Pinelands Environmental Development. **[Added 5-29-2007 by Ord. No. 07-018]**

- (1) Purpose. The purpose of the Pinelands Environmental Development District is to permit low-density residential development with a development option for a planned retirement community that requires development to be located away from environmentally

sensitive lands, particularly those that are identified as habitat areas for threatened and/or endangered species to designated development "receiving areas." The Pinelands Environmental Development District is comprised of a PED-9 Zone and a PED-1 Zone. The PED-9 Zone would permit single-family detached housing on nine-acre lots and the PED-1 Zone would permit single-family detached housing units on one-acre lots. The PED-9 Zones would require cluster development for permitted development of single-family homes along roadway frontage in the southern portion of the district away from the Toms River to the greatest extent practicable. The Pinelands Environmental Development District permits development at a higher density for planned retirement communities, provided that all development from the PED-9 and the PED-1 Zones is clustered within the PED-1 Zone. Planned retirement community housing units from designated sending areas within the Jackson Township PED Zone are also permitted to be developed within the PED-1 Zone in Manchester Township, provided that the lands in Jackson Township from which the housing units are transferred are deed restricted in accordance with Pinelands Commission regulations for intermunicipal development transfers.

- (2) The maximum number of housing units within a planned retirement community within the designated PED-1 Planned Environmental Development District - 1 shall not exceed the number of housing units as follows:
 - (a) A maximum of 350 single-family detached age-restricted housing units shall be permitted on Lot 30 and that portion of Lot 31 that is located within the PED-1 Zone in Block 62 in Manchester Township as specified in the Builders' Remedy Settlement Agreement known as Manchester Development Group LLC, et al vs. Manchester Township for the Stavola Tract. Additional housing units may be permitted, provided that the units are deed-restricted as affordable housing units in accordance with Subsection V(2)(d) below.
 - (b) A maximum of 250 single-family detached age-restricted housing units may be transferred from Lot 1, containing 97.51 acres, and Lot 2, containing approximately 134.97 acres in Block 22501, as shown on Tax Map Sheet 25 (2007) of Jackson Township to the PED-1 Zone in Manchester Township as described in Subsection V(2)(a) above.
 - (c) Any planned retirement community shall be approved by the Manchester Township Planning Board in accordance with an intermunicipal agreement between Manchester and Jackson Townships, provided that the PED-1 and PED-9 Zones in both municipalities are developed in accordance with requirements of planned development in N.J.S.A. 40:55D-65 and provisions of an overall general development plan in accordance with

N.J.S.A. 40:55D-D-45. Upon the execution of such an intermunicipal agreement, the number of housing units within the planned retirement community within the PED-1 Zone within the Township of Manchester shall not exceed 600 market-rate, age-restricted housing units.

- (d) In the event that the developer (or developers) proposes to develop required affordable housing units on site in accordance with the settlement agreement within the PED-1 Zone, the total number of market-rate, age-restricted and non-age-restricted affordable housing units and shall not exceed 350 market rate age-restricted housing units and shall not exceed 35 age-restricted and/or non-age-restricted affordable housing units, for a total of 385 total housing units.
 - (e) Housing units transferred from Jackson Township shall be required to conform with the COAH Round 3 Growth Share requirements provided in N.J.A.C. 5:94, as may be revised, including the number, age restriction, affordability, affirmative marketing, rental and deed restriction and other requirements for affordable housing units as contained in Article XI of this chapter.
- (3) Permitted uses.
- (a) Single-family detached housing in accordance with following:
 - [1] PED-9. One single-family housing unit per nine acres (0.111 housing units/acre) shall be permitted. All development shall be clustered on lots of one acre in size along existing roadways or on new roadways that are developed along the upland edge of the PED-9 Zoning District away from the Toms River to the greatest extent practicable. All development shall be located on the tract to maximize the protection of threatened and/or endangered species habitat, including dedication of a conservation easement a minimum of 600 feet measured from the delineated wetlands along the main branch of the Toms River. Lot width shall not be less than 200 feet. Permitted development may be transferred to a PED-1 Zoning District with the use of PED Planned Retirement Community Option in accordance with Subsection V(3)(b) below.
 - [2] PED-1. One single-family housing unit per 3.2 acres (0.313 housing units per acre) shall be permitted. All development shall be clustered on lots of one acre in area with a minimum lot width of 200 feet. Pinelands development credits shall be acquired and redeemed at the rate of one right (0.25 credits) for every 3.33 non-

income-restricted housing units (30% of all market-rate residential units).

- (b) PED Planned Retirement Community Development Option. The PED Planned Retirement Community option shall be permitted within the PED-1 and PED-9 Zones within Manchester Township, provided that:
- [1] The development is serviced by public sanitary sewer and public water;
 - [2] The PRC shall conform with the age, design standards, development regulations and application procedures for planned retirement communities contained in § 245-67;
 - [3] A contribution shall be made to the Manchester Township Park and Open Space Fund in an amount to be determined in accordance with the settlement agreement approved by the Court;
 - [4] The maximum number of housing units within the PRC shall not exceed 350 market-rate age-restricted housing units and not more than 35 affordable age-restricted and non-age-restricted housing units in accordance with the MDG, et al vs. Manchester Township Settlement Agreement approved by the Court; however, an additional 250 market-rate, age-restricted housing units and required age-restricted and/or non-age-restricted affordable housing units in accordance with N.J.A.C. 5:94, as may be amended, shall be permitted upon execution of an interlocal municipal agreement between Manchester Township and Jackson Township to permit the transfer of development rights from Block 22501, Lots 1 and 2, from Jackson Township to Block 62, Lot 30, and that portion of Lot 31 located within the PED-1 Zone in Manchester Township;
 - [5] The planned retirement community development shall include all lands located within the PED-1 and PED-9 Zones in Manchester Township;
 - [6] All development, including any clubhouses, community buildings, intensive recreational facilities and stormwater management facilities, shall be located entirely within that portion of the tract in the PED-1 Zone. No development shall be permitted within that portion of the tract in the PED-9 Zone, with the exception of sewer interceptors designed only to provide sewer service to the planned retirement community;
 - [7] A physical barrier designed to limit movement of threatened and endangered species from the PED-9 Zone

to the development areas within the PED-1 Zone shall be provided if requested by the Pinelands Commission;

- [8] All lands to be included within a planned retirement community which are located in the PED-9 Zone may be used for purposes of calculating gross residential density and for purposes of complying with the common open space requirements of § 245-67D(4). All lands within the PED-1 Zone shall thereafter be permanently dedicated as open space through recordation of a deed restriction on the property providing for no development, except low-intensity recreational uses. Any such deed restrictions shall be in a form approved by the Township Attorney and the Pinelands Commission; **[Amended 12-12-2011 by Ord. No. 11-025]**
- [9] Pinelands development credits shall be acquired and redeemed at the rate of one right (0.25 credits) for every 3.33 non-income-restricted housing units (30% of all market rate residential units) developed in the PED-1 Zone pursuant to Subsection V(2)(a).
- (c) All development within the PED-1 and PED-9 Zones shall provide for an affordable housing component of 10% in accordance with affordability controls established by the New Jersey Council on Affordable Housing Rules in N.J.A.C. 5:94-7, Controls on Affordability and Affirmative Marketing, and Article XI of this chapter. The affordable housing component shall consist of a minimum of 5% being constructed on-site or off-tract within the Township in accordance with a plan approved by the Manchester Township Council with a minimum of 50% low-income and not more than 50% moderate-income housing units. The remaining 5% shall be provided in the form of affordable housing units constructed off-tract consisting of a minimum of 50% low-income and not more than 50% moderate-income housing units through a contribution to the Manchester Township Affordable Housing Trust Fund for development of low- and moderate-income housing units within the Township or for affordable housing credits granted through a regional contribution agreement in accordance with New Jersey Council on Affordable Housing Rules at N.J.S.A. 5:94.5, Regional Contribution Agreements.
- (4) Variances for residential density or nonresidential development. Any municipal variance approval which grants relief from the lot area or density requirements set forth in Subsection V(2) or in Schedule C for a residential use in the PED-1 Zone shall require that Pinelands development credits be used for all housing units or lots in excess of that otherwise permitted without the variance. In the event that a variance for a nonresidential use not otherwise permitted in the PED-1 Zone is granted by the Township, Pinelands

development credits shall be required at a rate of 50% of the maximum permitted for Pinelands development credit use in the PED-1 Zone for parcels under 10 acres in size; at 75% of the maximum permitted rate for parcels between 10 and 20 acres in size; and at 100% of the maximum permitted rate for parcels over 20 acres in size.

W. PRC-1 Pinelands Retirement Community. **[Added 5-29-2007 by Ord. No. 07-018]**

(1) Permitted uses.

(a) Same as RA zone.

(b) Planned retirement community per § 245-67, subject to the following as specified in the Builders' Remedy Settlement Agreement known as Manchester Development Group LLC, et al vs. Manchester Township:

[1] The maximum number of market-rate housing units shall not exceed 400 housing units for the Pulte Homes Tract;⁶⁷

(c) Retirement community multifamily housing. Retirement community multifamily housing may be permitted as a component of a planned retirement community, provided:

[1] Not more than 25% of the units shall be multifamily units.

[2] Multifamily structures shall be a maximum of three habitable stories and one story of vehicular parking. The maximum building height shall be 45 feet.

[3] The maximum number of housing units per building shall be 24.

[4] Multifamily buildings shall be separated from adjacent structures by a distance equal to the height of the tallest of the adjacent structures.

(2) Permitted accessory uses. Permitted accessory uses shall be the same as those permitted in the RA Zone.

(3) Conditional uses.

(a) Senior citizen light care subject to the provisions of § 245-73.

(b) Continuing care for the elderly per § 245-75, subject to the density standards of Subsection W(1)(b) above.

(4) Yard, area, and building requirements. All development in the PRC-1 Zone shall be located so as to maximize the protection of

67. Editor's Note: Former Subsection W(1)(b)[2], regarding the maximum number of market-rate housing units permitted for the MDG Tract, and which immediately followed this subsection, was repealed 7-10-2017 by Ord. No. 17-008.

threatened and endangered species habitat, including dedication of a conservation easement a minimum of 150 feet measured from the delineated wetlands along the Cabin Branch.

- (5) Off-street parking, loading and vehicular access. Off-street parking, loading and vehicular access shall be the same as required in the RC Zone.
 - (6) Signs. Signs shall be permitted in accordance with § 245-27 of this chapter.
 - (7) Pinelands development credits. Pinelands development credits shall be acquired and redeemed at the rate of one right (0.25 credits) for every 3.33 non-income-restricted housing units (30% of all market-rate residential units) developed in the PRC-1 Zone.
- X. PAF-1 Pinelands Affordable Housing Zone. **[Added 7-10-2017 by Ord. No. 17-008]**

- (1) Purpose. The purpose of the PAF-1 Pinelands Affordable Zone is to provide for multifamily housing for low- and moderate-income households required in accordance with the settlement agreement between the Manchester Development Group, LLC and Manchester Township, through the development of 404 multifamily residential units, of which 20% shall be reserved for occupancy by low-income and moderate-income households ("affordable units"), as defined by COAH regulations and the regulations of the Uniform Housing and Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC").
- (2) Permitted uses.
 - (a) Multifamily residential units, including garden apartments.
 - (b) Attached single-family residential units (i.e., townhomes).
- (3) Minimum tract size. The entire 89 acres of the MDG tract, consisting of Lots 15, 16 and 33 in Block 62 in the Township of Manchester, shall be developed as a planned multifamily residential development.
- (4) Maximum development yield. The maximum total number of dwelling units shall be 404 total residential dwelling units, consisting of a mix of multifamily apartments and townhouses with a maximum of 60% of the units within the MDG project consisting of apartments and the remaining 40% of units consisting of townhome units.
- (5) Affordable housing requirement.
 - (a) The applicant shall provide for a twenty-percent inclusionary component. 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.

- (b) Affordable units shall be integrated with the market-rate units.
 - (c) All affordable units shall be family rentals. The market-rate units may be for sale or for rent.
 - (d) Phasing for construction of the affordable units shall be in accordance with COAH's phasing schedule established by N.J.A.C. 5:93-5.6(d).
 - (e) All affordable units shall comply with COAH's rules, including, but not limited to, those concerning:
 - [1] Income qualification;
 - [2] Controls on affordability for a period of 30 years;
 - [3] Deed restrictions;
 - [4] Bedroom distribution;
 - [5] Low/moderate income split;
 - [6] Affirmative marketing; and
 - [7] Handicap accessibility.
 - (f) All affordable units shall be subject to deed restrictions on income limits for a period not less than 30 years.
- (6) Setback from existing public streets. All buildings, and other aboveground improvements, with the exception of access drives or access roadways, parking areas, landscaping and screening areas, shall be set back a minimum of 75 feet from the right-of-way of existing public streets. Parking areas and associated lighting shall be a minimum of 25 feet from the right-of-way of all public streets.
 - (7) Setback from other property lines. All buildings, and other aboveground improvements, including access drives, with the exception of landscaping and screening areas, shall be set back a minimum of 50 feet from all side and rear lot lines.
 - (8) Minimum width of any apartment unit or attached single-family housing unit: 20 feet.
 - (9) Maximum building length. No principal building, when viewed from any elevation, shall be greater than 200 feet in length.
 - (10) Distance between principal buildings and internal drives. No multifamily dwellings shall be located closer than 20 feet to any access drive or internal roadway.

- (11) Distance between principal buildings and parking areas. No multifamily building shall be located closer than 12 feet to any parking area. No single-family housing unit shall be located closer than 20 feet to any parking area, except for access aisles or driveways to garages and/or carports which are attached to principal buildings.
- (12) Maximum building height: 45 feet.
- (13) Maximum number of stories: three stories.
- (14) Maximum number of units per structure.
 - (a) Multifamily residential: 16 units.
 - (b) Attached single-family: eight units.
- (15) Minimum distance between buildings.
 - (a) For multifamily residential buildings oriented essentially at 90° to each other, the minimum distance between same shall be 30 feet, or the height of the tallest of the two buildings, whichever is greater.
 - (b) For multifamily residential buildings oriented essentially end to end to each other, the minimum distance between same shall be 30 feet, or 1.5 times the height of the tallest of the two buildings, whichever is greater.
 - (c) For multifamily residential buildings oriented essentially with parallel axis facing each other, the minimum distance between same shall be 40 feet, or twice the height of the tallest of the two buildings, whichever is greater.
- (16) Courtyards. Courtyards bounded on three or more sides by wings of the same building or by the walls of separate buildings shall have a minimum court width of two feet for each one foot in height of the tallest building or building wing.
- (17) No portion of any dwelling unit shall be lower than the outside finished grade (excluding the basement portion of the dwelling unit). No depressed siting shall be permitted.
- (18) Recreation. Passive recreation areas, such as pathways, natural woods and fields, seating areas and lawns, shall be provided, and suitably arranged throughout the multifamily development. In addition, an active recreation area or areas shall be provided at the rate of at least 150 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 six 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.

- (19) Off-street parking, loading and vehicular access requirements. Off-street parking, loading and vehicular access shall be governed by the New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21.
- (20) Utility requirements. 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. All multifamily and attached single-family development shall be served by public sewer and public water in accordance with the requirements of the Manchester Township Department of Utilities.
- (21) Landscaping and buffer requirements. All areas not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be fully landscaped or grassed. All trees within 20 feet of the perimeter boundary of the affordable housing site shall be preserved. When no trees exist within 20 feet of the perimeter boundary of the affordable housing site, or when the existing trees must be removed for grading purposes, the developer shall plant trees within such twenty-foot perimeter at the rate of one tree per 200 square feet.
- (22) Garages and/or carports, when not attached to a principal building, shall be located no closer than 40 feet to a facing wall of a principal building containing windows, nor closer than 20 feet to a facing wall of a principal building which does not contain windows.
- (23) Garage and/or carport parking spaces shall not be counted toward meeting off-street parking requirements, unless the garage or carport space has a driveway in front of it which is a minimum of 20 feet in depth and which driveway is adjacent and accessible from an access aisle or internal roadway.
- (24) Refuse storage. There shall be provided at least one outdoor refuse storage area of at least 100 square feet for each 20 dwelling units. The refuse storage area shall be suitably located and arranged for access and ease of collection.
- (25) 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 Act⁶⁸ shall be applicable. In the event such

68. Editor's Note: See N.J.S.A. 40:67-23.2 et seq.

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.

- (26) Permitted accessory uses. Permitted accessory uses usually incidental to the above uses, as specified below:
- (a) Noncommercial garage for the exclusive use of site residents only.
 - (b) Noncommercial swimming pools for exclusive use of site residents.
 - (c) Clubhouse for use by residents and their guests.
 - (d) Maintenance building and yard.
- (27) Sign regulations. Signs shall be installed in accordance with § 245-27E, General sign regulations.
- (28) 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 footcandles 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.
- (29) Concrete walkways at least four feet wide shall be provided where normal pedestrian traffic is likely to occur.
- (30) All rooms, exclusive of living rooms, dining rooms, kitchens and bathrooms, which contain 70 square feet or more of floor area, shall be considered bedrooms. If a dining room is not directly accessible from and adjacent to both the kitchen and living room, it shall also be considered a bedroom.
- (31) Minimum gross habitable floor area requirements:
- (a) One-bedroom units: 750 square feet.
 - (b) Two-bedroom units: 800 square feet.
 - (c) Three-bedroom units: 1,000 square feet.
- (32) 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.
- (33) Pinelands development credits. In the PAF-1 zoning district, 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.

ARTICLE V

Subdivision Requirements and Procedures**§ 245-34. Short title.**

This article shall be known and may be cited as "Subdivision Requirements and Procedures Article of the Township of Manchester Municipal Land Use and Development Regulations Chapter."

§ 245-35. Approving agency.

The provisions of this article shall be administered by the Township of Manchester Planning Board or the Township of Manchester Board of Adjustment acting in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

§ 245-36. Submission procedures.

Applicants shall follow the procedures as provided in Article III, Administrative Procedures, of this chapter.

§ 245-37. Informal review.

Provision is hereby made for an informal review procedure whereby an applicant can supply the approving agency with the information and documents specified in Appendix 3⁶⁹ so as to allow the approving agency to render an opinion on the suitability of the applicant's proposal which will guide the applicant in the preparation of his preliminary plan; however, the opinion shall not be binding upon the approving agency.

§ 245-38. Minor subdivision.

The plat shall be designed in compliance and shall be accompanied by the information specified in Appendix 3.

§ 245-39. Preliminary major subdivision.

The plat shall be designed in compliance with and accompanied by the information specified in Appendix 3.

§ 245-40. Final plat details for major subdivision.

The plat shall be designed in compliance with and accompanied by the information specified in Appendix 3.

§ 245-41. Granting exemptions from requirements.

Notwithstanding anything to the contrary herein, the Planning Board, and, when appropriate, the Board of Adjustment, when acting upon subdivision

69. Editor's Note: Appendix 3, Application Checklist and Documents Required to be Submitted, is included at the end of this chapter.

approval, shall have the power to grant such exceptions from the requirements, or any portion thereof, for subdivision submission and/or approval as may be reasonable and within the general purpose and intent of the provisions of subdivision review, if the literal enforcement of one or more provisions of the subdivision requirements is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

§ 245-42. Subdivision plans with multiple parcels. [Amended 11-27-2000 by Ord. No. 00-040]

Any minor or major subdivision plan application involving two or more separate Tax Map parcels (lots and/or condominium parcels) shall, as a condition of any Township approval, be required to file a deed of consolidation with the Clerk of the County of Ocean, merging the properties into a new, single parcel encompassing the entire tract of land that is the subject of the application. The applicant shall apply to the Township Tax Assessor for a new lot number and any proposed property location (street address) prior to recording the deed. A copy of the recorded deed shall be submitted to the Tax Assessor, Board Attorney, Board Engineer and Board Secretary. A note shall be added to the subdivision plan prior to submission for resolution compliance and signature, giving the nature of the deed, the recorded deed book and page number, the date recorded, and the previous Tax Map block and lot numbers.

ARTICLE VI
Site Plan Requirements and Procedures

§ 245-43. Short title.

This article shall be known and may be cited as "Site Plan Article of the Township of Manchester Municipal Land Use and Development Regulations Chapter."

§ 245-44. Approving agency.

The provisions of this article shall be administered by the Township of Manchester Planning Board or the Township of Manchester Board of Adjustment acting in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

§ 245-45. Requirements for site plan submission.

- A. Approval required. Except as hereinafter provided, with the exception of single-family dwellings or two-family dwellings on single existing lots, no building or use or enlargement of any building or use or change of building or use shall be permitted in any zone unless a site plan is first approved by the approving agency of the Township of Manchester and no permanent certificate of occupancy shall be granted unless all construction conforms to the approved final site plan.
- B. Exceptions. Site plan approval shall not be required for single-family dwellings or for such accessory uses as private garage, tool house, gardens and private greenhouse, incidental to single-family dwellings, but this shall not limit the requirements for submission of subdivision application as otherwise provided herein.
- C. Undersized lots of record in the R-10 Zone. The following information shall be required for currently undeveloped properties which require variances by virtue of being undersized. In the event any of the below elements are required on other documents submitted per this article, same shall not be again required. Where a variance is required from building coverage, the applicant shall be required to mitigate runoff on site from the increased building coverage. **[Added 6-24-2013 by Ord. No. 13-005]**
 - (1) Evidence that a buy/sell letter was sent by certified mail and ordinary mail from the property owner/applicant to adjacent property owners requesting that all or a portion of the adjacent property be purchased to make the subject property a conforming or more conforming lot under the Township Code.
 - (2) A plat shall be prepared in compliance with and shall be accompanied by the information specified in Appendix 3, Application Checklist and Documents Required to be Submitted.⁷⁰

- (3) Plans or renderings for the intended use or variance showing any building or structure to be erected, with an elevation of each side of the building being shown; if a new principal structure is proposed, including a structure on an undersized lot, a complete set of elevations and floor plans that demonstrate compliance with the building code and adequately describe its appearance so as to allow the Board to determine that the appearance is compatible with the character of the district.
- (4) Information in the form of title report by acknowledged title company or similarly constructed documents which clearly trace the chain of ownership of the property from the adoption of the Zoning Ordinance which made the property nonconforming. All documents shall be duly signed and sealed by the owner, purchaser and/or applicant and shall be duly witnessed by a notary public of the State of New Jersey, and shall be certified by the applicant to be true and accurate to the best of its knowledge.
- (5) A contract of sale of the property should it have been purchased or option to purchase, if the applicant is not the current owner, by the applicant and/or developer as defined in N.J.S.A. 40:55D-3 and D-4 of the Municipal Land Use Law.
- (6) A detailed landscape plan of the property illustrating the type, size and location of vegetation proposed to remain as well as that proposed to be planted. Proposed details of the mechanisms for the retention of trees and planting of vegetation along adjoining property line shall be included.
- (7) Complete design plans for retaining walls, if any, including all construction details, design calculations, soil borings and soil data verified by a New Jersey licensed professional engineer.
- (8) Four copies of a grading and stormwater management plan prepared by the applicant or by a licensed professional engineer. If the Board Engineer determines that the applicant's plan is inadequate in substance, the Board may require a grading and stormwater management plan from a licensed professional engineer. The Board Engineer shall supply a written report specifying all deficiencies to be corrected and shall defer receipt of requested information until the time of hearing on the application.
- (9) If the Board requires a plan from a licensed professional engineer, said engineer shall certify that the proposed grading and floor elevation will not detrimentally impact upon any adjoining property owner. If applicable, said certification shall further set forth that said plan conforms to an approved site grading plan, or, if not, that the changes are not significant to that approval and will in no way further impact adjoining properties. Further, the certification shall

set forth that the plan provides for the proper on-site runoff that is adequate to prevent ponding, severe erosion, and positive drainage away from the proposed building construction. The map prepared shall be based on survey measurements, and must contain the following:

- (a) Drawn to scale of not less than one inch equals 10 feet (1" = 10') or more than one inch equals 50 feet (1" = 50'), or drawn to the same scale contained on the survey submitted above.
- (b) Show the location of all new construction and all existing structures on the site.
- (c) Distances from lot lines to existing structures and proposed improvements.
- (d) Zoning setback lines to establish buildable area available for development.
- (e) Building dimensions of existing structures and proposed alterations.
- (f) Total area of the tract and the total area upland or buildable areas.
- (g) The existing and proposed sidewalk, curb and fence locations, including the type of material to be used for the construction of each.
- (h) The existing and proposed driveway locations and the type of material to be used.
- (i) The location and identification of flood zones, conservation easements and wetlands areas.
- (j) The location and identification of all utility, drainage, sight triangle and other easements affecting the development of the tract.
- (k) The area reserved for proposed and future septic/well facilities, if applicable.
- (l) Precise stormwater flow direction arrows must be provided for both on-site and off-site conditions.
- (m) The width of street rights-of-way, the width of street pavements and the general material composition of the street surface.
- (n) A North arrow shall be shown.
- (o) NJDEP-approved wetlands and wetlands buffer delineation, if applicable. The Pinelands Commission shall approve the wetlands and buffer delineation where applicable.

- (p) The lot(s) shall be graded in accordance with the following design criteria:
 - [1] The proposed grading of the lot shall not adversely impact on adjacent lots.
 - [2] Drainage flow arrows shall be provided to clearly depict the direction of stormwater runoff.
 - [3] No adverse drainage conditions shall be created.
 - [4] All roof runoff shall be in accordance with § 133-5A.
- (q) Provide an accurate review of proposed development, zone designation, and requirements. The following information is required on all plot plans and as-built surveys for new development:
 - [1] Minimum lot area: required and proposed.
 - [2] Minimum lot width: required and proposed.
 - [3] Minimum front setback: required and proposed.
 - [4] Minimum side yard setback: required and proposed.
 - [5] Minimum side yard setback along a street: required and proposed.
 - [6] Minimum rear setback: required and proposed.
 - [7] Minimum floor area: required and proposed.
 - [8] Maximum building height: required and proposed.
 - [9] Maximum lot coverage, actual: required and proposed.
- (10) Foundation as-built plan. Prior to framing inspection, placing the modular units or pre-fab unit on the foundation as constructed, the New Jersey licensed professional engineer or New Jersey licensed land surveyor shall submit to the Zoning Officer four copies of a plan showing the setbacks and elevations as to said as-built foundation and specifically showing the top of block elevation and any other critical floor elevation.
- (11) Final as-built plan. Prior to the issuance of a certificate of occupancy, the Zoning Officer shall require four copies of an as-built plan be submitted. The plans utilized for a request for certificate of occupancy, accompanied by a copy of the initial review plans, shall be reviewed by the Township Engineer, who will, in addition to said review, conduct an on-site inspection and submit a written report to the Zoning Officer and Construction Official as to the status of all improvements required and as-built conditions that conform satisfactorily to the approved plans or, if

not, report that same neither satisfies the intent of the procedural outline herein or does not conform. The as-built plans shall show the following:

- (a) Property line and dimensions.
- (b) Existing elevations of the lot and adjacent roadway, as well as contours and critical spot elevations to clearly define surface flow.
- (c) Finish floor grades of house and garage and description of house style (ranch, bi-level, two story) and critical grade that applies.
- (d) All setbacks for structure.
- (e) Describe building constructed: basement, crawl space or slab construction.
- (f) Where applicable, sufficient information to show any impact on adjoining properties, if any.
- (g) All completed improvements such as walks, drives, curbs, landscaping, etc., shall be shown.

§ 245-46. Submission procedures.

Applicant shall follow the submission procedures as provided in Article III, Administrative Procedures, of this chapter.

§ 245-47. Informal review.

- A. Approving agency. Provision is hereby made for an informal review procedure in accordance with N.J.S.A. 40:55D-10.1 whereby an applicant can supply the approving agency with the following information and documents so as to allow the approving agency to render an opinion on the suitability of the applicant's proposal which will guide the applicant in the preparation of his preliminary plan. However, the opinion shall not be binding upon the approving agency. **[Amended 6-14-2010 by Ord. No. 10-012]**
- B. Contents of informal review. The proposed development submitted for informal review shall be designed in compliance with and shall be accompanied by the information specified in Appendix 3.⁷¹

§ 245-48. Preliminary site plan.

The plat shall be designed in compliance with and shall be accompanied by the information specified in Appendix 3.

71. Editor's Note: Appendix 3, Application Checklist and Documents Required to be Submitted, is included as an attachment to this chapter.

§ 245-49. Final major site plan requirements.

- A. Requirements of final major site plan. The plat shall be designed in compliance with and shall be accompanied by the information specified in Appendix 3.
- B. Conditions of approval and procedures for final site plan. Approval of final site plan shall be granted in the event that the site plan complies with the following standards and regulations and that the application for final approval is submitted within three years after the date of the preliminary approval or prior to the expiration of any extension granted: **[Amended 6-24-2003 by Ord. No. 03-018]**
- (1) The applicant has submitted a site plan containing all of the information and data as provided for in this chapter.
 - (2) That all parking and traffic problems shall be resolved.
 - (3) That adequate provisions are made so as to conform with the Master Storm Drainage Plan.
 - (4) That reasonable screening, at all seasons of the year, of all playgrounds, parking and service areas, from the view of adjacent properties and streets be provided where necessary for the purpose of protecting the health, safety, general welfare, comfort and convenience of the public.
 - (5) That the location, power, direction and time of any outdoor lighting will not have an adverse effect upon any properties in adjoining residential districts by impairing the established character or the potential use of properties in such districts, or will not cause any glare on any traveled roadways.
 - (6) That the details of the site plan for the authorized use will be such that the operation will not offend the public interest.
 - (7) That adequate landscaping is provided with due consideration to aesthetic amenities.
 - (8) That the applicant has complied with any and all other conditions required by the approving agency.

§ 245-50. Environmental impact statement.

- A. Purpose. The primary purpose of an environmental impact statement (EIS) is to compile information that will assist the Planning Board or Board of Adjustment in conjunction with the Environmental Commission, in determining whether or not a proposed development may cause an adverse environmental impact. This information will also be useful to the applicant in planning and designing the project so as to minimize adverse effects on the environment.

- B. Requirements. No application for a major subdivision or site plan shall be approved unless it has been affirmatively determined that the proposed project will not result in a significant adverse impact on the environment. Applications shall not be deemed complete for filing until the completed EIS has been submitted to the Environmental Commission in seven copies by registered mail, return receipt. For purposes of this section, the term "Environmental Commission" shall mean the Manchester Township Environmental Commission. Said environmental impact statement shall include the following minimum information and be reviewed and either approved or denied, as follows:
- (1) A description of the project which shall specify what is to be done and how it is to be done, during construction and operation, as well as a recital of alternative plans deemed practicable to achieve the object.
 - (2) An inventory of existing environmental conditions at the project site and in the immediate surrounding region which shall describe air quality, water quality, water supply, hydrology, geology, physical soil borings and properties thereof, including their capability and limitations, sewerage systems, topography, slope, vegetation, wildlife habitat, aquatic organisms, noise characteristics and levels; demography, land use, aesthetics and history. Air and water quality shall be described with reference to standards promulgated by the Department of Environmental Protection of the State of New Jersey and soils shall be described with reference to criteria contained in the Soil Conservation District Standards and Specifications.
 - (3) An evaluation of any adverse environmental impacts which cannot be avoided. Particular emphasis shall be placed on air or water pollution; increase in noise, storm drainage, sedimentation, and siltation; effect upon vehicular and pedestrian traffic; increase in Township services, and consequences to the Township tax structure; and damage to flora and fauna.
 - (4) A description of steps to be taken to avoid or minimize adverse environmental impacts during construction and operation, including maps, schedules, and other explanatory data which clarify and explain these steps.
 - (5) The aforesaid inventory shall be based upon actual visitation and inspection of the site proposed for development. The inventory shall be prepared by a person who is qualified and able to recognize the evidence and the presence of a species of flora or fauna by sight, sound, sign and habitat. Prior to the actual performance of the inventory, an applicant may present the qualifications of a proposed expert to the Environmental Commission for acceptance.
 - (6) The inventory required by this subsection shall be accompanied by a log indicating the dates, times, weather conditions, and specific

site locations of the on-site inspections required by this subsection. If evidence is detected of the presence of any endangered or threatened species as shown on any federal or New Jersey endangered or threatened species list, the inventory shall set forth specific strategies and procedures to protect and preserve any such endangered or threatened species.

- C. Waiver of EIS. Notwithstanding the foregoing, the Planning Board or Board of Adjustment may, at the request of an applicant, waive the requirement for an environmental impact statement if sufficient evidence is submitted to support a conclusion that the proposed development will have a negligible environmental impact. Portions of such requirement may likewise be waived upon a finding that the complete report need not be prepared in order to evaluate adequately the environmental impact of a particular project. An application for exemption of any activity or project from an environmental impact statement shall be based upon consideration by the Planning Board or Board of Adjustment of that data applicable to various types of development as shown in Appendix 5, Environmental Impact Statement Applicability Checklist,⁷² after being properly completed by the applicant. The Planning Board or Board of Adjustment shall refer the waiver request to the Environmental Commission for review and comment. **[Amended 2-22-1999 by Ord. No. 99-001]**
- D. Additional costs. If the Planning Board, Board of Adjustment or Environmental Commission finds that on the basis of the environmental impact statement, or other evidence, the proposed development may cause an adverse environmental impact, the Boards aforesaid may require the developer to pay, in addition to regular fees, additional amounts to cover the reasonable costs of reports by experts selected by the Board regarding the environmental impact of the proposed development. The application shall not be approved by the Planning Board or Board of Adjustment until a complete and accurate statement is submitted to and reviewed by the Environmental Commission unless a waiver is granted by the Planning Board or Board of Adjustment under this section.

§ 245-51. Granting exemptions from requirements.

Notwithstanding anything to the contrary herein, the Planning Board, and when appropriate, the Board of Adjustment, when acting upon site plan approval, shall have the power to grant such exceptions from the requirements, or any portion thereof, for site plan submission and/or approval as may be reasonable and within the general purpose and intent of the provisions for site plan review, if the literal enforcement of one or more provisions of the site plan requirements is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

72. Editor's Note: The Environmental Impact Statement Applicability Checklist is included at the end of this chapter.

§ 245-52. Site plans with multiple parcels. [Amended 11-27-2000 by Ord. No. 00-040]

Any minor or major site plan application involving two or more separate Tax Map parcels (lots and/or condominium parcels) shall, as a condition of any Township approval, be required to file a deed of consolidation with the Clerk of the County of Ocean, merging the properties into a new, single parcel encompassing the entire tract of land that is the subject of the application. The applicant shall apply to the Township Tax Assessor for a new lot number and any proposed property location (street address) prior to recording the deed. A copy of the recorded deed shall be submitted to the Tax Assessor, and Board Attorney, Board Engineer and Board Secretary. A note shall be added to the site plan prior to submission for resolution compliance and signature, giving the nature of the deed, the recorded deed book and page number, the date recorded, and the previous Tax Map block and lot numbers.

ARTICLE VII

Variances**§ 245-53. Short title.**

This article shall be known and may be cited as "Variance Article of the Township of Manchester Municipal Land Use and Development Regulations Chapter."

§ 245-54. Approving agency.

The provisions of this article shall be administered by the Township of Manchester Board of Adjustment or the Township of Manchester Planning Board acting in accordance with the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

§ 245-55. Requirements for variance submission.

Whenever an applicant is seeking relief from the provisions of Article IV, Zoning, of this chapter, or where an applicant is seeking a permit pursuant to N.J.S.A. 40:55D-34 and/or 40:55D-36, an approving agency may grant relief under such circumstances and according to the standards set forth in this chapter and related statutes.

§ 245-56. Submission procedures.

An applicant shall follow the submission procedures of Article III, Administrative Procedures, of this chapter, and shall, in addition thereto, submit plans showing the following:

- A. Entire tract in question.
- B. Existing structure on tract.
- C. Proposed structure on tract.
- D. Streets, roads, driveways and sidewalks within or immediately adjacent to said tract.
- E. All existing and proposed side yard, front yard and rear yard dimensions.
- F. Where necessary, architectural plans showing at least front elevations and dimensions of proposed structures.
- G. Such other information as may be required by the approving agency.

§ 245-57. Criteria for decision.

No variance may be granted under the provisions of this chapter unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and this chapter. Any application may be referred to any

appropriate person or agency for its report, provided that such reference shall not extend the period of time within which the approving agency shall act.

§ 245-58. Expiration of variance.

Any variance from the terms of this chapter hereafter granted by an approving agency permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire as of the time limit set forth in any approving resolution. Should such resolution fail to set limits for the expiration of a variance, such variance shall be deemed to have expired three years after the grant of such approval, unless construction or alteration or use shall have been actually commenced within three years from the date of entry of the judgment or determination of the approving agency; except, however, that the running of the period of limitation herein provided shall be tolled from the date of the filing an appeal from the decision of the approving agency to the Township Council, or a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding.

§ 245-59. Multiple requests for relief.

Nothing contained in the foregoing shall absolve an applicant from complying with submission requirements for a conditional use permit, a site plan, or a submission where such requests are part of a variance request.

ARTICLE VIII

Conditional Use Permits, Procedures and Requirements**§ 245-60. Short title.**

This article shall be known as and may be cited as "Conditional Use Permits, Procedures and Requirements Article of the Township of Manchester Municipal Land Use and Development Regulations Chapter."

- A. Conditional uses. The following conditional uses to the use limitations imposed by this chapter are permitted under the terms and specifications herein set forth. Whereas the necessity for certain specific uses is recognized and at the same time appreciating the fact that they or any one of them may be, or may become, inimical to the public health, safety and general welfare of the community if located without due consideration to the existing conditions and surroundings, the following standards and procedures are hereby established.
- B. Review standards. These standards are intended to provide the approving agency with a guide for the purpose of reviewing applications for conditional uses as provided for by this chapter. In reviewing an application, the approving agency may act on site plans submitted to it or may suggest modifications and changes. In approving an application, the approving agency may require, in addition to features specified, such other features or design, in keeping with the intent thereof, that will further the purpose of these standards and regulations. Such features shall be provided and maintained as a condition of the establishment and maintenance of any use to which they are a condition of approval. The approving agency shall decide each application in accordance with the procedure provided for the issuance of conditional use permits in this article. Each applicant is to submit plans in accordance with the site plan or subdivision, as the case may be.

§ 245-61. Public utilities. [Amended 3-23-1998 by Ord. No. 98-008⁷³]

Public utility uses such as high-voltage transmission lines, electrical towers and substations, sewerage pumping stations, wells, sewage treatment plants, but no accessory service or storage yards, may be permitted in the RA, FA-S, B-1, OR-LI, TC, HD-3, HD-3A and HD-10 Zones, and utility service or storage yards in the LI Zone are permitted, provided that:

- A. A set of plans, specifications and plot plans, and a statement setting forth the need and purpose of the installation are filed with the approving agency by the applicant in triplicate.

73. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

- B. Proof is furnished to the approving agency that the proposed installation in a specific location is necessary and convenient for the efficiency of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.
- C. The design of any building utilized in connection with such facility conforms to the general character of the area and shall in no way adversely affect the safe and comfortable enjoyment of property rights in the area and zone in which it is located.
- D. Adequate and attractive fences and other safety devices will be provided and sufficient landscaping including shrubs, trees and lawn shall be provided and maintained.

§ 245-62. Hospitals and nursing homes.

- A. Permitted in HD-3, HD-10, RA and WTHD Zones. Hospitals and nursing homes shall be permitted in the HD-3, HD-10, RA and WTHD Zones, providing the standards of site plan approval are met and that the following standards and conditions are complied with: The hospitals and nursing homes shall be constructed and operated in compliance with all pertinent state and federal laws and regulations, and nothing in this chapter shall be construed or interpreted so as to waive any of said laws or regulations.⁷⁴
- B. Accessory uses. The following uses may be established in connection with the hospital on the unsubdivided tract on which the hospital is located and such uses are hereby declared to be accessory uses:
 - (1) Professional schools for the instruction of medical or related arts.
 - (2) Structures devoted to the gathering, containing and preparation of edibles. Such structures shall serve only the hospital and accessory uses.
 - (3) Structures devoted to the gathering, containing and preparation of materials used in the operation of a laundry. Such facilities shall serve only the hospital and its accessory uses.
 - (4) Structures devoted to use of the storage and maintenance of such vehicles and equipment as may be needed for the proper care of the premises.
 - (5) Such structures as are necessary for the storage of water as necessary to serve the hospital.
 - (6) Such structures and spaces as are needed for the ingress and egress of modes of transportation, including but not limited to, garages, parking lots, emergency vehicle depots and whatever

74. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

improvements are needed for the ingress and egress of vehicles that travel through the air.

(7) Such structures as are necessary for the identification of the uses and to direct travel.

(8) Such structures as may be necessary for extended care of patients.

C. Area, yard and height requirements.

(1) The maximum height of the hospital or nursing home shall be limited to the height permitted by the zoning in which the facility will be built. **[Amended 11-14-2016 by Ord. No. 16-036; 2-13-2017 by Ord. No. 17-002]**

(2) The front setback line shall be a minimum of 100 feet.

(3) The rear yard setback line shall be a minimum of 100 feet.

(4) The side yard setback lines shall be a minimum of 100 feet.

(5) The maximum lot coverage shall be 25%.

D. Any site plan application for a hospital or any of the permitted accessory uses set forth in this chapter shall not be required to exhibit or provide anything which would cause the hospital to violate state or federal regulation or standard to provide medical care.

§ 245-63. Recreational campgrounds site. [Amended 2-22-1999 by Ord. No. 99-001]

A. Permitted in RA, WTRA and PFA-S Zones. There shall be permitted in the RA, WTRA and PFA-S Zones recreational campgrounds, provided that the following standards and conditions are complied with. **[Amended 6-14-2016 by Ord. No. 10-012]**

B. Filing for license. Copy of an application form for a license to operate a campground, signed by the Township Clerk, is submitted to the approving agency indicating said application has been accepted for filing in accordance with Chapter 118, Campgrounds.

C. Campground requirements. Campgrounds must meet the following requirements:

(1) Recreational campgrounds will have no less than 50 acres.

(2) Each campsite, including parking spaces, shall provide a minimum of 2,000 square feet of space.

(3) The density of the campsites in the RA Zone shall not exceed 12 campsites per acre. In the PFA-S Zone, the density shall not exceed one campsite per acre; however, campsites may be clustered provided that the net density does not exceed 10 campsites per acre. **[Amended 2-22-1999 by Ord. No. 99-001]**

- (4) No campsites shall be less than 100 feet from a public highway or right-of-way, and not less than 50 feet from a property line.
 - (5) The campground must comply with the standards set forth in the New Jersey State Department of Health Regulations, N.J.A.C. 8:22-1 et seq., Campgrounds, effective July 15, 1996, and with Chapter 118, Campgrounds.
- D. Site plan approval; other regulations to apply. Granting of site plan approval hereunder shall not in any way abrogate or limit the requirements to comply with the campground license requirements of the Township of Manchester and the approval of the Manchester Township Board of Health in accordance with N.J.A.C. 8:22-1 et seq. prior to the issuing of such license or building permit.

§ 245-64. Gravel pits and natural resource extraction. [Amended 6-14-2016 by Ord. No. 10-012]

Since the excavation of sand, gravel, stone or other natural deposits may disrupt the orderly and logical development of the Township, such activity may be allowed only by special permit subject to Chapter 328, Resource Extraction.

§ 245-65. Eating places and eating places (with liquor license). [Amended 5-29-2007 by Ord. No. 07-019]

Eating places and eating places (with liquor license) shall be permitted as conditional uses in the O-P, B-1, HD-3, HD-3A, HD-10 and TC Zones as freestanding facilities and as facilities within shopping plazas, shopping centers and neighborhood shopping centers as follows:

- A. Eating places shall be limited to the following facilities: cafes, cafeterias, coffee shops, diners, grills, luncheonettes, pizza parlors, pizzerias, restaurants and sandwich shops, cocktail lounges and taverns.
- B. Freestanding full-service eating places and eating places with liquor licenses shall conform with the following conditions.
 - (1) Minimum floor area devoted to each restaurant use: 3,000 square feet.
 - (2) Minimum number of seats is 150.
 - (3) No separate takeout service area is permitted.
 - (4) No drive-up windows are permitted.
- C. Freestanding eating places without liquor licenses.
 - (1) Minimum floor area devoted to an individual restaurant use: 2,500 square feet.

- (2) Minimum number of seats is 125.
- (3) No separate takeout service area is permitted.⁷⁵
- D. Freestanding eating places and freestanding eating places with liquor licenses shall conform to the area, yard and building requirements of the zone in which they are located.
- E. Eating places within shopping plazas, shopping centers and neighborhood shopping centers shall have a minimum floor area of 1,000 square feet, provided such facilities are located within the primary structure within the center and conform with the requirements in Subsections B and C above.
- F. Drive-up windows shall be permitted for eating places located at the end of attached commercial structures, such as shopping plazas, shopping centers, and neighborhood shopping centers. These eating places shall have vehicle access on at least three sides inclusive of the front entrance and rear loading. **[Added 11-14-2016 by Ord. No. 16-036; amended 2-13-2017 by Ord. No. 17-002]**

§ 245-66. Gasoline service stations and public garages.

- A. Location. **[Amended 9-25-2000 by Ord. No. 00-025; 12-17-2001 by Ord. No. 01-033]**
 - (1) No gasoline service station, automotive repair shop, automotive rental or car wash shall be located within 1,000 feet of any church, school, playground, hospital, public library or similar institution, nor shall any gasoline pump, automotive repair shop structure, automotive rental structure or car wash structure, including any appurtenances, be located within 300 feet from the boundary line of any residential zone.
 - (2) Gasoline service stations shall be located on major arterial or minor arterial roads.
 - (3) There shall be provided a twenty-five-foot undisturbed buffer, both side and rear yards, wherever the property line of the lot occupying a gasoline service station or public garage abuts a residential zone to protect surrounding properties from the effect of light or noise generated on the property.
- B. Area, yard and building requirements. **[Amended 12-17-2001 by Ord. No. 01-033]**
 - (1) Lot size. The minimum lot area for a service station and public garage shall be 40,000 square feet. All required lot areas not used

75. Editor's Note: Former Subsection C(4), which immediately followed and prohibited drive-up windows, was repealed 11-14-2016 by Ord. No. 16-036 and 2-13-2017 by Ord. No. 17-002.

as landscaped buffer areas shall be paved with a permanent Mix I-5 or I-6 or concrete surface.

- (2) Lot width. The minimum lot width for a service station shall be 200 feet.
- (3) Lot depth. The minimum lot depth for a service station shall be 200 feet.
- (4) Lot coverage. A service station shall not occupy an area greater than 40% of the total area of the site.
- (5) Yards. The minimum front yard shall be 50 feet measured from all public rights-of-way. The minimum side yard shall be 50 feet. The minimum rear yard shall be 50 feet. No gasoline or oil pump and no other service appliances installed for use in connection with any automobile service station shall be so installed or located within 50 feet of any lot line (300 feet from a residential structure or a permitted building envelope).
- (6) Building height. Buildings shall be no more than 1 1/2 stories or 25 feet in height.
- (7) Canopies. A cantilevered cover or canopy may be permitted to extend into the front yard, provided it is at least 50 feet from any side property line.

C. Access driveways and curb cuts on Township roads.

- (1) No driveway shall be located within 100 feet of the nearest right-of-way intersection of two public streets nor within 100 feet of any private driveway existing at the time of application.
- (2) Driveways shall be no less than 32 feet and no more than 38 feet wide. The driveway shall have sufficient curb radii at the curblines to facilitate auto ingress and egress.
- (3) Curb cuts shall be not less than 25 feet from any adjacent property line.
- (4) Any two driveways giving access to a single street shall be separated by a curbed island of at least 20 feet.
- (5) Curbs. A raised curb of at least six inches in height shall be provided along all street property lines, except for driveway openings.
- (6) There shall not be more than two curb cuts providing access to any one street.

D. Parking.

- (1) A minimum of four spaces or two parking spaces for each 300 square feet of gross floor area shall be provided, whichever is greater.
- (2) Overnight storage of vehicles or parts thereof shall not be permitted outside the structure.

E. Landscaping, screening and signs.

- (1) A fence, wall, or dense landscaping six feet in height shall be provided along all adjoining property lines. However, sight rights shall not be interfered with.
- (2) A facade sign shall be permitted, provided it is attached directly to the surface of the building and provided it does not exceed an area equal to 15% of the facade of the building but in any event not greater than 150 square feet.
- (3) One freestanding sign, identifying the name of the business or brand, may be permitted perpendicular to the axis of the street, provided that the area of both sides of the sign shall not exceed 75 square feet and provided that it shall not exceed a height of 25 feet above the established grade.
- (4) Signs or any part thereof shall not be permitted to move or have flashing lights.

F. Other requirements.

- (1) Location of pumps. All pump islands shall be a minimum of 25 feet from any adjacent property line and 40 feet from any public right-of-way. This provision shall not be construed to permit an infringement on any required buffer zone.
- (2) Accessory buildings. All lifts, lubrication equipment, service pits and goods for sale shall be enclosed within the service station. Accessory buildings shall not be permitted except for: **[Amended 12-17-2007 by Ord. No. 07-051]**
 - (a) Temporary storage of trash or garbage.
 - (b) Freestanding car wash building limited to one bay.
- (3) Accessory uses. The following activities are permitted as accessory uses to a gasoline station: the dispensing of oil, grease, antifreeze, tires, batteries and automobile accessories directly to users of motor vehicles; tuning motors, minor wheel and brake adjustment, and other minor servicing and repair of motor vehicles to the extent of installation of the items enumerated above; and washing of automobiles. All other activities are prohibited, including, but not limited to: upholstery work, auto glass work, painting, welding, tire recapping, and auto dismantling. Storage of any vehicle requiring body work or which is inoperable because of general deterioration

shall not be permitted. **[Amended 12-17-2007 by Ord. No. 07-051]**

- (4) Trash, garbage and parts. An enclosed area shall be provided for the temporary storage of trash, garbage and unusable automotive parts. Except for tire, all trash shall be stored in tight containers. The enclosed area shall be designed so that trash shall not be seen by the general public or from adjoining properties.
- (5) Fuel tanks. Underground fuel storage tanks shall be placed at least 10 feet from any structure. Tanks having a capacity of 6,000 gallons or more shall be at least 20 feet from any structure.

§ 245-67. Planned retirement communities.

- A. Permitted in retirement community zones. Recognizing that planned retirement communities are necessary and desirable to the general welfare of the Township and recognizing that the location of such accommodations within certain zones may be incompatible with the general welfare if improperly designed and regulated: Such Planned Retirement Communities may be permitted in the RC Retirement Community, PRC and PRC-1 Pinelands Retirement Community, PR-A Pinelands Rural Agricultural, PED-1 and PED-9 Planned Environmental Development and WTRC Whiting Town Retirement Community Zones throughout the Township subject to the following conditions and the issuance of a building permit or permits by the Construction Official subsequent to the issuance of a conditional use permit by the approving agency. **[Amended 2-22-1999 by Ord. No. 99-001; 5-29-2007 by Ord. No. 07-018]**
- B. Definition of "planned retirement community" (PRC). A "planned retirement community," hereinafter referred to as "PRC," is defined as one or more parcels of land having a contiguous total acreage of at least 50 acres, as permitted in the WTRC Zones, § 245-33P, and at least 100 acres in the RC Zone and PR-A Zone, forming a land area to be used as a planned retirement community as defined in Article II, Terminology, § 245-8, Definitions; word usage. **[Amended 2-22-1999 by Ord. No. 99-001; 10-24-2005 by Ord. No. 05-049; 11-28-2005 by Ord. No. 05-053]**
 - (1) Lands shall be considered contiguous so long as said lands are not separated by existing public streets, or railroad rights-of-way presently used; provided, however, that where an applicant is able to demonstrate to the satisfaction of the approving agency that the lands so separated lend themselves to an integrated community plan, without nay substantial detriment to the public health, safety or welfare, the approving agency may waive the contiguity requirement.
 - (2) Age of residents. The permanent residents of said planned retirement communities shall be restricted to residents whose ages

are in conformance with the age restrictions specified in the definition of a "planned retirement community" in Article II, Terminology, § 245-8, Definitions; word usage.

C. Uses permitted and facilities required.

- (1) Single-family detached dwellings; and/or
- (2) Attached single-family dwelling units within the same building, hereinafter referred to as a "multiple dwelling," but no more than eight such units in any one building; and/or
- (3) Mobile home parks subject to the Manchester Township Mobile Home Licensing Ordinance⁷⁶ and the applicable provisions of the laws and regulations of the State of New Jersey, which shall preempt the provisions of this chapter in the case of a conflict.
- (4) Senior citizen recreational and cultural facilities for the sole use of the residents of the community and their guests, including the following: clubhouse, shuffleboard courts and picnic grounds. In particular, requirements for the foregoing are more specifically enumerated hereinafter. Recreational and cultural facilities shall not be limited to the foregoing, so that an applicant may propose additional facilities with its submission. All such facilities shall be subordinated to the residential character of the area, and no advertising shall be permitted. Should a golf course be contemplated, the standards for such senior citizen golf course shall be in the decision of the approving agency, notwithstanding the definition of a golf course in this chapter.
- (5) The following uses may be permitted, but are not required:
 - (a) Master TV antenna system and/or cable TV system with mast or masts limited to 85 feet in height for the use of residents in the planned retirement community. Master TV antenna system and/or cable TV system must be installed and constructed in an area or areas approved by the approving agency with access roads for the purpose of egress and ingress; however, in the event that such access roads lead into or from any private road or roads, alleyway or alleyways, patios and places, etc., within a planned retirement community, then in that event, the person or persons, corporation or partnership installing or constructing said master TV antenna system and/or cable TV system must procure written easement agreements from the owner or owners of such private road or roads, alleyway, or alleyways, patios and lands, etc. for access to and from said master TV antenna system and/or cable TV system. All of the above are subordinated to residential character.

76. Editor's Note: See Chapter 267, Mobile Home and Trailers, Article I, Mobile Home Parks and Site Regulations.

- (b) Facilities for the following uses:
 - [1] Professional offices for doctors, dentists, chiropractors, opticians, accountants and attorneys.
 - [2] Medical clinics and first aid facilities.
 - [3] Offices for banks, insurance agencies, real estate agencies, financial investment counselors and brokers, and such other similar services.
 - [4] As a precondition to the establishment of such uses in a planned retirement community, the Planning Board must find that the location of the use will not interfere with or adversely impact residential units in the planned retirement community and that the use shall be limited to residents of the planned retirement community.
- (c) A properly screened unpaved, graveled area for the parking of accessory vehicles not normally utilized for transportation at a location and of such size approved by the approving agency. Such area shall not be used in computing green area.
- (d) A properly screened area reserved for storage and care of maintenance equipment and administration of the community.
- (e) Limited commercial facilities properly integrated with the PRC and as approved by the approving agency.
- (6) Model homes and/or sales office in accordance with N.J.S.A. 40:55D-66 and any retail home decoration and furnishings sale facility operated by the developer of the planned retirement community solely for the use of purchasers of dwelling units therein.
- (7) Accessory uses. In addition to those provided herein, necessary accessory buildings and uses shall be permitted including facilities for recreation, street and off-street parking facilities and utilities.
- (8) Prohibited uses. All other uses shall be prohibited, including, without limitation, all dwelling units not part of the site development plan submitted by the applicant.
- D. Development standards. No building permits shall be issued or construction commenced within the area except in accordance with a site development plan herein prescribed. Such site development plan shall meet at least the following minimum requirements:
 - (1) Minimum area. **[Amended 2-22-1999 by Ord. No. 99-001]**
 - (a) The minimum area for a PRC in the RC or PR-A Zones shall be 100 contiguous acres under one ownership or control, provided that areas of any size may be added to an existing

PRC contiguous thereto and in compliance with the provisions of this section.

- (b) The minimum area for a PRC in the WTRC Zone shall be 50 acres under one ownership or control, provided that areas of any size may be added to an existing PRC contiguous thereto and in compliance with the provision of this section.
- (2) Density. There shall be no more than four housing units per gross acre except in the PR-A Zone, and in the PRC-1 Zone where the densities specified in § 245-33W(1)(b) shall apply. **[Amended 2-22-1999 by Ord. No. 99-001; 5-29-2007 by Ord. No. 07-018; 6-14-2010 by Ord. No. 10-012]**
- (3) Residential building coverage. Not more than 20% of the gross area shall be covered by residential buildings.
- (4) Common open space. Not less than 50% of the gross area shall be devoted to landscaped and natural vegetation, which is herewith defined as the project area not covered by residential buildings, and the paved areas of streets and parking areas, except those facilities which are part of the designated common open space areas in accordance with N.J.S.A. 40:55D-39c.(3).
- (5) Minimum gross floor area. The minimum gross floor area for one-bedroom units shall be 650 square feet. The minimum gross floor area for two-bedroom units shall be 800 square feet, except as provided for efficiencies, 600 square feet.
- (6) Setbacks. No building or structure shall be located closer than 20 feet from a street, provided that all driveways fronting on said street shall be 25 feet or more in length on lots of less than 60 feet in width; and 20 feet or more on lots 60 feet or greater in width. Furthermore, no building or structure other than entrance gates or fences shall be located within 30 feet of any exterior boundary line of the tract. **[Amended 11-25-2013 by Ord. No. 13-010]**
- (7) Distance between residential buildings. The following regulations shall be applicable to PRCs approved after December 19, 1979:
 - (a) There shall be a minimum distance of 20 feet between single-family residential structures and a minimum separation of 40 feet at the rear of the structures with a minimum of 20 feet of yard area for each residential structure. Fee simple residential lots shall have the following minimum setbacks: **[Amended 3-23-1998 by Ord. No. 98-009]**
 - [1] Front yard: 20 feet for the residential portion of the structure; and 25 feet on lots of less than 60 feet in width and 20 feet or more on lots 60 feet or greater in width for any garage structure. **[Amended 11-25-2013 by Ord. No. 13-010]**

- [2] Side yard: 10 feet.
- [3] Rear yard: 20 feet.
- (b) For multifamily dwellings oriented essentially at 90° to each other, the minimum distance between same shall be 20 feet or one times the maximum height of the buildings, whichever is greater.
- (c) For multifamily dwellings oriented essentially end-to-end to each other, the minimum distance between same shall be 25 feet or 1 1/2 the maximum height of the buildings, whichever is greater.
- (d) For multifamily dwellings oriented essentially with parallel axis facing each other, the minimum distance between same shall be 40 feet or 2 1/2 times the maximum height of buildings, whichever is greater.
- (e) The minimum distance from any multifamily structure and a parking lot curblin or alley curblin, shall be 10 feet, except that 20 feet is required between the face of an attached garage and the curblin of an alley.
- (f) Planned retirement communities which existed or have preliminary approval prior to the adoption of Ordinance No. 79-150, adopted December 19, 1979, shall comply with the approved requirements in effect at that time. (See Appendix 1 for Senior Citizen Projects regulations pursuant to Section 2-3 of Ordinance 75-67, adopted December 11, 1975.)⁷⁷
- (8) Off-street parking. Average 1 1/2 spaces for each dwelling unit. A parking space is hereby defined as a space of 10 feet by 20 feet, except that a driveway fronting on a street shall be 25 feet as measured from the curb face on the street or from the street line if the street is a public street.
- (9) Utilities. The planned retirement community shall be serviced by a water system and sewage system approved by the Manchester Township Division of Utilities. **[Amended 6-9-2008 by Ord. No. 08-020]**
- (10) Artificial lighting. Shall be provided on the premises and installed at major intersections in accordance with § 245-85 as the Planning Board may require.
- (11) Roads.
- (a) Roads shall be private in nature and shall be constructed in accordance with Article IX, Improvements, Requirements and Design Standards, of this chapter, except as follows:

77. Editor's Note: The appendix material is included at the end of this chapter.

- [1] Minor streets (i.e., streets of not more than 600 feet in length), which shall be through streets or terminate in a cul-de-sac, with an overall paved roadway width of 24 feet from gutter line to gutter line.
- [2] Minor collector streets shall have a paved roadway width of 30 feet; the roadway shall be constructed with a six-inch road gravel base conforming to the New Jersey Department of Transportation Standard Specifications Mix I-4 or I-5, of 1 1/2 inch thickness of bituminous concrete binder course and a one-inch bituminous concrete surface course. The road construction shall conform to requirements outlined in § 245-81.
- [3] Major collector streets shall have a paved roadway of 40 feet and the foregoing measurements shall include roll curb; and
- [4] Curbs shall be constructed in accordance with Article IX, Improvements, Requirements and Design Standards, of this chapter, except as follows:
 - [a] Minor streets shall have a curb radius of 15 feet.
 - [b] Minor collector and major collector streets shall have a curb radius of 20 feet.
- (b) Provisions shall be made for the permanent maintenance of private roadways located within a planned retirement community so that such roadways shall not become the obligation of the Township of Manchester.
- (c) Culs-de-sac of minor streets and minor collector streets shall have a minimum curb radius of 40 feet, and no parking shall be allowed in the cul-de-sac.
- (d) There shall be no parking on any of the streets.
- (12) Sidewalks shall be a minimum width of four feet and shall be installed along the major collector streets on both sides. Additional sidewalks may be required by the Planning Board.
- (13) Buffer strip. There shall be provided a fifty-foot screening strip when the project abuts a nonresidential zone or use or state or county highway or a municipal arterial highway; said buffer strip shall not be used in computing any setbacks.
- (14) All on-site and off-site drainage shall be provided for in accordance with the Township Master Drainage Plan and applicable Township regulations pertaining to subdivision of land.
- (15) Water and sewerage facilities. No individual disposal systems shall be permitted and no individual wells shall be permitted except for

turf irrigation, as may be regulated by the Manchester Township Division of Utilities. Sewerage disposal and water distribution systems including fire hydrants shall be approved by the Manchester Township Division of Utilities, the Department of Environmental Protection and all other applicable bodies. No building permit shall be issued unless and until plans for such facilities have been submitted to the proper authority for approval and adequate provisions are made to ensure that all necessary facilities shall be installed. All such facilities shall be so constructed as to facilitate their connection to systems which may be provided by county or municipal authorities. **[Amended 6-9-2008 by Ord. No. 08-020]**

- (16) Driveways, walks and parking areas. There shall be provided a safe and convenient system of driveways, walks and parking areas. Due consideration shall be given in planning walks, ramps and driveways to prevent slipping or stumbling; handrails where deemed necessary and ample places for rest shall be provided and grading of walks shall not exceed 7%; the outdoor area available to residents shall permit older persons to move without danger and with minimum effort.
- (17) Curbs required. Either batter or roll curb shall be provided on all streets.
- (18) Maximum building height. The maximum height of any single-family dwelling building in a planned retirement community shall be two stories but not to exceed 35 in height.
- (19) The Planning Board may grant design waivers from the requirements of § 245-81K of this chapter and permit dead-end streets (culs-de-sac) to be longer than 600 feet in conjunction with its approval of the proposed roadway system shown on the Master Development Plan.
- (20) The Planning Board may grant design waivers from the requirements of § 245-81K of this chapter and permit:
 - (a) Landscaped islands in the center of culs-de-sac provided that their maintenance and upkeep is not the responsibility of the Township; and
 - (b) Curvilinear dead-end streets, provided that such streets shall be privately owned and maintained.
- (21) The Planning Board may grant design waivers from the requirements of Subsection D(7) of this section to vary minimum distances between residential buildings consistent with sound planning concepts and where a comprehensive development plan for a planned retirement community may require.

- (22) Each planned retirement community (PRC) shall provide at least one clubhouse to serve the entire PRC with a total habitable area equal to 10.5 square feet for each dwelling unit to built in the PRC. In computing the "interior habitable area," all space reserved for mechanical equipment and storage shall be excluded.

E. Recreation areas.

- (1) There shall be provided in each planned retirement community one clubhouse or community building. The initial clubhouse shall be completed and in operation before the 100th dwelling unit has been completed and a certificate of occupancy issued thereupon. Said clubhouse shall have an adjoining parking area with sufficient spaces so as to comply with Article IV, § 245-28A, Off-street parking spaces.
- (2) A complex consisting of recreational facilities shall be required by the Manchester Township approving agency. All ground surrounding recreational and administrative facilities shall be attractively landscaped, with appropriate walkways. Adequate irrigation system shall be provided.
- (3) Should topographic conditions or particular soil conditions permit, the applicant may, as part of the recreation area, provide a lake for aesthetic purposes, fire protection as well as water recharge and water retention purposes.
- (4) Off-street parking shall be provided to serve the clubhouse or community building at the ratio of one parking space for each eight dwelling units developed in the planned retirement community.

F. Procedures for application for a planned retirement community approval.

- (1) The applicant shall submit a complete application for conditional use permit. Said application for development or its accompanying exhibits shall include a map or maps showing the location and extent of the property to be included in the entire planned retirement community and indicating the project standards for a PRC found herein:
 - (a) Schematic circulation plans setting forth the general alignment of main roadways.
 - (b) Proposed land use plan setting forth the general arrangement and magnitude of proposed land uses, including open space, and giving an acreage projection for each proposed land use category.
 - (c) Projection of the total number of dwelling units proposed together with the proposed residential density.

- (d) In the case of plans calling for development of the project in sections, a delineation of each proposed section and the proposed development schedule.
 - (e) Other data, etc. as may be required by the approving agency to make proper decision and to assure that the development standards set forth herein are met so that such use in the specified location will comply with the conditions and standards or location or operation of such use.
- (2) Consideration by approving agency. The approving agency shall consider the proposed conditional use permit from the point of view of the standards and purposed of the regulations governing planned retirement communities so as to achieve a maximum coordination between the proposed development and the surrounding uses, including the preservation of natural areas and landscape features and the proposed circulation into and on the site and such other feature as will contribute to the orderly and harmonious development of the area and for conformance with the health, safety and welfare of the citizens of Manchester Township.
- (a) The applicant shall also submit an environmental impact statement of the possible impact of the project on the site.
 - (b) Public hearing. Within the time provided by law and subsequent to the applicant giving proper notice pursuant to the provisions of N.J.S.A. 40:55D-11 and N.J.S.A. 40:55D-12, a public hearing on said application shall be heard by the approving agency.
 - (c) The final approved conditional use permit shall assure the applicant that the tract of land forming the subject matter of the application may be developed as a planned retirement community within the general framework of the document submitted and the condition imposed.
 - (d) Validity. A conditional use permit approved in accordance with these regulations shall expire as of the time limit set forth in an approving resolution, as specified in Subsection F(2)(e) herein. Should the resolution fail to set such time limit, the conditional use permit shall remain valid for a period of three years following final approval by the Township approving agency. If at the end of that time, no application for preliminary site plan or subdivision for the project has been filed, then the conditional use permit plan shall be considered as having lapsed and shall be of no effect unless resubmitted for approval as a planned retirement community as hereinabove provided. Extensions may be granted in the discretion of the approving agency.
 - (e) The granting of a conditional use permit shall allow the applicant to provide for an application for a preliminary site

plan or preliminary subdivision approval and thereafter a final site plan or final subdivision approval. Nothing herein shall preclude an applicant from making a request for preliminary or final approval in sections less than the total project so long as the applicant submits a Master Storm Drainage Plan for the entire project with the first preliminary application for a section. Should an applicant choose to make application for preliminary or final in sections, the conditional use permit validity and the preliminary approval shall continue for three years from the date of the last approval of a preliminary or final application for a section. Nothing in this subsection shall prevent the applicant from submitting the information required for final approval in two stages, the first stage being the overall plan and the profile storm sewer design and fire hydrant layout, which plans shall be submitted to the approving agency in accordance with the above requirements. Following approval by the approving agency of these plans, the applicant then may construct such site improvements and utilities providing that the inspections fees have been deposited with the Township and may thereafter submit portions of the plan with actual units to be constructed, showing the driveways, units, sidewalks, finished floor grades and proposed grading of the land around the buildings. Said plan shall also be submitted to the approving agency in accordance with the above requirements. No building permits will be issued until the second plan, showing the actual units to be constructed, has been approved. Should the applicant choose a two stage final application approval, it shall submit the full requisite final application fee. These conditions shall include but not be limited to the requirement that the covenants and restrictions provided for the foregoing services and further that these covenants and restrictions shall inure to the benefit of the Township of Manchester.

G. Special conditions.

- (1) The approving agency shall attach such conditions to any approval of a conditional use permit allowing a planned retirement community as it may deem necessary to insure at no cost to the Township: proper disposal of waste, garbage, trash, junk and other unhealthful accumulations; construction and maintenance of roads and grounds; snow removal; and payment for streetlighting; assurance of right of ingress and egress by police, health, fire inspecting officials and other officials of the Township of Manchester. The approving agency shall require covenants to be filed by the applicant prior to the issuance of a certificate of occupancy.
- (2) The covenants and restrictions and bylaws and any amendments thereto shall be filed with the Township Clerk.

- H. Development schedule. Applicant shall obtain preliminary or final subdivision or site plan approval as the case may be. Thereafter, development of all of the use and amenities approved shall proceed at the same rate as the dwelling units. To assure compliance with this section, the applicant shall submit a schedule showing the number of dwelling units having received final approval and the amenities which have received final approval so as to answer the Board that the development standards are maintained through each stage of development.
- I. Dedication of land for public use. Manchester Township may, at any time and from time to time, accept the dedication of land for public use and maintenance, or any interest therein, required to be set aside, designated and reserved for the use and enjoyment of owners and occupants of land adjoining or neighboring such land as condition of approval of a planned retirement community, but such dedication shall not be required by the approving agency.
- (1) The developer shall provide for an organization for the ownership and maintenance of any open space for the benefit of owners or residents of a development, if said open space is not dedicated to the Township. Such organization shall not be dissolved and shall not dispose of any open space by sale or otherwise, except to an organization conceived and established to own and maintain the open space for the benefit of such development, and thereafter such organization shall not be dissolved or dispose of any of its open space without first offering to dedicate same to the Township.
 - (2) In the event that such organization shall fail to maintain the open space in reasonable order or condition, the Township Administrator may serve written notice upon such organization or upon the owners of the development setting forth the manner in which the organization has failed to maintain the open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 35 days thereof, and shall state the date and place of a hearing thereon which shall be held within 15 days of the notice. At such hearing, the Township Administrator may modify the terms of the original notice as to deficiencies and may give a reasonable extension of time not to exceed 65 days within which they may be cured. If the deficiencies set forth in the original notice or in the modification thereof shall not be cured within said 35 days or any permitted extension thereof, the Township, in order to preserve the open space and maintain the same for a period of one year, may enter upon and maintain such land. Said entry and maintenance shall not vest in the public any rights to use the open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration of said year, the approving agency shall, upon the request of the organization theretofore responsible for the maintenance of the open space in reasonable for the maintenance

of the open space, call a public hearing upon 15 days' written notice to such organization and to the owners of the development, to be held by the approving agency shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the open space, call a public hearing upon 15 days' written notice to such organization and to the owners of the development, to be held by the approving agency, at which hearing such organization and the owners of the development shall show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year. If the approving agency shall determine that such organization is ready and able to maintain said open space in reasonable condition, the Township shall cease to maintain said open space at the end of said year. If the approving agency shall determine such organization is not ready and able to maintain said open space in a reasonable condition, the Township may in its discretion continue to maintain said open space during the next succeeding year, subject to a similar hearing and determination in each year thereafter. The decision of the approving agency in any case shall constitute a final administrative decision subject to judicial review.

- (3) The cost of such maintenance by the Township shall be assessed pro rata against the properties within the development that have a right of enjoyment of the open space in accordance with assessed value at the time of imposition of the lien and shall become a lien and tax on said properties and be added to and be a part of the tax to be levied and assessed thereon and enforced and collected with interest by the same officers and in the same manner as other taxes.

- J. Additions to existing planned retirement communities. In any instance where a developer seeks to include and develop additional adjacent land which is immediately contiguous to, and not separated by a public street or road from, ("additional PRC tract") (a) as part of an existing PRC which: (1) received master site development plan approval under a predecessor ordinance to this chapter prior to December 19, 1979 ("prior approval"), (2) while not yet completed, has continued to be developed pursuant to that prior approval with certificates of occupancy for dwelling units in the PRC having been issued during the immediately preceding two years, and (3) is located in a Rural-Agricultural (RA) Zone ("preexisting PRC"), and (b) the additional PRC tract is also zoned Rural-Agricultural (RA) and is intended by the developer to be developed as an integral part of the preexisting PRC and (c) the additional PRC tract (1) has an area less than 5% of the total area of the preexisting PRC under the prior approval, (2) the total number of dwelling units to be developed on the additional PRC tract ("additional units") will not exceed the actual building density existing in the preexisting PRC, and (3) the additional units shall meet the requirements for recreation facilities under this chapter and shall not adversely impact the existing infrastructure of the preexisting PRC,

then the provisions of Subsection H shall not apply to an application to develop the additional PRC tract as part of the preexisting PRC (the "expansion application") and the approving agency shall consider such expansion application as an amendment to the prior approval and shall ("amended prior approval"), as part of an application for final subdivision or site plan approval for all or a portion of the additional tract ("final application"), provided that the final application (a) is consistent with the prior approval and the preexisting PRC; and (b) otherwise meets and satisfies all other provisions of § 245-67 of this chapter, as amended. Any application for amended prior approval or final applications pursuant to this subsection shall be considered by the approving agency in the same manner as any other application for final subdivision or site plan approval under this chapter.

- K. Application of prior development standards to additional PRC tract. In any instance where any additional PRC tract has received amended prior approval, the development standards are to be complied with by the developer in the final application(s) shall be those contained in Subsection D except (a) for the provisions in Subsection D(6), Setbacks; D(7), Distances between buildings; D(8), Driveway length and D(11), Street widths (collectively the "excluded development standard"), and (b) such other development standards in Subsection D as may be waived by the approving agency pursuant to Subsection L. In lieu of complying with any of the excluded development standards, a final application for an additional PRC tract shall comply with those development standards for setbacks, distances between buildings, driveway length and street widths contained in the predecessor ordinance pursuant to which the prior approval was obtained.
- L. Waiver of development standards. In addition to the excluded development standards, the approving agency shall have the power to waive developer's compliance with any other development standard contained in the predecessor ordinance pursuant to which the prior approval was obtained.

§ 245-68. Garden apartments.

- A. Permitted. Garden apartments may be permitted in all CAFRA Area Zoning Districts except for FA-S, FA-R, R-40, R-20, R-15, R-14, R-10, R-10A, RC, RC-2, OR-LI, and B-1, up to a maximum of 120 units, subject to the conditions as specified below: **[Amended 11-14-2016 by Ord. No. 16-036; 2-13-2017 by Ord. No. 17-002]**
 - (1) Minimum lot size: 10 acres.
 - (2) The maximum density for a garden apartment project shall be six units per gross acre.
 - (3) Minimum setback distance 75 feet from all major collector roads or arterial roads identified in the Master Plan.

- (4) A swimming pool of 1,000 square feet minimum size shall be provided for all development of 90 units or more.
- (5) Minimum width of any garden apartment: 20 feet.
- (6) Minimum floor area per unit: 600 square feet.
- (7) Maximum floor area per unit: 1,200 square feet.
- (8) Maximum building height: 35 feet.
- (9) Maximum number of stories: 2 1/2 stories.
- (10) Minimum number of units per structure: eight.
- (11) Maximum number of units per structure: 16.
- (12) The minimum distance between buildings shall be as follows:
 - (a) For multifamily dwellings oriented essentially at 90° to each other, the minimum distance between same shall be 30 feet minimum or one times the maximum height of the buildings, whichever is greater.
 - (b) For multifamily dwellings oriented essentially end to end to each other, the minimum distance between same shall be 30 feet minimum or 1.5 times the maximum height of the buildings, whichever is greater.
 - (c) For multifamily dwellings oriented essentially with parallel axis facing each other, the minimum distance between same shall be 50 feet minimum or 2.5 times the maximum height of the buildings, whichever is greater.
 - (d) No portion of any dwelling unit shall be lower than the outside finished grade. No depressed siting shall be permitted.

B. Recreation requirement.

- (1) A playground area or areas shall be provided at the rate of 500 square feet per four dwelling units. A swimming pool 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 a garden apartment development not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be fully landscaped or grassed.

C. Off-street parking requirements.

- (1) There shall be two parking spaces for every dwelling unit.

- (2) Garage facilities or off-street parking areas shall be provided on the lot sufficient to provide storage or parking for a number of vehicles equal to not less than twice the number of dwelling units, and shall be developed and maintained in accordance with the following:
 - (a) Garages and parking area shall be used for automobile parking only with no sale of automobiles, dead storage of automobiles, repair work, dismantling or servicing of any kind.
 - (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 adjoining property line.
 - (d) No garages or off-street parking areas 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 may be placed closer to a building than 12 feet. No parking shall be permitted on any access road within the garden apartment development.
 - (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 wood or wire fence landscaped with dense evergreen planting, or a dense evergreen shrub or hedge screening at least six feet in height maintained in good condition.

D. Utility requirements.

- (1) Utilities for all garden apartments. 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 garden apartment projects shall be served by public sewer in accordance with the requirements of the Manchester Township Division of Utilities. **[Amended 6-9-2008 by Ord. No. 08-020]**

E. Landscaping and buffer requirements. All areas of a garden apartment development not used for the construction of buildings, roads,

accessways, parking areas or sidewalks shall be fully landscaped, and/or grass. Where a garden apartment development boundary line abuts a lot in a residential zone, which lot is not owned by the garden apartment 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 garden apartment 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.

F. Interior roads and driveway location.

- (1) All roads and other accessways within the garden apartment 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.

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

- (1) Noncommercial garage for exclusive use of site residents only.
- (2) Noncommercial swimming pools for exclusive use of site residents only.

§ 245-69. Age-restricted affordable garden apartments. [Added 5-9-2005 by Ord. No. 05-017; amended 9-8-2014 by Ord. No. 14-016; 7-13-2015 by Ord. No. 15-009]

- A. Definition of age-restricted affordable garden apartments. One or more two- or three-story multifamily structures provided in accordance with the development standards below. Access may be from a common hall or individual entrances can be provided. Dwelling units can be located back-to-back, adjacent, and/or on top of each other. The sales price or rental rates shall be within the means of a low- or moderate-income household as defined by the New Jersey Fair Housing Act and the New Jersey Council on Affordable Housing in N.J.A.C. 5:94 and 5:95 et seq. The permanent residents shall be restricted to residents who are at least 55 years of age or over; or in the case of a family unit, at least one of whom is 55 years of age or over, provided, however, no child 19 years of age or under may reside with an occupant. Age requirements shall

be in conformity with the United States Fair Housing Act of 1988 P.L. 100-430 U.S.C. § 3601 et seq.

B. Development standards.

- (1) Minimum lot size: five acres.
- (2) Maximum density: 16 units per gross acre. In addition to the 16 units per gross acre, one unit that is not required to be age-restricted in accordance with Subsection B above will be permitted for the residential use of the complex manager.
- (3) Minimum width of any garden apartment: 20 feet.
- (4) Minimum floor area per unit: 500 square feet.
- (5) Maximum floor area per unit: 1,200 square feet.
- (6) Maximum building height: 40 feet.
- (7) Maximum number of stories: three stories.
- (8) Minimum frontage: 80 feet.
- (9) Minimum front yard setback: 75 feet.
- (10) Minimum side yard setback: 25 feet.
- (11) Minimum rear yard setback: 50 feet.
- (12) Maximum number of units per structure: 85 units.
- (13) Sign regulations. Signs shall be installed in accordance with § 245-27E General sign regulations, with the following exceptions:
 - (a) A ground sign not greater than 60 square feet in area shall be permitted on a frontage of 80 feet or more.
 - (b) Ground signs shall not be located nearer than five feet to any property line nor within 50 feet of an intersection.

C. Off-street parking requirements. Off-street parking shall be provided in accordance with the residential site improvement standards, N.J.A.C. Title 5, Chapter 21.

D. Landscaping and buffer requirements. All areas not used for the construction of buildings, recreation facilities, roads, accessways, drainage or detention facilities, parking areas or sidewalks shall be landscaped, grassed or left with natural vegetation. Where a boundary line abuts a lot in a residential zone, which lot is not owned by the developer, there shall not be cut, uprooted, destroyed or taken away any existing trees, shrubbery or other planting within the area of 25 feet inside the boundary line of the property abutting a residential lot, except where necessary to provide a minimum cleared area of 10 feet from any building. If no adequate trees, shrubs or planting exists in

the twenty-five-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-five-foot area consisting of at least a double row of staggered evergreens, five feet on center, and at least four feet in height.

- E. Open space and recreation requirements. Open space and recreational facilities shall be provided in accordance with § 245-82G, Open space and recreation requirements, with the following exceptions:
- (1) Amount of open space required. The amount of open space proposed shall be at least 25% of the gross tract area. The open space in the age-restricted community may include easements and detention basins but shall not include freshwater wetlands and wetlands transition areas, floodplains, floodways, steep slopes of 15% or greater, buildings, and parking lots.
 - (2) Recreational facilities. The open space within the low-income garden apartment complex shall consist of passive recreational areas suitable for activities such as nature walks, park and picnicking areas, game tables, and observation areas. Additional site amenities may include recreational activities suitable to the development residents.
- F. Document submission. In conjunction with any application pursuant to this section, the applicant shall submit a copy of the proposed declaration of restrictive and protective covenants implementing the provisions of Subsection B to be recorded by the applicant as an encumbrance upon the site to the Planning Board for review.

§ 245-70. Cluster development.

In order to preserve and protect natural woodlands, waterways and further to afford open space area for future residents, and concurrent with residential development in a major subdivision, the lot size of one or more lots may be reduced to less than 40,000 square feet and have a width of less than 200 feet, but in no event shall any lot be less than 25,000 square feet in area and have a width of lot less than 150 feet except in the PR-A and PR-40 Zones, where lots may be reduced in size to 20,000 square feet with a width of no less than 125 feet, if the following conditions and regulations are met. The cluster development provision shall in no case apply to the PPA or PFA-R, BVR-40, or PFA-S Districts.

- A. Plat map. The subdivider shall submit a plat map showing the development according to the requirements of the R-40 Zone regulations contained in Schedule A, Zoning Districts Schedule, § 245-31B, and another plat map showing the development as modified in accordance with this subsection.

- B. Approval. All lands shall be dedicated to a homeowners' association, and the approving agency shall condition final approval upon the establishment of a homeowners' association.
- C. Dedication of open space. All open space areas of the tract being subdivided shall be dedicated and conveyed by the owner, in fee simple absolute, by a good and sufficient deed.
- D. Application requirement. All approvals for such major subdivisions as permitted hereunder, together with the standards of dedication and sanitary approval, shall be in accordance with the subdivision regulations of this chapter.
- E. Density regulation. In no event shall the density of development of the entire subdivision tract exceed the exact number of dwelling units that would have been permitted to be built if such development had proceeded on the basis of 40,000 square feet per lot with a width of not less than 200 feet.

§ 245-71. Freestanding car wash facilities. [Amended 12-17-2007 by Ord. No. 07-051]

Freestanding car wash facilities subject to the following:

- A. All the requirements of the HD Zones.
- B. Recognizing that the principal building used in a car wash is generally of uniform design allowing for one or two bays and office and storage area, no such principal building when permitted shall be built and used unless it has a minimum of 2,500 square feet.
- C. Such use shall provide adequate stacking area for a minimum of 25 cars per bay or washing aisle on use property. The stacking system shall in no way hinder or impair normal traffic flow on roads or traffic flow on adjoining property.
- D. The percent of land coverage shall be limited to 20%.

§ 245-72. Animal hospitals.

Animal hospitals are subject to the following:

- A. All the requirements of the RA Zone.
- B. No outdoor keeping of animals shall be permitted.
- C. There shall be a thirty-foot landscaped buffer area for the two side and rear yards.

§ 245-73. Senior citizen light care centers.

- A. Purpose. Recognizing the need for senior citizen housing which provides more comprehensive facilities for senior citizens who require

a more organized program of support services as an alternative to planned retirement communities, senior citizen light care centers are permitted in any RC Retirement Community or WTRC Whiting Town Retirement Community Zone, subject to the following conditions and the issuance of a building permit or permits by the Construction Official subsequent to the issuance of a conditional use permit by the approving agency. **[Amended 8-14-2000 by Ord. No. 00-019]**

- B. Definition of a senior light care center. A "senior citizen light care center," hereinafter referred to as an "LCC," is defined as an undivided parcel of land having a contiguous total acreage of at least 50 acres and developed as an integrated system of congregate housing units supported by common management or control through which support functions such as recreation, entertainment, meals, linen and cleaning services and other types of services are provided and made available to the permanent residents of the LCC. Ownership of the residential units may be in any form recognized under the laws of the State of New Jersey. The permanent residents of said LCC shall be restricted to residents who are at least 55 years of age or over; or in the case of a family unit, at least one of whom is 55 years of age or over; provided, however, no child 19 years of age or under may reside with an occupant. Age requirements shall be in conformity with the United States Fair Housing Act of 1988, P.L. 100-430, U.S.C. § 3601 et seq.
- C. Uses required and permitted.
 - (1) Attached single-family dwelling unit within the same building, hereinafter referred to as a "multiple dwelling," but no more than 16 such units in any one building; and/or
 - (2) Senior citizen recreational and cultural facilities for the sole use of the residents of the LCC and their guests, including the following: recreation building, including common dining facilities, infirmary facility and commercial convenience center (the "recreation building"), shuffleboard courts and active and passive recreation area. Recreational and cultural facilities shall not be limited to the foregoing, so that an applicant may propose additional facilities with its submission for a conditional use permit. All such facilities shall be subordinated to the residential character of the area.
- D. Age of residents. The permanent residents of said LCC shall be restricted to residents who are at least 55 years of age or over or, in the case of a family unit, at least one of whom is 55 years of age or over; provided, however, no child 19 years of age or under may reside with an occupant. Age requirements shall be in conformity with the United States Fair Housing Act of 1988, P.L. 100-430, U.S.C. § 3601 et seq.
- E. Design criteria.
 - (1) Minimum tract size: 50 acres.

- (2) Maximum density for a LCC shall be eight units per gross acre; provided, however, that there shall be aggregate open space maintained by an LCC of not less than 50% of the gross area of the tract on which the LCC is developed.
- (3) Minimum setback distance: 75 feet from all existing state and county major arterial roads.
- (4) Minimum setback distances from all other existing public roads maintained by the Township of Manchester shall be as follows:
 - (a) The minimum front yard setback shall be 50 feet.
 - (b) The minimum side yard setback shall be 50 feet.
 - (c) The minimum rear yard setback shall be 50 feet.
- (5) Minimum distance from all private streets to be constructed and installed as part of the LCC shall be as follows:
 - (a) The minimum front yard setback shall be 20 feet.
 - (b) The minimum side yard setback shall be 20 feet.
 - (c) The minimum rear yard setback shall be 30 feet.
- (6) Private street. For purposes of this section, the term "private street" shall mean any internal street designed and installed as part of the LCC whose purpose is to provide: access between buildings and facilities of the LCC; and ingress and egress to and from the LCC, which streets shall be owned and maintained by the owner and management of the LCC and not be dedicated to public use. All internal streets of the LCC shall be private streets.
- (7) Minimum width of any LCC unit: 16 feet.
- (8) Minimum floor area per unit: 400 square feet. Any unit comprised of 600 square feet or less shall be limited to one permanent resident; provided, however, that not more than 25% of the total number of units approved in an LCC shall be comprised of less than 600 square feet of floor area.
- (9) Maximum floor area per unit: 1,200 square feet.
- (10) Maximum building height: 35 feet.
- (11) Maximum number of stories: 2 1/2. If two stories are proposed, the buildings comprising the LCC shall contain full-service elevators and be of barrier-free design.
- (12) Minimum number of units per building: eight.
- (13) Maximum number of units per building: 16.
- (14) The minimum distance between buildings shall be as follows:

- (a) For multifamily buildings oriented essentially at 90° to each other, the minimum distance between same shall be 20 feet minimum.
 - (b) For multifamily dwellings oriented essentially end to end to each other, the minimum distance between same shall be 25 feet minimum.
 - (c) For multifamily dwellings oriented essentially with parallel axis facing each other, the minimum distance between same shall be 40 feet minimum.
- (15) No exterior wall of any multifamily building shall contain more than 60 feet in one linear plane.
- (16) No portion of any dwelling unit shall be lower than the outside finished grade. No depressed siting shall be permitted.
- (17) All areas of an LCC not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be either landscaped, grassed or left with natural vegetation preexisting development of the site.
- (18) The LCC shall be served by a central water system and central sanitary sewage approved by the Manchester Township Division of Utilities. **[Amended 6-9-2008 by Ord. No. 08-020]**
- (19) Buffer areas for an LCC shall be provided as follows:
- (a) There shall be provided a fifty-foot buffer area when the LCC abuts a nonresidential zone or use, or a state highway. This fifty-foot buffer area shall not be used in computing any setbacks but may be used for the drainage system of the LCC
 - (b) There shall be provided a thirty-foot buffer area when the LCC abuts a residential zone or use, or a county or municipal arterial road. This thirty-foot buffer area may be used in computing required setbacks.
- (20) All on-site and off-site drainage shall be provided for in accordance with the Township Master Storm Drainage Plan and applicable Township regulations pertaining to subdivision of lands.
- (21) The primary or main entrance to the LCC shall be located on a major arterial road.
- (22) At least 50% of the frontage of the LCC shall be located on a major state or county arterial road, or a municipal road having 40 feet of paved surface and a right-of-way of 72 feet.
- (23) Meals. Any LCC operating pursuant to this section shall offer three meals a day to all of its residents at all times. Meals may be offered

in shifts or separate-seating basis, provided that each meal shall be offered at times within the following time period schedules:

Meal	Not Earlier Than	Not Later Than
Breakfast	6:30 a.m.	11:00 a.m.
Lunch	11:30 a.m.	3:00 p.m.
Dinner	4:00 p.m.	8:00 p.m.

- (24) All identification signs, entrance signs and traffic control signs shall be designed to be aesthetically compatible with the design of the LCC and shall be shown on the site plan submitted to the Planning Board.
- (25) The LCC shall include a system of walking trails of an aggregate linear length of not less than 2,000 feet and shall be cleared and graded to facilitate pedestrian passage by elderly persons.
- (26) The LCC shall provide for security guard service, smoke and fire alarms, and an emergency signaling system to which all units are connected to a central monitoring location.
- F. Recreation building. The recreation building shall contain provisions for the following:
- (1) An area of not less than 150 square feet which shall be used as a commercial convenience center for the exclusive benefit of the residents of the LCC for purchase of personal hygiene aids, sundries and reading materials.
 - (2) All-purpose rooms (exclusive of areas set aside for dining) which in the aggregate shall comprise not less than three square feet per unit contained in the LCC.
 - (3) Dining areas and facilities sized to accommodate not less than 1/3 of the total number of residents of the LCC at one time, utilizing an area ratio of not less than three square feet per unit contained in the LCC.
 - (4) An area of not less than 200 square feet, which shall be used as an infirmary for the benefit of the residents of the LCC for dispensing nonprescription medicines, oxygen and providing emergency services and shall be staffed by a licensed practical nurse.
 - (5) A storage area adequately sized for storage of maintenance equipment and supplies necessary for the operation and maintenance of the LCC other than in the recreation building.
 - (6) The recreation building shall have a separate parking area with a capacity equal to one vehicle for every eight units in the LCC; provided, however, that the requirement may be waived by the approving agency where the applicant proposes, as part of the LCC, to provide: an adequate system of covered walkways; and

internal transportation between residential buildings and the recreation building.

- (7) The recreation building may be constructed in stages, provided that adequate interim facilities are provided for dining in accordance with Subsections E(23) and F(3); and the recreation building is completed for occupancy not later than the date upon which a certificate of occupancy is issued for the 100th unit in the LCC.
- (8) In the event that a unit-owners' association is created by the owner of the LCC for the management and operation of the LCC, the recreation building and any other recreational facilities shall be conveyed to such association, upon commencement of management and operation of the LCC by said association.

G. Off-street parking requirements.

- (1) There shall be one parking space for every unit in an LCC for residential parking.
- (2) In addition to the residential parking provided pursuant to Subsection G(1), there shall be one parking space provided for every three units in an LCC for guest and employee parking.
- (3) Off-street parking areas shall be provided on the site sufficient to provide storage or parking for the number of vehicles required pursuant to Subsection G(1) and (2) and shall be developed and maintained in accordance with the following:
 - (a) Parking area shall be used for automobile parking only with no sale of automobiles, dead storage of automobiles, repair work, dismantling or services of any kind.
 - (b) Parking areas shall be paved and provided with an adequate system of stormwater drainage.
 - (c) No off-street parking areas shall be located nearer than 25 feet from any adjoining property.

H. Landscaping and buffer requirements. All areas of a LCC not used for the construction of buildings, recreation facilities, roads, accessways, drainage or detention facilities, parking areas or sidewalks shall be landscaped, grassed or left with natural vegetation. Where a LCC boundary line abuts a lot in a residential zone which lot is not owned by the developer, there shall not be cut, uprooted, destroyed or taken away any existing trees, shrubbery or other planting within the area of 25 feet inside the boundary line of the LCC abutting a residential lot, except where necessary to provide a minimum cleared area of 10 feet from any building in the LCC. If no adequate trees, shrubs or planting exists in the twenty-five-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-five-foot area consisting of at least a double row of staggered evergreens, five feet on center and at least four feet in height.

- I. Document submission. In conjunction with any application for a conditional use permit for an LCC pursuant to this section, the applicant shall submit a copy of the proposed declaration of restrictive and protective covenants implementing the provisions of Subsection B to be recorded by the applicant as an encumbrance upon the site of the LCC to the Planning Board for review.
- J. No municipal responsibility for operations. Neither the provisions of this section, nor the granting of a conditional use permit, subdivision or site plan approval for an LCC shall be deemed to render the Township liable or responsible for the interpretation or enforcement of any agreement between the applicant, owner or operator of an LCC and any resident(s) thereof; or the review, supervision or control of the operation of an LCC or any phase thereof; nor the supplying of any services of any kind involving utilities; except that the Township shall retain the right to enforce terms and provisions of this chapter and any other regulations and ordinances of the Township of Manchester having jurisdiction thereover.
- K. Emergency services review. As part of the application for a conditional use permit for an LCC under this section, the applicant shall submit a full copy of such application for review and comment to the fire department serving the area in which the LCC is proposed to be located; and the Manchester First Aid Squad. Said entities shall be required to submit a report on the application to the approving agency prior to the hearing.

§ 245-74. Townhouse developments.

- A. Permitted. Townhouses may be permitted in all CAFRA Zoning Districts except for R-40, R-20, R-15, R-14, R-10, R-10A, B-1 Districts, subject to the conditions specified below: **[Amended 11-14-2016 by Ord. No. 16-036; 2-13-2017 by Ord. No. 17-002]**
 - (1) Minimum lot size: 10 acres.
 - (2) The maximum density for townhouses is eight units per gross acre.
 - (3) Minimum setback distance: 75 feet from all collector roads or arterial roads identified in the Master Plan.
 - (a) Minimum side yard setback shall be 50 feet.
 - (b) The minimum rear yard setback shall be 30 feet.
 - (4) Minimum width of any townhouse shall be 20 feet.
 - (5) Minimum floor area per unit: 600 square feet.

- (6) Maximum building height: 35 feet.
- (7) Maximum number of stories: 2 1/2 stories.
- (8) Maximum number of units per structure: eight.
- (9) Maximum number of eight-unit structures shall not be more than 20% of all residential structures included in the townhouse development.
- (10) Minimum distance between buildings shall be as follows:
 - (a) For townhouse dwellings oriented essentially at 90° to each other, the minimum distance between same shall be 30 feet or one times the maximum height of the building, whichever is greater.
 - (b) For townhouse dwellings oriented essentially end-to-end to each other, the minimum distance between same shall be 30 feet minimum or 1.5 times the maximum height of the buildings, whichever is greater.
 - (c) For townhouse dwellings oriented essentially with parallel axis facing each other, the minimum distance between same shall be 50 feet or 2.5 times the maximum height of the buildings, whichever is greater.
- (11) No portion of any dwelling unit shall be lower than the outside finished grade. No depressed siting shall be permitted.

B. Recreation requirement.

- (1) A playground area or areas shall be provided at the rate of 500 square feet per four dwelling units. A swimming pool of 1,500 square feet minimum size shall be provided, outdoor play equipment shall be installed in each outdoor playground in sufficient amount and variety to service the occupants of the project. At least one tennis court shall be provided for every 50 acres. No certificate of occupancy shall be issued until recreation areas are completed.
- (2) All areas of a townhouse development not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be fully landscaped or grassed.

C. Off-street parking requirements.

- (1) There shall be two parking spaces for every dwelling unit.
- (2) Garage facilities or off-street parking areas shall be provided on the lot sufficient to provide storage or parking for a number of vehicles equal to not less than twice the number of dwelling units, and shall be developed and maintained in accordance with the following:

- (a) Garages and parking area shall be used for automobile parking only with no sale of automobiles, dead storage of automobiles, repair work, dismantling or servicing of any kind.
- (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 adjoining property line.
- (d) No garages or off-street parking areas 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 may be place closer to a building than 12 feet. No parking shall be permitted on any access road within the townhouse development.
- (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 lines, by a six-foot-high wood or wire fence landscaped with dense evergreen planting, or a dense evergreen shrub or hedge screening at least six feet in height maintained in good condition.

D. Utility requirements.

- (1) Utilities for all townhouse developments. 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 townhouse projects shall be served by public sewer in accordance with the requirements of the Manchester Township Division of Utilities. **[Amended 6-9-2008 by Ord. No. 08-020]**

E. Landscaping and buffer requirements. All areas of a townhouse development not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be fully landscaped, and/or grassed. Where a townhouse development boundary line abuts a lot in a residential zone, no existing trees, shrubbery or other planting within the area of 20 feet inside the boundary line of the townhouse development abutting a residential lot shall be cut, uprooted,

destroyed, or taken away. If no adequate 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.

F. Interior roads and driveway location.

(1) All roads and other accessways within the townhouse development shall be private roads constructed, paved and curbed to 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.

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

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

(2) Noncommercial swimming pools for exclusive use of site residents only.

H. 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.

I. Affordable housing requirement. The applicant shall provide for a 20% 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 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. **[Added 11-14-2016 by Ord. No. 16-036; amended 2-13-2017 by Ord. No. 17-002]**

§ 245-75. Continuing care facility for the elderly.

A. Permitted in WTRC, RC and RA Zones. Recognizing the need for more comprehensive and continuing care of senior citizens through proper

housing and supportive services, including medical assistance; treatment and total health and nursing care; recreational activities; community center; dining area; and related facilities and services; continuing care facilities for the elderly are permitted in any residential WTRC, RC and RA Zones, subject to the following conditions. **[Amended 11-14-2016 by Ord. No. 16-036; 2-13-2017 by Ord. No. 17-002]**

- B. Definition of a continuing care facility for the elderly. Said facility is defined as an undivided parcel of land having a contiguous total acreage of at least 30 acres and developed as an integrated system of congregate housing units supported by common management or control through which support functions such as recreation, entertainment, nursing, community center and medical assistance, treatment and total health care and nursing home care and other related facilities and services and other types of services are provided. Ownership of the residential units may be in any form recognized under the laws of the State of New Jersey.
- C. Uses required and permitted.
 - (1) Attached single-family dwelling unit within the same building, hereinafter referred to as a "multiple dwelling," but no more than 40 such units in a one-story building or 80 such units in a two-story building and in addition to such dwelling units;
 - (2) Senior citizen recreational and cultural facilities for the sole use of the residents of the facility and their guests, including the following: recreation building, including common dining facilities, community center, recreational and cultural activities, medical assistance, treatment and total health care facilities. Recreational, cultural and health facilities shall not be limited to the foregoing, so that an applicant may propose additional facilities with its submission for a conditional use permit. All such facilities shall be in harmony with the residential character of the area.
 - (3) The continuing care facility for the elderly shall include extended health care facilities for medical assistance and treatment and total health care, including health care similar to that within a nursing home facility which may serve the public, but priority shall be given to the residents of the facility on the following basis, to wit:
 - (a) Within five years of occupancy of the first residential unit, at least 70% of the occupants of the extended health care facility will be drawn exclusively from the sponsoring continuing care facility.
 - (b) After five years of occupancy of the first residential unit, no more than 30% of the occupants of the extended health care facility may be drawn from outside the continuing care facility

and, of this group, at least 35% must be Medicaid-eligible persons.

- D. Age of residents. The permanent residents of said facility for the elderly shall be restricted to residents who are at least 62 years of age or over; or in the case of a family unit, at least one of whom is 62 years of age or over; provided, however, no child 19 years of age or under may reside with an occupant. Age requirements shall be in conformity with the United States Fair Housing Act of 1988, P.L. 100-430, U.S.C. § 3601 et seq.
- E. Design criteria.
- (1) Minimum tract size: 30 acres.
 - (2) Maximum density for such facility shall be 10 residential units per gross acre, exclusive of nursing home beds, except in the PRC-1 Zone, where the density standards of § 245-33W(1)(b) shall apply. In addition, an extended health care facility, not to exceed 20% of the residential units, shall be provided. There shall be aggregate open space maintained by the facility of not less than 50% of the gross area of the tract on which the facility is developed.
[Amended 5-29-2007 by Ord. No. 07-018]
 - (3) Minimum setback distance: 75 feet from all existing state and county major arterial roads.
 - (4) Minimum setback distances from all other existing public roads maintained by the Township of Manchester shall be as follows:
 - (a) The minimum front yard setback shall be 50 feet.
 - (b) The minimum side yard setback shall be 50 feet.
 - (c) The minimum rear yard setback shall be 50 feet.
 - (5) Minimum distance from all private streets to be constructed and installed as part of the facility shall be as follows:
 - (a) The minimum front yard setback shall be 20 feet.
 - (b) The minimum side yard setback shall be 20 feet.
 - (c) The minimum rear yard setback shall be 20 feet.
 - (6) Private street. For purposes of this section, the term "private street" shall mean any internal street designed and installed as part of the continuing care facility for the elderly whose purpose is to provide access between buildings and facilities of the continuing care facility; and ingress and egress to and from the facility, which streets shall be owned and maintained by the owner and management of the facility, and not to be dedicated to public use. All internal streets of the continuing care facility shall be private streets.

- (7) Minimum width of any continuing care facility unit: 16 feet.
- (8) Minimum floor area per unit: 420 square feet. Any unit comprised of 550 square feet or less shall be limited to one permanent resident. No more than 25% of the total number of units approved in a facility shall be comprised of 550 square feet or less of floor area.
- (9) Maximum floor area per unit: 1,200 square feet.
- (10) Maximum building height: 35 feet.
- (11) Maximum number of stories: 2 1/2. If two stories are proposed, the buildings comprising the continuing care facility shall contain full-service elevators and be of barrier-free design.
- (12) Minimum number of units per building: eight.
- (13) Maximum number of units per building: 40 for one-story buildings and 80 for two-story buildings.
- (14) The minimum distance between buildings shall be as follows:
 - (a) For multifamily buildings oriented essentially at 90° to each other, the minimum distance between same shall be 30 feet minimum.
 - (b) For multifamily dwellings oriented essentially end to end to each other, the minimum distance between same shall be 30 feet minimum.
 - (c) For multifamily dwellings oriented essentially with parallel axis facing each other, the minimum distance between same shall be 40 feet.
- (15) No exterior wall of any multifamily building shall contain more than 60 feet in one linear plane.
- (16) No portion of any dwelling unit shall be lower than the outside finished grade. No depressed siting shall be permitted.
- (17) All areas of a continuing care facility not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be either landscaped, grassed or left with natural vegetation preexisting development of the site.
- (18) The continuing care facility shall be served by a central water system and central sanitary sewage approved by the Manchester Township Division of Utilities. **[Amended 6-9-2008 by Ord. No. 08-020]**
- (19) Buffer areas for a continuing care facility shall be provided as follows:

- (a) There shall be provided a fifty-foot buffer area when the facility abuts a nonresidential zone or use; or a state highway. This fifty-foot buffer area shall not be used in computing any setbacks. The buffer area shall remain undisturbed as per Subsection H.
 - (b) There shall be provided a thirty-foot buffer area when the facility abuts a residential zone or use. This thirty-foot buffer area may be used in computing required setbacks. The buffer area shall remain undisturbed as per Subsection H.
 - (c) There shall be provided a thirty-foot buffer area when the facility abuts a county or municipal arterial road. This thirty-foot buffer area may be used in computing required setbacks. The buffer area shall remain undisturbed as per Subsection H.
- (20) All on-site and off-site drainage shall be provided for in accordance with the Township Master Storm Drainage Plan and applicable Township regulations and ordinances pertaining to subdivision of lands.
- (21) The continuing care facility shall be located on an arterial roadway as identified in the Master Plan. **[Amended 11-14-2016 by Ord. No. 16-036; 2-13-2017 by Ord. No. 17-002]**
- (22) At least 50% of the frontage of the continuing care facility shall be located on a major state or county arterial road; however, a municipal road having a minimum 36 feet of paved surface and a minimum right-of-way of 60 feet may be substituted for the state or county road.
- (23) Meals. Any continuing care facility operating pursuant to this section shall offer three meals a day to all of its residents at all times. Meals may be offered in shifts or separate-seating basis, provided that each meal shall be offered at times within the following time period schedules:
- | Meal | Not Earlier Than | Not Later Than |
|-------------|-------------------------|-----------------------|
| Breakfast | 6:30 a.m. | 10:00 a.m. |
| Lunch | 11:30 a.m. | 1:30 p.m. |
| Dinner | 4:00 p.m. | 7:00 p.m. |
- (24) All identification signs, entrance signs and traffic control signs shall be designed to be aesthetically compatible with the design of the continuing care facility and shall be shown on the site plan submitted to the Planning Board.
- (25) The continuing care facility shall include a system of walking trails of an aggregate linear length of not less than 2,000 feet and shall be cleared and graded to facilitate pedestrian passage by elderly persons.

(26) The continuing care facility shall provide for smoke and fire alarms, security guard service, and central monitoring emergency signaling system to be connected to all units.

F. Recreation building. A recreation building shall be provided which contains provisions for the following:

- (1) An area of not less than 500 square feet which shall be used as a commercial convenience center for the exclusive benefit of the residents of the continuing care facility for purchase of personal hygiene aids, sundries and reading materials.
- (2) All-purpose rooms (exclusive of areas set aside for dining) which in the aggregate shall comprise not less than six square feet per unit contained in the continuing care facility.
- (3) Dining areas and facilities sized to accommodate not less than 1/2 of the total number of residents of the continuing care facility at one time utilizing an area ratio of not less than 12 square feet per person.
- (4) A storage area adequately sized for storage of maintenance equipment and supplies necessary for the operation and maintenance of the continuing care facility. If more than one storage area is proposed to be provided, any additional storage areas may be located within the continuing care facility other than in the recreation building. The storage area may be located outside the recreation building if a separate on-site maintenance building is proposed.
- (5) The facility shall provide an adequate system of covered walkways and internal transportation between residential buildings and the recreation building.
- (6) The recreation building shall be completed prior to issuance of the first certificate of occupancy for any unit on site.

G. Off-street parking requirements.

- (1) There shall be one parking space for every unit in a continuing care facility for residential parking.
- (2) In addition to the residential parking provided pursuant to Subsection G(1), there shall be one parking space provided for every two units in the continuing care facility for guest parking and there shall be provided two parking spaces for every three employees employed by the continuing care facility.
- (3) Off-street parking areas shall be provided on the site sufficient to provide storage or parking for the number of vehicles required pursuant to Subsection G(1) and (2), and shall be developed and maintained in accordance with the following:

- (a) Parking area shall be used for automobile parking only with no sale of automobiles, dead storage of automobiles, repair work, dismantling or services of any kind.
 - (b) Parking areas shall be paved and provided with an adequate system of stormwater drainage.
 - (c) No off-street parking areas shall be located in any buffer zone.
- H. Landscaping and buffer requirements. All areas of a continuing care facility not used for the construction of buildings, recreation facilities, roads, accessways, drainage or detention facilities, parking areas or sidewalks shall be landscaped, grassed or left with natural vegetation. Where a continuing care facility boundary line abuts a lot in a residential zone, there shall not be cut, uprooted, destroyed or taken away any existing trees, shrubbery or other planting within the required buffer area. If inadequate trees, shrubs or planting exists within the required buffer area in the natural state of the site before development, the area shall be provided with an adequate approved planting plan to provide a belt of screening within the required buffer area consisting of at least a double row of staggered evergreens, five feet on center and at least four feet in height.
- I. Document submission. In conjunction with any application for a conditional use permit for a continuing care facility pursuant to this section, the applicant shall submit a copy of the proposed declaration of restrictive and protective covenants implementing the provisions of Subsection B to be recorded by the applicant as an encumbrance upon the site of the facility with the approving agency for review prior to recording of same.
- J. No municipal responsibility for operations. Neither the provisions of this section, nor the granting of a conditional use permit, subdivision or site plan approval for a continuing care facility shall be deemed to render the Township liable or responsible for: the interpretation or enforcement of any agreement between the applicant, owner or operator of a continuing care facility and any resident(s) thereof, or the review, supervision or control of the operation of a continuing care facility or any phase thereof, nor the supplying of any services of any kind including but limited to utilities; except that the Township shall retain the right to enforce terms and provisions of this chapter and any other regulations and ordinances of the Township of Manchester.
- K. Emergency services review. As part of the application for a conditional use permit for a continuing care facility under this section, the applicant shall submit a full copy of such application for review and comment to the fire department serving the area in which the continuing care facility is proposed to be located, and the first aid squad serving that area. Said entities shall be required to submit a report on the application to the approving agency prior to any hearing on the application.

**§ 245-76. Wireless telecommunications towers and antennas.
[Amended 3-23-1998 by Ord. No. 98-008]**

A. Purpose.

- (1) The purpose of these regulations for the siting of wireless telecommunications towers and antennas is to:
 - (a) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
 - (b) Encourage the location of towers in appropriate locations;
 - (c) Minimize the total number of towers throughout the Township;
 - (d) Strongly encourage the joint use of approved tower facilities as a primary option rather than construction of new or additional single-use towers;
 - (e) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 - (f) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
 - (g) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
 - (h) Consider the public health and safety of communication towers; and
 - (i) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- (2) In furtherance of these goals, Manchester Township shall give due consideration to the Township Master Plan, Zoning Map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

B. Nonapplicability to amateur radio stations and to receive-only antennas. The provisions of this section shall not govern any antenna that is owned and operated by a federally licensed amateur radio station operator or is used exclusively as a receive-only antenna in accordance with Federal Communications Commission regulations.

C. Antennas and towers permitted on Township property. Wireless communications towers and antennas which are located on property owned, leased, or otherwise controlled by the Township of Manchester and which are approved by the Township Council, shall be deemed to

be permitted as a municipal facility in any zone district other than the PPA, PFA-R, PFA-S and BVR-40 Zone. **[Amended 2-22-1999 by Ord. No. 99-001; 7-26-1999 by Ord. No. 99-026; 5-22-2000 by Ord. No. 00-15]**

- D. Antennas and towers which are not municipal facilities. Wireless telecommunications towers and antennas may be permitted on nonmunicipal property in the zones specified on the Schedules E and G, Permitted and Conditional Uses,⁷⁸ upon submission and approval of a site plan and conditional use permit in accordance with the regulations set forth below:

(1) General requirements.

- (a) Principal or accessory use. Wireless telecommunications towers and antennas may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- (b) Lot size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- (c) Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the Township as part of the application an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Manchester Township or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Township may share such information with other applicants applying for approvals under this section or other organizations seeking to locate antennas within the jurisdiction of Manchester Township; provided, however, that the Township is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (d) Aesthetics. Towers and antennas shall meet the following requirements:
 - [1] Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

78. Editor's Note: The schedules are included at the end of this chapter.

- [2] At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- [3] If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (e) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- (f) Federal and Pinelands Management Plan requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. In the Pinelands Area, all towers outside the Ridgeway Regional Growth Area and Whiting Town Zoning Districts shall comply with the standards for local communications facilities in § 245-32A(2)(c), Pinelands Area general development regulations, height limitations. **[Amended 2-22-1999 by Ord. No. 99-001; 5-22-2000 by Ord. No. 00-15]**
- (g) Uniform Construction Code; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state and municipal codes including the New Jersey Uniform Construction Code and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (h) Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in Manchester Township irrespective of municipal and county jurisdictional boundaries.

- (i) Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in Manchester Township have been obtained and shall file a copy of all required franchises with the Township.
- (j) Public notice. For purposes of this section, any variance request or request for site plan approval shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Subsection D(1)(s) in addition to any notice otherwise required by this chapter.
- (k) Signs. No advertising signs shall be allowed on an antenna or tower.
- (l) Buildings and support equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Subsection D(2).
- (m) Multiple antenna/tower plan. Manchester Township encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.
- (n) Maximum height.
 - [1] The tower shall meet the following maximum height and usage criteria: **[Amended 2-22-1999 by Ord. No. 99-001; 7-26-1999 by Ord. No. 99-026; 5-22-2000 by Ord. No. 00-15]**
 - [a] For a single user: up to 90 feet in height;
 - [b] For two users: up to 120 feet in height; and
 - [c] For three or more users: up to 150 feet in height; and
 - [d] In the Pinelands Area, all towers shall be designed so that their height may be increased to 200 feet if necessary to accommodate the needs of other local communications facilities in the future.
 - [2] A licensed New Jersey professional engineer must certify that the tower can structurally accommodate the number of shared users proposed by the applicant.
- (o) Information required. In addition to any information required for applications for site plan review pursuant to this chapter, applicants for approval for a tower shall submit the following information:

- [1] A location plan drawn to scale and clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in Subsection D(1)(s), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, and parking.
- [2] Legal description of the parent tract and leased parcel (if applicable).
- [3] The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- [4] The separation distance from other towers described in the inventory of existing sites submitted pursuant to Subsection D(1)(s) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- [5] A landscape plan showing specific landscape materials.
- [6] Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- [7] A description of compliance with Subsection D(1)(c), (d), (e), (f), (g), (j), (l), (m), (r), (s) and all applicable federal, state or local laws.
- [8] A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- [9] Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
- [10] A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed tower.
- [11] A description of the feasible location(s) of future towers or antennas within the Township based upon existing

physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

[12] For applications in the Pinelands Area, a description of the relationship of the proposed tower to any comprehensive plan for local communication facilities which has been approved by the Pinelands Commission pursuant to N.J.A.C. 7:50-5.4(c), Height Limitations. **[Amended 5-22-2000 by Ord. No. 00-015]**

(p) Factors considered in granting approval for towers. In addition to any standards for consideration of site plans pursuant to this chapter, the municipal agency shall consider at least the following factors in determining whether to issue an approval:

- [1] Height of the proposed tower;
- [2] Proximity of the tower to residential structures and residential district boundaries;
- [3] Nature of uses on adjacent and nearby properties;
- [4] Surrounding topography;
- [5] Surrounding tree coverage and foliage;
- [6] Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- [7] Proposed ingress and egress; and
- [8] Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Subsection D(1)(o)[10] of this section.

(q) Availability of suitable existing towers, other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the municipal agency that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the municipal agency related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- [1] No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - [2] Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - [3] Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - [4] The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - [5] The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - [6] The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - [7] The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- (r) Minimum required setback. The following minimum setback requirements shall apply to all towers for which site plan approval is required:
- [1] Towers must be set back a distance equal to at least 100% of the height of the tower from any adjoining lot line, but in no event shall the tower be located in the minimum required yard area or buffer area of the zone district.
 - [2] Guys and accessory buildings must satisfy the minimum zoning district setback and buffer requirements.
- (s) Minimum separation requirement between uses. The following separation requirements shall apply to all towers and antennas for which site plan approval is required:
- [1] Separation from off-site uses/designated areas.

- [a] Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Subsection D(1)(s)[2], below, except as otherwise provided.
 - [b] Towers shall maintain a separation distance of 200 feet or 300% of the tower height, whichever is greater, from residential dwelling units or from lands zoned for residential use.
- [2] Separation distances between towers. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers or other proposed towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown below in the table of required separation distances between towers.

**Required Separation
Distances Between Wireless Communications
Towers**

(in linear feet)

Tower Type	Lattice	Guyed	Monopole 75 Feet in Height or Greater	Monopole Less Than 75 Feet in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 feet in height or greater	1,500	1,500	1,500	750
Monopole less than 75 feet in height	750	750	750	750

- (t) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anticlimbing device; provided, however, that the municipal agency may waive such requirements, as it deems appropriate.
- (u) Landscaping. The following requirements shall govern the landscaping surrounding towers for which site plan approval is required; provided, however, that the municipal agency may

waive such requirements if the goals of this section would be better served thereby.

- [1] Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences.
- [2] In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced.
- [3] Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

- (v) In approving the tower, the municipal agency may impose conditions, including the use of an alternative tower structure, to the extent the municipal agency concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

(2) Buildings or other equipment storage.

- (a) Antennas mounted on structures or rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:
 - [1] The cabinet or structure shall not contain more than 200 square feet of gross floor area or be more than 10 feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure, if over 200 square feet of gross floor area or 10 feet in height, shall be located on the ground and shall not be located on the roof of the structure.
 - [2] If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10% of the roof area.
 - [3] Equipment storage buildings or cabinets shall comply with all applicable building codes.
- (b) Antennas located on towers, utility poles, or light poles. The related unmanned equipment structure shall not contain more than 200 square feet of gross floor area or be more than 10 feet in height, and shall be located in accordance with the minimum yard and buffer requirements of the zoning district in which located and shall be screened from view of all residential properties.

- (3) Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the Township of Manchester notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. Upon the dismantling and removal of a tower in the Pinelands Area, the property on which the tower was located shall be restored in accordance with N.J.A.C. 7:50-6.24, Revegetation and Landscaping Plans. **[Amended 5-22-2000 by Ord. No. 00-015]**
- (4) Preexisting towers. Preexisting towers which are operating at the time of the adoption of this section shall be allowed to continue their usage as they presently exist. Routine maintenance is permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this section. If the use of the tower has terminated and the use is determined to be abandoned, the requirements for removal in Subsection D(3) above shall apply.

§ 245-77. Assisted-living residences for the elderly. [Amended 2-22-1999 by Ord. No. 99-001]

- A. Permitted in RC and WTRC Zones. Recognizing the need for assisted living or related care of senior citizens through proper housing and supportive services, including medical assistance; recreational activities; community center; dining area; and related facilities and services; assisted-living residences for the elderly are permitted in RC and WTRC Zones, subject to the following conditions.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

ASSISTED-LIVING RESIDENCES FOR THE ELDERLY (ALR) — A facility for which a certificate of need as an assisted-living residences has been obtained, which provides apartment-style housing and congregate dining for four or more adult persons unrelated to the proprietor and further provides such assisted-living services as are required and/or permitted by the regulations of the New Jersey Department of Health. Services provided by an ALR shall promote and encourage each resident's choice, dignity, independence, individuality and privacy in an environment where sense of family and community pervade and in which each resident's preferred lifestyle, habits and use of personal belongings is supported and encouraged; and independence is provided in the mobility, transferring, walking, grooming, bathing, dressing and undressing, eating and toileting of each resident.

PERSONAL CARE AMENITIES — Services supportive to residents' care and comfort including, but not limited to, assistance with activities of daily living such as, by way of example and not by way of limitation, fitness centers, wellness centers, beauty salons, gift shops, luncheonettes, and the sale of sundries.

C. Uses required and permitted.

- (1) Apartment dwelling units within the same building, hereinafter referred to as a "multiple dwelling"; and
- (2) In addition to such dwellings, recreational and cultural facilities for the sole use of the residents of the facility and their guests, including the following: recreation areas, including common dining facilities, community areas, recreational and cultural activities, medical assistance, wellness centers, beauty salons, gift shops, luncheonettes, and fitness.

D. Age of residents. The permanent residents of said facility for the elderly shall be restricted to residents who are at least 62 years of age or over.

E. Design criteria.

- (1) Minimum tract size: five acres.
- (2) Maximum density for said facility shall be 20 residential units per gross acre. There shall be aggregate open space maintained by the facility of not less than 50% of the gross area of the tract on which the facility is developed.
- (3) Minimum setback distance: 75 feet from all existing or proposed roads.
- (4) Minimum frontage: 300 feet.
- (5) Minimum width of any assisted-living residence unit: 12 feet.
- (6) Minimum floor area per unit: 150 square feet for one resident or 230 square feet for two residents per N.J.A.C. 8:36-1 et seq.
- (7) Maximum building height: 36 feet.
- (8) Maximum number of stories: 2 1/2. If two stories are proposed, the buildings comprising the assisted-living residences shall contain full-service elevators and be of barrier-free design.
- (9) Maximum number of units per building: 80 for one-story buildings and 160 for two-story buildings.
- (10) No exterior wall of any multifamily building shall contain more than 90 feet in one linear plane.
- (11) No portion of any dwelling unit shall be lower than the outside finished grade. No depressed siting shall be permitted.

- (12) All areas of an assisted-living residences not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be either landscaped, grassed or left with natural vegetation preexisting development of the site.
 - (13) The assisted-living residences shall be served by a central water system and central sanitary sewage approved by the Manchester Township Division of Utilities. **[Amended 6-9-2008 by Ord. No. 08-020]**
 - (14) Buffer areas for a assisted-living residences shall be provided as follows:
 - (a) There shall be provided a twenty-five-foot buffer area when the facility abuts a nonresidential zone or use or a state highway. This twenty-five-foot buffer area shall not be used in computing any setbacks. The buffer area shall remain undisturbed as per Subsection H.
 - (b) There shall be provided a thirty-foot buffer area when the facility abuts a residential zone or use. This thirty-foot buffer area may be used in computing required setbacks. The buffer area shall remain undisturbed as per Subsection H.
 - (c) There shall be provided a thirty-foot buffer area when the facility abuts a county or municipal arterial road. This thirty-foot buffer area may be used in computing required setbacks. The buffer area shall remain undisturbed as per Subsection H.
 - (15) All on-site and off-site drainage shall be provided for in accordance with the Township Master Storm Drainage Plan and applicable Township regulations and ordinances pertaining to subdivision of lands.
 - (16) The primary or main entrance to the assisted-living residences shall be located on a state or county arterial or minor arterial road.
 - (17) All identification signs, entrance signs and traffic control signs shall be designed to be aesthetically compatible with the design of the assisted-living residences and shall be shown on the site plan submitted to the Planning Board.
 - (18) The assisted-living residences shall provide for smoke and fire alarms, security guard service, and central monitoring emergency signaling system to be connected to all units.
- F. Recreation areas. Recreation areas shall be provided which contains provisions for the following:
- (1) An area of not less than 200 square feet which shall be used as a commercial convenience center for the exclusive benefit of the residents of the assisted-living residences for purchase of personal hygiene aids, sundries and reading materials.

- (2) All-purpose rooms (exclusive of areas set aside for dining) which in the aggregate shall comprise not less than six square feet per unit contained in the assisted-living residences.
- (3) Dining areas and facilities sized to accommodate not less than 1/2 of the total number of residents of the assisted-living residences at one time utilizing an area ratio of not less than 10 square feet per person.
- (4) A storage area adequately sized for storage of maintenance equipment and supplies necessary for the operation and maintenance of the assisted-living residences. If more than one storage area is proposed to be provided, any additional storage areas may be located within the assisted-living residences other than in the recreation area. The storage area may be located outside the recreation area if a separate on-site maintenance building is proposed.

G. Off-street parking requirements.

- (1) There shall be one parking space for every four units in the assisted-living residences for residential parking and guests.
- (2) In addition to the residential parking provided pursuant to Subsection G(1), there shall be provided one parking space for every two employees employed by the assisted-living residences during the maximum shift.
- (3) Off-street parking areas shall be provided on the site sufficient to provide storage or parking for the number of vehicles required pursuant to Subsection G(1) and (2) and shall be developed and maintained in accordance with the following:
 - (a) Parking area shall be used for automobile parking only with no sale of automobiles, dead storage of automobiles, repair work, dismantling or services of any kind.
 - (b) Parking areas shall be paved and provided with an adequate system of stormwater drainage.
 - (c) No off-street parking areas shall be located in any buffer zone.

H. Landscaping and buffer requirements. All areas of assisted-living residences not used for the construction of buildings, recreation facilities, roads, accessways, drainage or detention facilities, parking areas or sidewalks shall be landscaped, grassed or left with natural vegetation. Where an assisted-living residence boundary line abuts a lot in a residential zone, there shall not be cut, uprooted, destroyed or taken away any existing trees, shrubbery or other planting within the required buffer area. If inadequate trees, shrubs or planting exists within the required buffer area in the natural state of the site before development, the area shall be provided with an adequate approved

planting plan to provide a belt of screening within the required buffer area consisting of at least a double row of staggered evergreens, five feet on center and at least four feet in height.

- I. Emergency services review. As part of the application for a conditional use permit for an assisted-living residence under this section, the applicant shall submit a full copy of such application for review and comment to the fire department serving the area in which the assisted-living residences is proposed to be located, and the first aid squad serving that area. Said entities shall be required to submit a report on the application to the approving agency prior to any hearing on the application.

§ 245-77.1. Religious use organizations. [Added 11-14-2016 by Ord. No. 16-036; amended 2-13-2017 by Ord. No. 17-002]

- A. Permitted. Churches, places of worship, and structures housing religious use organizations shall be permitted in applicable zones subject to the conditions specified below:
 - (1) Minimum lot size: four acres.
 - (2) Maximum building coverage: 20%.
 - (3) Maximum impervious coverage: 50%.
 - (4) Setbacks.
 - (a) Front: equal to greater of the front setback of the zone where the site is located or 50 feet, whichever is greater.
 - (b) Side: 30 feet (minimum).
 - (c) Rear: 50 feet.
 - (5) Location shall only be along a state, county, or major collector road.
 - (6) Height: the height of the structure shall not exceed the maximum height permitted in the zone in which the structure will be built pursuant to § 245-31.
 - (7) Buffer requirements.
 - (a) Perimeter buffer. A landscaped buffer shall be required around the entire length of side and rear property lines, except where access drives or other accessory features must traverse this reserved strip.
 - (b) In a nonresidential use district the minimum buffer width shall be 25 feet.
 - (c) In a residential use district the minimum buffer width shall be 50 feet.

§ 245-77.2. Public and private schools. [Added 11-14-2016 by Ord. No. 16-036; amended 2-13-2017 by Ord. No. 17-002]

- A. Permitted. Public and private schools shall be permitted in applicable zones subject to the conditions specified below:
- (1) The school shall be licensed by the State of New Jersey.
 - (2) The curriculum of the school shall be approved by the New Jersey Department of Education.
 - (3) Location. Schools shall only be located along an arterial or collector road as identified in the Master Plan.
 - (4) Buffers shall be provided pursuant to § 245-29.
 - (5) Minimum lot size: 10 acres, plus one additional acre for each 100 pupils. The minimum lot area for an intermediate school or trade or vocational school shall be 20 acres, plus one additional acre for each 100 pupils. The minimum area for a high school shall be 30 acres, plus one additional acre for each 100 pupils. The minimum area for an institution of higher learning shall be 50 acres, plus one additional acre for each 100 students. No more than 10% of the site shall be covered by buildings.
 - (6) Height. The height of the structure shall not exceed the maximum height permitted in the zone in which the structure will be built pursuant to § 245-31.

§ 245-77.3. Child-care facilities. [Added 11-14-2016 by Ord. No. 16-036; amended 2-13-2017 by Ord. No. 17-002]

- A. Permitted. Child-care facilities, nursery schools, and day nurseries shall be permitted in applicable zones subject to the conditions specified below:
- (1) Minimum lot size: one acre.
 - (2) Height and bulk requirements shall be subject to the requirements of the district in which the facility is located.
 - (3) The facility shall be licensed by the Division of Youth and Family Services of the New Jersey Department of Human Services.
 - (4) A minimum of 100 square feet per rated building capacity shall be provided for outdoor space, provided that the area is entirely fenced and protected from hazards such as driveways and cars.
 - (5) All loading and unloading of children shall take place on-site and not in a public right-of-way.

ARTICLE IX

Improvements, Requirements and Design Standards**§ 245-78. Short title.**

This article shall be known and may be cited as the "Improvements and Design Standards Article of the Township of Manchester Municipal Land Use and Development Regulations Chapter."

§ 245-79. On-site improvements.

Prior to the granting of final approval, the subdivider shall have installed or shall have furnished performance guarantees for the ultimate installation of the following improvements as shown on the final plans, or any other improvements where required. The standards in this article shall be deemed to be minimum standards required.

§ 245-80. Off-tract improvements. [Amended 2-22-1999 by Ord. No. 99-001]

The approval agency shall require, as a condition of subdivision or site plan approval, that the developer pay the pro rata share of the cost of providing only reasonable and necessary street improvements and water, sewerage, and drainage facilities, and easements therefor, located off-tract but necessitated or required by construction or improvements within such subdivision or development. Off-tract improvements herein shall include, but not be limited to installation of new improvements and extensions and modifications of existing improvements within existing or proposed public rights-of-way, easements or properties. The developer shall either install the improvements or contribute his pro rata share of the costs at the option of the approval agency. If the developer installs the improvements, he shall be compensated by the Township for all but his pro rata share of the cost the improvements. Nothing shall preclude the approval agency from accepting a contribution for the pro rata share of the development and providing for interior improvements pending the ultimate construction of the contemplated improvement at the time and in the manner selected by the Township Council. "Necessary" improvements are those clearly, directly, and substantially related to the development in question. The approval agency shall provide in its resolution of approval the basis of the required improvements. The proportionate or pro rata amount of the cost of such facilities within a related or common area shall be based on the following criteria:

- A. Full allocation. In cases where off-tract improvements are necessitated by the proposed development, and where no other property owner(s) receive(s) a special benefit thereby or where neither the Township nor any other government entity has planned or programmed or accepted the responsibility for any portion of the cost of the improvements, the applicant may be required at the applicant's sole expense and as a condition of approval, to provide and install such improvements.

- B. Proportionate allocation. Where it is determined that properties outside the development will also be benefitted by the off-tract improvements, and where either the Township or any other government entity has planned or programmed or accepted the responsibility for any portion of the cost of the improvement, the criteria herein shall be utilized in determining the proportionate share of the cost of such improvements to the developer.
- C. Nothing herein shall be construed to prevent the approval agency and the developer from agreeing to use a different method to allocate cost.
- D. Allocation, whether full or proportionate, may include deposits by the developer as calculated by the Township Engineer, to offset the Township's costs for maintaining stormwater management facilities constructed by the developer but not proposed to be privately maintained by means of a homeowners' association. For the purposes of this provision, "stormwater management facilities" shall include detention, retention or recharge facilities constructed for residential subdivisions of less than 25 lots, but shall not include standard stormwater collection systems. This section does not obligate the Township to accept maintenance responsibility for stormwater management facilities, but makes provision for the Township to do so if it determines that it is in the best public interest to do so.
- E. Allocation formulas.
 - (1) Water supply. The applicant's proportionate share of water distribution, supply, and storage facilities, including the installation, relocation or replacement of water, mains, hydrants, valves, and appurtenances associated therewith, shall be computed as follows:
 - (a) The capacity and the design of the water supply system shall be based on the standards specified in this chapter, computed by the developer's engineer and approved by the Township Engineer.
 - (b) The Township Engineer shall provide the applicant with the existing and reasonably anticipated peak-hour flows as well as capacity limits or the affected water system in terms of average demand, peak demand, and fire demand.
 - (c) If the required system does not exist or the existing system does not have adequate capacity to accommodate the applicant's flow given existing and reasonably anticipated peak-hour flows, the pro rata share shall be computed to be the larger of:
 - [1] The partial cost of a shared improvement where none now exists:

$$\frac{\text{Total cost of improvement}}{\text{Developer's Cost}} = \frac{\text{Capacity of improvement (gallons per day - gpd)}}{\text{Development-generated design flow to be accommodated by the improvement (gpd)}}$$

- [2] Or the total cost of an improvement designed to accommodate only the development flow, if such an alternative is technically possible.
- [3] Or the partial cost of a shared improvement where the existing improvement has insufficient capacity:

$$\frac{\text{Total cost of enlargement or improvement}}{\text{Developer's Cost}} = \frac{\text{Capacity of enlargement or improvement excess of existing capacity (gpd)}}{\text{Development-generated design flow to be accommodated by the enlargement or improvement (gpd)}}$$

(2) Roadways. The applicant's proportionate share of street improvements, alignment, channelization, barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements not covered elsewhere, the construction or reconstruction of new or existing streets, and other associated street or traffic improvements shall be as follows:

- (a) The Township Engineer shall provide the applicant with the existing and reasonably anticipated future peak hour-volumes for the off-tract improvements.
- (b) The applicant shall furnish, for approval by the Township Engineer, the estimated peak-hour traffic generated by the proposed development and the proportion thereof which is to be accommodated by the proposed off-tract improvement.
- (c) If the required improvements do not exist or if the existing system does not have adequate capacity to accommodate reasonably anticipated volumes, the pro rata share shall be the larger of:

- [1] The partial cost of a shared improvement where none now exists:

$$\frac{\text{Total cost of enlargement or improvement}}{\text{Developer's Cost}} = \frac{\text{Capacity of improvement (peak hour volume)}}{\text{Development traffic to be accommodated by the enlargement or improvement (peak hour volume)}}$$

- [2] Or the total cost of an improvement designed to accommodate only the development traffic volume if such an alternative is technically possible.
- [3] Or the partial cost of a shared improvement where the existing improvement has insufficient capacity:

$$\frac{\text{Total cost of enlargement or improvement}}{\text{Developer's Cost}} = \frac{\text{Capacity of enlargement or improvement in excess of existing capacity (peak hour volume)}}{\text{Development traffic to be accommodated by the enlargement or improvement (peak hour volume)}}$$

(3) Drainage improvements. The applicant's proportionate share of stormwater and drainage improvements including the installation, relocation and replacement of storm drains, bridges, culverts, catch basins, manholes, riprap, improved drainage ditches and appurtenances thereto, and relocation or replacement of other storm drainage facilities or appurtenances associated therewith, shall be determined as follows:

- (a) The capacity and the design of the drainage to accommodate stormwater runoff shall be based on the standards specified in this chapter, computed by the developer's engineer and approved by the Township Engineer. The effect of on-site detention, if any, is to be neglected.
- (b) The capacity of the enlarged, extended, or improved system required for the subdivision and areas outside of the developer's lands tributary to the drainage system shall be determined by the developer's engineer subject to approval of the Township Engineer. The plans for the improved system may be prepared by the developer's engineer or the Township Engineer, at the developer's expense, and the estimated cost of the enlarged system calculated by the Township Engineer.
- (c) If the required improvements do not exist or if the existing system does not have adequate capacity to accommodate reasonably anticipated volumes, the pro rata share shall be the larger of:

- [1] The partial cost of a shared improvement where none now exists:

$$\frac{\text{Total cost of enlargement or improvement}}{\text{Developer's Cost}} = \frac{\text{Capacity of improvement (cfs peak)}}{\text{Development-generated peak runoff to accommodated by the enlargement or improvement (cfs)}}$$

- [2] Or the total cost of an improvement designed to accommodate only the development flow, if such an alternative is technically possible.
- [3] Or the partial cost of a shared improvement where the existing improvement has insufficient capacity:

$$\frac{\text{Total cost of enlargement or improvement cost}}{\text{Developer's Cost}} = \frac{\text{Capacity of improvement (cfs peak)}}{\text{Development-generated peak runoff to accommodated by the improvement (cfs)}}$$

- (d) Where the Township determines that it is in the best public interest to accept maintenance responsibilities for detention, retention or recharge facilities, the developer will be required to enter into a developer's agreement with the Township to provide a sufficient initial deposit to offset said maintenance costs. The minimum deposit deemed acceptable by the Township to enact this provision shall be calculated on the basis of \$1,000 per lot for residential subdivisions. Under no circumstances will the Township assume maintenance responsibilities for commercial developments.
- (4) Sanitary sewer. The applicant's proportionate share of collection and treatment facilities including the installation, relocation, or replacement of collector trunk and interceptor sewers, and appurtenances associated therewith shall normally be computed as follows:
- (a) The capacity and design of the sanitary sewer system shall be based on the standards specified in this chapter.
- (b) The applicant shall obtain from the Division of Utilities the existing and reasonably anticipated peak-hour flows as well as capacity limits of the affected sewer system. **[Amended 6-9-2008 by Ord. No. 08-020]**

- (c) If the required improvements do not exist or if the existing system does not have adequate capacity to accommodate the applicant's flow given existing and reasonably anticipated peak-hour flows, the pro rata share shall be the larger of:

[1] The partial cost of a shared improvement:

$$\frac{\text{Total cost of enlargement or improvement cost}}{\text{Developer's Cost}} = \frac{\text{Capacity of enlargement or improvement (gallons per day - gpd)}}{\text{Development-generated gallons per day to be accommodated by the enlargement or improvement}}$$

[2] Or the total cost of an improvement designed to accommodate only the development flow, if such an alternative is technically possible.

- F. Costs included. The cost of an improvement shall be construed to encompass all costs, including but not limited to planning, feasibility studies, surveys, property and easement acquisition, design and construction. Such costs shall also include all legal, accounting, surveying, engineering, and other professional costs. Such costs may also include the cost of eminent domain proceedings, reasonable contingencies and costs of financing during construction.
- G. Improvement to be undertaken in future. Where the proposed off-tract improvement is to be undertaken at a future date, the monies required for the improvement shall be deposited in an interest-bearing account to the credit of the Township in a separate account until such time as the improvement is constructed. If the off-tract improvement is not begun within the period from the time of deposit as specified by law, all monies and interest shall be returned to the applicant and the approval shall be determined null and void.

§ 245-81. Streets. [Amended 11-28-2005 by Ord. No. 05-053]

The following requirements for streets shall be applicable only to the extent such requirements are not in conflict with Residential Site Improvement Standards (N.J.A.C. 5:21) for streets within residential developments.

- A. Improvement specifications. Streets are to be improved on the basis of the following specifications:
- (1) Grades. All grades pertaining to hydraulics and road surfaces must be prepare and designed by an engineer licensed to do work in the State of New Jersey. The grade of any street shall not be less than 0.40% or more than 7.0% on major collector roads or more than 10% on all other roads.

- (2) Curbs. Curbs shall be constructed along all streets. All such curbs shall be constructed with the face being constructed with the face being 1/2 of the pavement distance from each side of the right-of-way center line, except the street intersections, where the minimum radius shall be 20 feet.
 - (3) Underground utilities. Underground utilities such as water supply lines, house service connections, sanitary sewers, storm drains, electric, telephone, television cables, fire hydrants and gas mains and all other underground utilities must be constructed and completed before the pavement takes place.
- B. Right-of-way, clearing, grading and paving. Roads shall be graded to the following widths with pavement constructed to widths as herein stated:
 - (1) For marginal streets. Street is to be graded to a width of 40 feet with pavement constructed on a width of 24 feet inside face to inside face of curbs, that is to say, 12 feet at right angles on either side of the street center line. No street shall be classified a marginal service street if it services or could be extended to serve more than four building lots. No marginal streets shall service any use other than residential use.
 - (2) Local streets. Street is to be graded to a width of 50 feet with pavement constructed on a width of 32 feet between curbs; that is to say, 16 feet at right angles on either side of the right-of-way center line.
 - (3) Collector streets. Street is to be graded to a width of 60 feet with pavement constructed on a width of 40 feet between curbs, that is to say, 20 feet at right angles on either side of the right-of-way center line.
 - (4) Arterial street. Street is to be constructed in accordance with the standards set forth by the appropriate authority.
 - (5) Highway or business area. Street is to be constructed in accordance with the standards set by the appropriate authority.
- C. Construction specifications. All new streets and roads in the Township will be constructed to nine-inch thickness and shall consist of six inches of compacted soil aggregate base course, which shall conform to the New Jersey State Department of Transportation Standard Specifications (1989), a two-inch bituminous concrete base course and a one-inch bituminous concrete surface course, Mix I-5, each to be constructed according to the following specifications:
 - (1) Topsoil removal.
 - (a) All topsoil shall be stripped from the proposed subgrade and placed outside of the curb where appropriate to support landscaping on the remainder of the right-of-way in

accordance with Section 202 of the New Jersey Department of Transportation Standard Specifications, 1989. The subgrade, when completed, shall be true to the lines, grades and cross sections given on an approved plan or as directed by the Township Engineer or his duly authorized representative. After the subgrade has been shaped to approved slope and grades, it shall be brought to a firm, unyielding surface by rolling the entire area with a three-wheel power roller weighing not less than 10 tons.

- (b) All soft and spongy areas shall be excavated and refilled with subbase material consisting of Soil Aggregate Mix Designation I-13 or other suitable material acceptable to the Township Engineer or his duly authorized representative. All loose rocks or boulders shall be removed or broken off six inches below the subgrade surface, all tree stumps and roots shall be removed in their entirety. This shall be done before completing the rolling of the entire surface of the subgrade.
- (2) Foundation course. No foundation course shall be laid on the subgrade until the subgrade has been thoroughly inspected by the Township Engineer or his duly authorized representative and meets his approval. A six-inch foundation course consisting of a soil aggregate base course conforming to Section 901 of the New Jersey State Department of Transportation Standard Specifications Mix Designation I-5 rolled to a minimum thickness of six inches with a three-wheeled power roller weighing not less than 10 tons in conformance with Section 301 of the New Jersey Department of Transportation Standard Specifications (1989). The gravel base course shall not be constructed more than two weeks prior to the time that the bituminous surface is to be installed. Prior to the installation of the bituminous surface course, all defects in the foundation material shall be removed and replaced with Mix Designation I-5 to the satisfaction of the Township Engineer or his duly authorized representative.
- (3) Prime coat. Prime coat shall not be applied until the foundation course has been inspected and approved by the Township Engineer or his duly authorized representative. The prime coat shall be cut back asphalt, Grade MC-30 or MC-70, conforming to the requirements of Sections 404.13 and 904.02 of the New Jersey Department of Transportation Standard Specifications (1989). Prime coat shall be applied by a pressure distributor in accordance with Section 402.03 at a rate of 0.15 to 0.35 gallon per square yard of road surface.
- (4) Bituminous stabilized base course mix requirements. The bituminous stabilized base course Mix Designation I-2 or I-3 shall be composed of coarse aggregate, fine aggregate, mineral filler and bituminous material. Bituminous material shall be asphalt cement grade AC-20 conforming to the requirements as specified in

Section 904 of the New Jersey State Department of Transportation Standard Specifications (1989). Course aggregate shall be stone 3/4 inch size prepared from local material conforming to the gradation requirements of Section 901.10 of the New Jersey State Department of Transportation Standard Specifications. Fine aggregate shall conform to the requirements specified therefor in Section 901.10 of the New Jersey State Department of Transportation Standard Specifications (1989).

- (5) Methods of construction. The bituminous stabilized base course shall be spread by a bituminous concrete paver which shall be self-contained, power propelled, provided with an activated screen and shall meet the requirements as specified therefor in Section 404.08 of the New Jersey State Department of Transportation Standard Specifications (1989). The mixture shall be laid only upon a base which is dry and when the weather conditions are suitable in the opinion of the Township Engineer or his duly authorized representative. On areas where irregularities and unavoidable obstacles make the use of self-propelled spreading and finishing equipment impracticable in the judgment of the Township Engineer or his duly authorized representative, the mixture may be spread and raked by hand. In such areas, the mixture shall be dumped on steel dump boards and spread and raked to give the thickness of the material required. After the mixture has been properly spread, initial compaction shall be obtained by rolling with a three-wheeled power driven roller having a load of not less than 330 pounds per inch of width of rear wheel and a total metal weight of not less than 10 tons. Subsequent rolling shall be done with a two-axle tandem roller which shall be power driven and shall have a load of not less than 250 pounds per inch of width of tread of drive roll and shall have a total metal weight of not less than eight tons. Rolling shall begin at the sides and progress gradually to the center until the entire surface has been rolled. Any pavement that becomes loose and broken or mixed with dirt or is in any way defective, shall be removed and replaced with fresh hot mixture which shall be immediately compacted to conform to the surrounding area. Any area showing an excess of bituminous material shall be removed and replaced. The final compacted thickness shall not be less than the thickness specified elsewhere in this chapter. Then, and as directed by the Township Engineer or his duly authorized representative, the contractor or subdivider shall cut four-inch samples from the completed pavement in areas designated by the Township Engineer. The area of pavement so removed shall be replaced with new mixture and refinished.
- (6) Bituminous concrete mix requirements. The bituminous concrete surface course shall be composed of coarse aggregate, fine aggregate, mineral filler and bituminous material. Bituminous material shall be asphalt cement penetration Grade 85-100 conforming to the requirements thereof as specified in Section 904

of the New Jersey State Department of Transportation Standard Specifications (1989). The gradation requirements shall conform to Section 901.10 of the New Jersey State Department of Transportation Standard Specifications (1989). The surface course shall be placed subsequent to the completion of all the construction in the development or section or as approved by the Township Council.

- (7) Methods of construction. The bituminous concrete surface coarse Mix I-4 or I-5 shall be spread by a bituminous concrete paver which shall be self-contained, power propelled, provided with an activated screen or strike-off assembly and shall meet the requirements as specified therefore in accordance with Section 404.08 of the New Jersey State Department of Transportation Standard Specifications. The mixture shall be laid only upon a base which is dry and when the weather conditions are suitable in the opinion of the Township Engineer or his duly authorized representative. On areas where irregularities and unavoidable obstacles make the use of self-propelled spreading and finishing equipment impracticable in the judgment of the Township Engineer or his duly authorized representative, the mixture may be spread and raked by hand. On such areas, the mixture shall be dumped on steel dump boards and spread and raked to give the thickness of the material required. After the mixture has been properly spread, initial compaction shall be obtained by rolling with a three-wheeled power-driven roller having a load of not less than 330 pounds per inch of width of rear wheel and a total metal weight of not less than 10 tons. Subsequent rolling shall be done with a two-axle tandem roller which shall be power driven and shall have a load of not less than 250 pounds per inch of width of tread of drive roll and shall have a total metal weight of not less than eight tons. Rolling shall begin at the sides and progress gradually to the center until the entire surface has been rolled. Rolling shall continue until all roller marks are eliminated and the finished surface meets the requirements specified under the surface requirements of the standard specifications. Along curbs and other places not accessible to the roller, the mixture shall be thoroughly compacted with hot hand or mechanical tampers and smoothing irons which shall be acceptable to the Township Engineer or his duly authorized representative. Any pavement that becomes loose and broken or mixed with dirt or is in any way defective, shall be removed and replaced with fresh hot mixture which shall be immediately compacted to conform to the surrounding area. Any area showing an excess of bituminous material shall be removed and replaced. The final compacted thickness shall not be less than the thickness specified elsewhere in this chapter. Then, and as directed by the Township Engineer or his duly authorized representative, the contractor or subdivider shall cut four-inch samples from the completed pavement in areas designated by the Township Engineer

and forward same to the Township Engineer. The area of pavement so removed shall be replaced with new mixture and refinished.

- (8) Tack coat. Where two-inch bituminous stabilized base course is placed and traffic is allowed before the surface course paving consisting of Mix I-4 or I-5 is placed, a tack coat shall be applied to the binder course prior to construction of the surface course to ensure proper bond. The tack coat material shall be cut-back asphalt grade RC-70 and shall be applied at a rate of 0.02 to 0.08 gallon per square yard of road surface. The tack coat shall meet the requirements of Section 904.02 and 404.13 of the New Jersey Department of Transportation Standard Specifications. The tack coat shall not be applied beyond the limits of the same days' paving.
- D. Street name signs. Street name signs shall be placed at all street intersections within or abutting the subdivision and shall be of a type approved by the Planning Board and meeting the requirements or standards established by the Township.
 - E. Monuments. Monuments shall be of the size and shape required by N.J.S.A. 46:23-9.11 and shall be placed in accordance with said statute. All monuments are to be subject to the approval of the Township Engineer as to adequacy and location.
 - F. Topsoil protection. No topsoil shall be removed from the site or be used as back fill. Topsoil moved during the course of construction shall be redistributed so as to provide an even coverage of at least three inches to all areas disturbed.
 - G. Water mains, culverts, storm sewers and sanitary sewers shall be of such size as to be adequate to handle all present and probable future use. All sanitary and water installations shall be constructed in accordance with plans and specifications approved by the Manchester Township Division of Utilities. All culverts and storm drainage systems shall be designed in accordance with the Manchester Township Master Storm Drainage Plan. **[Amended 6-9-2008 by Ord. No. 08-020]**
 - H. Shade trees and streetscape planting strips.
 - (1) The purpose of this subsection shall be to preserve, create and improve the character and values of properties being subdivided in which roads are being created or which are being developed as site plans by providing for shade trees and planting strips along the road right-of-way. These provisions shall apply to all types of roads, including collector and arterial streets, industrial, business, and commercial roadways.
 - (2) All the varieties of trees which are two inches in diameter or larger at four feet above the graded ground and growing in the three-foot strip of the road right-of-way adjacent to the lot lines shall be left standing and undamaged except that:

- (3) If necessary, because of excessive grading and by special permission of the approving agency, all existing trees may be removed and new trees planted as provided herein.
 - (4) Trees shall be planted in the three-foot marginal strip in the road right-of-way, one tree a minimum of 1 1/2 inches in diameter at a height of four feet not less than 35 feet nor more than 50 feet apart. In the case of marginal roads, it shall be necessary to plant trees on the side of the road adjacent to the proposed lots space as directed above. In the case of Route 70 and Route 37, existing vegetation shall be retained except for areas to be cleared or thinned for site visibility in accordance with an approved tree-clearing and tree-thinning plan to be approved by the approving Board.
 - (5) No trees shall be planted within 25 feet of an intersection.
 - (6) No trees shall be planted less than 15 feet from an existing utility pole.
 - (7) Trees shall not be planted less than five feet from a driveway.
 - (8) Trees may be planted bare roots between October 15 and April 15. After this date, all trees shall be planted, balled and burlapped.
 - (9) Trees shall be top-pruned at the time of planting, no matter what the date of planting.
 - (10) All bare-root trees shall have the trunks wrapped with tree wrap at least up to the first main branches, and shall be staked with one stake which extends five feet above ground.
- I. Street arrangement. The arrangement of streets not shown on the Master Plan or Official Map shall be such as to provide for the appropriate extension of existing streets. Minor streets and marginal service streets shall be so designated as to discourage through traffic. The right-of-way width shall be measured from lot line to lot line and shall not be less than as outlined elsewhere in this chapter. The right-of-way width for internal roads other than for one-family residential developments shall be determined on an individual basis and shall, in all cases, be of sufficient width and design to safely accommodate the maximum traffic, parking and loading needs and maximum access for fire-fighting equipment. No subdivision that shows reserve strips controlling access to streets shall be approved except where the control and disposal of land comprising such strips has been placed with the Township. Developments with 25 or more dwelling units shall provide a minimum of two means of access, one of which may be an emergency-only access. Developments of 50 or more dwelling units shall provide a minimum of two full access roadways for use by residents. Street intersections shall be as nearly at right angles as is possible and in no case shall be less than 70°. The block corners at intersections shall be rounded and the lot-line radius shall be concentric with the curb radius. Street jogs with center-line offsets of less than 150 feet shall

be prohibited. A tangent of at least 100 feet long shall be introduced between reverse curves on arterial and collector streets. When connecting street lines deflect from each other at any point by more than 10° and not more than 45°, they shall be connected by a curve with a radius of not less than 100 feet from minor streets and 300 feet from major traffic and collector streets. All changes in grade shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance. Minimum sight distance from major traffic and collector streets shall be 280 feet measured at driver's eye height of 3 1/2 feet and 100 feet for all other streets. After the streets are completed and approved as above set forth, with all improvements as above stated, installed and with sufficient permanent monuments set to lines and grades as approved by the Township Engineer, the subdivider shall deliver to the Township "as-built maps" showing the existence and location of such improvements.

- J. Reverse-frontage requirements. All subdivisions fronting on a major county road or state highway shall provide reverse frontage with the lots being served by a residential access street, marginal access road or "K" type driveway or may provide other means for safe traffic movement.
- K. Dead-end streets (culs-de-sac) and street names.
 - (1) Dead-end streets and culs-de-sac shall not be longer than 600 feet and shall provide a turnaround at the end of the street with a radius of not less than 50 feet at tangent wherever possible to the right side of the street. Minimum paving radius shall be 40 feet. Dead-end streets shall be as straight as possible and center line deflection in excess of 35° shall not be acceptable. If a dead-end street is of temporary nature, a similar turnaround shall be provided and provisions made for future extensions of the street and reversion of the excess right-of-way to the adjoining properties. All temporary turnarounds shall be paved with a radius of not less than 32 feet. For marginal service streets, the turnaround radius shall be the same as temporary turnarounds. (See Subsection I for maximum dwelling units on a cul-de-sac.)
 - (2) No street on a final map shall have a name which shall duplicate or is likely to be confused with the name of an existing street and shall have prior approval of the Planning Board Engineer. The continuation of existing streets shall have the same name.
- L. Sidewalks and bikeways. Sidewalks and bikeways shall be a minimum of four feet wide by four inches thick except at points of vehicular crossing, where they shall be at least six inches thick. At vehicular crossings, concrete sidewalks shall be reinforced with six-inch welded wire fabric mesh or an equivalent. The concrete shall be air-entrained NJDOT Class B concrete having a twenty-eight-day verification strength of 4,500 pounds per square inch (psi). The finish shall be with a wood float followed by brushing with a set, soft-haired brush to a neat and

workmanlike surface. Expansion joints 1/2 inch wide shall be provided at intervals of 20 feet. Surface grooves shall be cut at right angles to the line of sidewalk at intervals equal to its width. Exposed edges shall be neatly rounded to a radius of 1/2 inch. Handicap ramps shall be provided as required by the Americans with Disabilities Act.⁷⁹ Graded areas shall be planted with grass or treated with other suitable ground cover, and their width and cross slope shall correspond to that of sidewalks. **[Amended 7-25-2005 by Ord. No. 05-043;⁸⁰ 2-27-2012 by Ord. No. 12-008; 9-8-2014 by Ord. No. 14-017; 7-13-2015 by Ord. No. 15-008]**

M. Streetlights.

- (1) If the approving agency includes as a condition of approval of an application for development pursuant to N.J.S.A. 40:55D-1 et seq. the installation of streetlighting on a dedicated public street connected to Jersey Central Power and Light, then, upon notification in writing by the developer to the approving agency and Township Council that the streetlighting on a dedicated public street has been installed and accepted for service by Jersey Central Power and Light; and that certificates of occupancy have been issued for at least 50% of the dwelling units and 50% of the floor area of the nonresidential uses on the dedicated public street or portion thereof as indicated by section pursuant to N.J.S.A. 40:55D-38, the Township shall, within 30 days following receipt of the notification, make appropriate arrangements with Jersey Central Power and Light for, and assume the payment of, the costs of the streetlighting on the dedicated public street on a continuous basis. Compliance by the Township with the provisions of this section shall not be deemed to constitute acceptance of the street by the Township.
- (2) Streetlights shall be installed in conformance with Jersey Central Power and Light specifications. Streetlights shall be installed prior to acceptance of street improvements by the Township.
- (3) Streetlights on private streets shall be designed and located consistent with the guidelines for streetlights on public streets in Subsection M(1) and (2) above. Operation and maintenance of streetlights shall be in conformance with N.J.S.A. 40:67-23.2 et seq., Municipal Services Act. **[Added 11-28-2005 by Ord. No. 05-053]**

N. Driveways and parking facilities. **[Amended 7-25-2005 by Ord. No. 05-043;⁸¹ 12-17-2007 by Ord. No. 07-055]**

⁷⁹.Editor's Note: See 42 U.S.C. § 12101 et seq.

⁸⁰.Editor's Note: Ordinance No. 05-043 was declared void by court order pursuant to Docket No. OCN-L-4565-10.

⁸¹.Editor's Note: Ordinance No. 05-043 was declared void by court order pursuant to Docket No. OCN-L-4565-10.

- (1) Driveways. All off-street residential driveways shall be constructed either of two-inch-thick bituminous material constructed on a properly compacted four-inch-thick road gravel base, or six-inch-thick NJDOT Class B concrete with wire mesh reinforcing with materials as outlined in this chapter, constructed on a properly compacted subgrade material. Alternate surface treatment may be utilized subject to the approval of the Township Engineer.
- (2) Parking facilities. All off-street parking facilities shall be constructed either of five-inch-thick bituminous material, 1.5 inches asphalt concrete surface course and 3.5 inches asphalt concrete base course, constructed on a properly compacted four-inch-thick road gravel base or six-inch-thick NJDOT Class B concrete with wire mesh reinforcing material as outlined in this chapter, constructed on a properly compacted subbase material. Alternate surface treatment may be utilized subject to the approval of the Township Engineer.
- (3) Vehicle impact protection. **[Added 6-24-2013 by Ord. No. 13-005]**
 - (a) Vehicle impact protection shall be required adjacent to parking spaces angled between 30° to 90° relative to the adjacent structure and located in use groups, Assembly Group A, Business Group B, Mercantile Group M as per N.J.A.C. 5:23-3.14, Building subcode.
 - (b) Vehicle impact protection shall only apply to entranceways and exits that are exposed to vehicle traffic for the uses listed above. These provisions shall apply to all site plans approved after the effective date of this subsection. For existing buildings, the provisions shall apply only to new building area. Required vehicle impact protection shall comply with either of the following:
 - [1] Vehicle impact protection barriers. Physical barriers, such as reinforced structure walls, planters, and street furniture, shall be a minimum of 36 inches (914 mm) in height and shall resist a force of 12,000 pounds (53,375 N) applied 36 inches (914 mm) above the adjacent ground surface. Plain concrete barriers, such as "Jersey" barriers, are not permitted as per N.J.A.C. 5:70-3.2(a)3, 312.3.
 - [2] Posts. Guard posts, or bollards, shall comply with all of the following requirements as per N.J.A.C. 5:70-3.2(a)3, 312.2.
 - [a] Constructed of steel not less than four inches (102 mm) in diameter and concrete filled or, if not concrete filled, shall resist a force of 12,000 pounds (53,375 N) applied 36 inches above the adjacent ground surface and painted yellow.

- [b] Spaced not more than four feet, six inches (1,372 mm) between posts on center.
 - [c] Set not less than 42 inches (1,067 mm) deep in a concrete footing of not less than an eighteen-inch (457 mm) diameter.
 - [d] Set with the top of the posts not less than three feet (914 mm) above the ground.
 - [e] Located not less than two feet (610 mm) from the protected object.
 - [f] Post color and design shall be consistent within individual sites and multiple developments.
 - [g] Posts shall be properly maintained, including no visible rust or corrosion, and be kept in uniform alignment. Use of protective and/or decorative sleeves is encouraged.
 - (c) High speed or heavy traffic areas. In areas where high speed or heavy traffic occurs, the following shall be the requirements for motor vehicle protection as per N.J.A.C. 5:70-3.2(a)3, 312.2.1.
 - [1] Posts are to be a minimum of six-inch (152 mm) Schedule 40 pipe and painted yellow.
 - [2] Posts are to be buried a minimum of 48 inches (1,219 mm) deep and extend a minimum of 48 inches (1,219 mm) above grade and to be filled with concrete.
 - [3] Posts are to be set at four feet (1,219 mm) maximum on center.
 - [4] Posts are to be encased in concrete of 24 inches (610 mm) diameter and 48 inches (1,219 mm) in depth for minimum standards.
 - (d) Other barriers as per N.J.A.C. 5:70-3.2(a)3, 312.3. Physical barriers shall be a minimum of 36 inches (914 mm) in height and shall resist a force of 12,000 pounds (53,375 N) applied 36 inches (914 mm) above the adjacent ground surface.
 - (e) Existing buildings. If an existing building is struck by a motor vehicle and the impacted area requires a construction permit for repairs, the impacted area shall be made to comply with the above requirements.
- O. Curbing. Concrete curbs shall be constructed on each side of the roadway according to the following specifications and in accordance with requirements for curbs of the New Jersey State Department of

Transportation Standard Specifications. Concrete for curb and combination curbs and gutters shall be constructed of NJDOT Class B concrete, air entrained, concrete to develop a twenty-eight-day strength of 5,000 pounds per square inch (psi). Rolled curb and gutter conforming to the detail in the Standard Specification may be substituted for the standard concrete curb in planned retirement communities. Construction of rolled curb and gutter shall include the wrapped curb face transition at least 10 feet in length for easement to the standard curb face batter. Rolled curb and gutter shall conform in all respects to the specifications herein for standard curbs. The top of the standard curb shall generally be set to a grade of two inches above the center-line pavement grade. However, a minimum of two-percent cross slope shall be maintained. The curb shall be of concrete, shall be six inches at the bottom and 18 inches in depth. Where drainage inlets are constructed but curbs are not required, curbing must be provided at least 10 feet on each side of the inlet, set back one foot from the extension of the pavement edge. **[Amended 7-25-2005 by Ord. No. 05-043;⁸² 2-27-2012 by Ord. No. 12-008; 9-8-2014 by Ord. No. 14-017; 7-13-2015 by Ord. No. 15-008]**

P. Inspection of improvements.

- (1) All of the improvements as set forth in the stipulated requirements of the applicant as provided in Article X, Performance and Maintenance Guarantees, shall be subject to inspection and approval in writing by the municipal agency's Engineer, who shall be notified by the applicant at least 48 hours prior to the start of construction.
- (2) The standards as set forth in this chapter shall govern the construction and installation of all the above improvements. Failure of the applicant, his contractor or agents to conform to said specifications will be just cause for the suspension of the work being performed, and no person, firm or corporation shall have the right to demand or claim damages from the Township, its officers, agents or servants, by reason of such suspension.

§ 245-82. Site plan and subdivision design.

The purpose of this section is to require an integrated approach to development design in the Township of Manchester, site analysis, building layout, architectural treatment and natural and cultural features shall be interrelated. The design of the development shall be arranged in accordance with this section to further the intent of the New Jersey Municipal Land Use Law to create a desirable visual environment; to promote the free flow of traffic; to conserve landmarks, open space and natural resources; and to prevent environmental degradation. The design requirements of this section shall apply to all subdivisions and site plans.

82. Editor's Note: Ordinance No. 05-043 was declared void by court order pursuant to Docket No. OCN-L-4565-10.

- A. Site analysis. The following site characteristics shall be taken into consideration when designing subdivision and site plans:
- (1) General site characteristics and surrounding areas.
 - (2) Geology and soil conditions.
 - (3) Topographical conditions.
 - (4) Climate.
 - (5) Ecology.
 - (6) Existing vegetation.
 - (7) Structures.
 - (8) Road networks.
 - (9) Visual features.
 - (10) Past and present features.
 - (11) Landmarks.
- B. General design requirements.
- (1) The design of the proposed development shall consider all existing and proposed local and regional plans for the area.
 - (2) Development of the site shall be based on the site analysis. To the maximum extent possible, development shall be located in order to preserve the significant natural features of the site, avoid areas of environmental sensitivity, and minimize negative impacts.
 - (3) Impervious cover, including streets, lots, parking areas, buildings and units, shall be kept to the minimum possible in order to reduce the adverse effects on neighboring property as well as on the subject property.
 - (4) Any application for a site which will be developed in phases or as a planned development in accordance with N.J.S.A. 40:55D-45, Findings for Planned Developments, shall be based upon an overall concept plan showing the layout of the site at full development which depicts building locations in relation to circulation, parking, stormwater management, critical areas, adjoining land use and proposed changes in grade.
 - (5) Where the minimum required lot area is 10,000 square feet or less, at least 80% of the minimum yard area shall not be encroached upon by a floodway, the area of the one-hundred-year floodplain, a wetland, a wetland transition area, a drainage easement, or a conservation easement.

C. Architectural and building requirements. Building layout and architectural treatment shall promote an attractive visual environment and a convenient relationship of buildings to their surrounding circulation systems and open space. Innovative and imaginative design which results in an artful treatment of building surfaces is encouraged. In evaluating the suitability of design, the reviewing agency shall consider the following:

- (1) Buildings and their environs shall be designed to be attractive from all vantage points, including fences, storage areas, and rear entrances and elevations. All groups of related buildings shall be designed to harmonize architectural treatment and exterior materials.
- (2) Accessory structures shall be architecturally coordinated with the principal structure.
- (3) All exterior storage areas and service yards, loading docks and ramps, electrical and mechanical equipment and enclosures, storage tanks and the like, shall be screened from the public view, both within and from outside of the development, by a fence, wall or mature landscape materials, compatible with the exterior design of the building.
- (4) Colors, materials and finishes shall be coordinated in all exterior elevations of buildings to achieve continuity of expression. All roof and wall projections such as gutters, flues, louvers, utility boxes, vents, grills, downspouts, exposed flashing, overhead doors, shall be painted or installed with an anodized or acrylic finish in a color to match adjacent surfaces.
- (5) All openings in the wall of a structure such as windows and doors shall relate to each other on each elevation vertically and horizontally in an artful arrangement.
- (6) Roof planes or caps meeting the exterior facade shall have overhangs or appropriate cornice and trim details.
- (7) Major entrances to buildings shall be emphasized with appropriate architectural elements or details.
- (8) The fenestration and detailing of building facades shall be arranged to promote a harmonious pattern on the building face and provide a visually appealing surface.
- (9) Visual harmony shall be created between new and older buildings.
- (10) Desirable features of a site shall be considered and strengthened by, for example, framing or maintaining views or continuing particular design features or statements.

- (11) Building layout, access and parking areas shall be arranged to relate to existing topography so as to minimize regrading and soil import or export.
- (12) Buildings shall be designed to avoid long unbroken lines and monotony of expression. Building details, forms and setbacks shall be used to provide visual interest.
- (13) Buildings shall be spaced to permit sufficient light and privacy.
- (14) Signage shall be coordinated with architectural design.
- (15) In shopping centers containing multiple store fronts, each storefront shall maintain a coordinated design with respect to an overall plan for colors, doors, windows, signage and trim details.
- (16) Repetition of plant varieties, materials, screens, and sight breaks may be used to achieve compatibility between adjacent building of different architectural styles.
- (17) Roof shapes shall be coordinated to present a harmonious appearance.
- (18) Finish materials used shall be suitable to the use and design of the building and to its location and environs.
- (19) Facade renovations shall preserve and protect desirable architectural details. All additions, alterations and accessory buildings shall be compatible with the principal building in design materials.
- (20) The use of unusual shapes, color and other characteristics which cause a new building to call excessive attention to itself and create a jarring disharmony with its surroundings shall be avoided or reserved for structures of broad public significance.
- (21) Exposed basement or nondecorative block walls are unacceptable as facade or building treatments.

D. Environmental design requirements.

- (1) Site design shall be arranged to conserve the following features:
 - (a) Critical areas, as defined, and subject to preemption of the State of New Jersey over freshwater wetlands.
 - (b) Habitats of endangered or threatened species as identified on federal or state lists.
 - (c) Significant trees, defined as the largest known individual trees of each species in New Jersey listed by the New Jersey Department of Environmental Protection, Bureau of Forestry; and/or large trees approaching the diameter of the known

largest tree; and/or species that are rare to the area or particular horticultural or landscape value.

- (d) Woodlands in coordination with the tree removal and planting plan required by the ordinance creating the Manchester Township Shade Tree Commission.
- (2) Design shall be arranged to accomplish the following:
- (a) Maintain groundwater recharge.
 - (b) Not exceed the capacity of water supply resources.
 - (c) Maximize the use of natural systems to protect surface and groundwater supplies.
 - (d) Prevent the discharge of pollutants that may contaminate or degrade surface water supplies.
 - (e) Maintain wildlife corridors.
 - (f) Minimize disturbance of steep slope areas. Construction on steep slopes shall be avoided wherever possible. However, appropriate building designs and limited disturbance on steep slopes may be permitted, provided that within any development or tract, construction including buildings, streets, parking, grading, excavation and fill, or stripping of vegetation on steep slopes of 10% or more shall be restricted in the following way:
 - [1] On steep slopes of 10% but less than 15%, not more than 40% of the total area in this slope category may be disturbed or used for construction purposes.
 - [2] On steep slopes of 15% but less than 20%, not more than 10% of the total area in this slope category may be disturbed or used for construction purposes.
 - [3] On steep slopes of 20% or more, disturbance shall only be permitted where the applicant demonstrates that such disturbance is essential to the reasonable use of the property.
 - (g) Maintain stream corridors. Unless a more restrictive standard applies, disturbance of stream corridors shall be minimized and development shall maintain the following setbacks from streams:
 - [1] Fifty feet where sewer service is provided.
 - [2] One hundred fifty feet where septic systems are utilized.
- (3) Authority to require revisions. The municipal agency responsible for plan approval (Planning Board or Board of Adjustment) may, on

the basis of environmental impact, require revisions to design or layout.

E. Circulation design requirements.

- (1) The circulation system shall be designed to permit the convenient, safe, efficient and orderly movement of pedestrians and vehicles. Where appropriate, design shall consider access to public transportation facilities.
- (2) Streets shall be designed to meet, but not exceed, the needs of present and future population. Streets shall have a simple and logical pattern, shall respect natural features and topography, and shall present an attractive streetscape.
- (3) In conventional developments, pedestrian walks shall be placed parallel to the street, with exceptions permitted to preserve natural features or to provide visual interest. In planned developments, walks may be placed away from the road system, but they may also be required parallel to the street for safety reasons, as determined by the Planning Board.
- (4) All development shall be located upon a lot with frontage upon a public street improved to meet the Township requirements or for which such improvement has been guaranteed by the posting of a performance guarantee pursuant to this chapter unless relief has been granted under the provisions of N.J.S.A. 40:55D-36.

F. Landscaping design requirements.

- (1) Landscape plans shall be prepared by a certified landscape architect and shall be arranged in accordance with the Township Shade Tree Ordinance and to observe the following principles:
 - (a) Provide landscaping in public areas, on recreation sites, and adjacent to buildings to screen parking areas, mitigate adverse impacts, and provide windbreaks for winter winds and summer cooling for buildings, streets and parking.
 - (b) Select the plant or other landscaping material that will best serve the intended function, and use landscaping materials appropriate for local soil conditions, water availability and environment.
 - (c) Vary the type and amount of landscaping with type of development and accent site entrances with special landscaping treatment.
 - (d) Consider massing trees at critical points.
 - (e) Plan for the impact of any proposed landscaping plan at various time intervals. For example, shrubs may grow and

eventually block sight distances and foundation plants may block out building windows.

- (f) Use landscaping to accent and complement buildings.
 - (g) Provide a variety and mixture of plantings. The variety shall consider susceptibility to disease, colors, seasonal interest, textures, shapes, blossoms and foliage. The use of native plant material is encouraged.
 - (h) Consider the choice and location of plant materials to screen or create views, to define boundaries between private and common open space, to minimize noise, to articulate outdoor spaces and define circulation systems.
- (2) Landscaping in nonresidential zones.
- (a) Landscaping shall be reasonably distributed within the site and shall include foundation plantings within established bed lines not less than three feet wide on the front, sides, and rear of any building structure. Such foundation plantings shall be suitable to the size of the building. This requirement shall be in addition to the requirements set forth for parking lot landscaping, buffer zones and shade trees along nondedicated roads.
 - (b) All areas of the site not occupied by buildings, pavement, sidewalks, safety islands or other required improvements shall be landscaped by the planting of grass or other ground cover acceptable to the municipal agency.
 - (c) Existing significant and specimen trees and shrubs shall be saved wherever practical.
 - (d) With the exception of lawns, planted areas adjacent to hard surfaces shall have planter edges, raised borders or similar structures to prevent soil washing over the adjoining paths.
 - (e) In parking areas, at least 10% of the interior parking area shall be landscaped with plant material reasonably distributed in the lot.
 - (f) One pollution-resistant shade or ornamental tree shall be planted for every five parking spaces. These shall be reasonably distributed in parking areas and in landscaped areas combined with shrubbery. The base of each tree shall be left free of pavement for a diameter of not less than seven feet. The landscaping shall be located in protected areas, such as along walkways, in center islands, at the end of bays or in diamonds between parking stalls. Such protected areas shall be constructed so as to prevent damage to plant material from vehicles.

- (g) Pollution-resistant shade trees shall be planted along all undedicated roads, drives and parking areas in accordance with the standards for street tree planting.
 - (h) Parking of motor vehicles on landscaped areas, on grass, or against trees and shrubbery shall not be permitted in business, commercial, industrial and professional areas.
 - (i) No paving shall be placed within 12 feet of any existing tree to be retained which is 18 inches or greater in diameter, nine feet of any existing tree 12 inches to 18 inches in diameter and six feet for trees less than 12 but greater than six inches in diameter and four feet for trees less than six inches in diameter.
 - (j) Parking areas must be shaded by deciduous trees (either retained or planted by the developer) that have or will have, when fully mature, a trunk at least 12 inches in diameter. New trees shall be of a type suitable and adaptable to planting within a parking lot for shading.
 - (k) Each tree shall be capable of shading a circular area having a radius of 15 feet with the trunk of the tree as the center. There must be sufficient trees so that, using this standard, 30% of the parking area will be shaded.
- G. Open space and recreation requirements. Open space is required as part of a planned retirement community, townhouse, garden apartment or cluster development. The design and arrangement of open space shall adhere to the requirements of this section and to the provisions of the applicable development district. Developed common open space is to be designed to provide active and passive recreational facilities to serve the residents of the development. Undeveloped common open space shall be designed to preserve important site amenities and environmentally sensitive areas such as wetlands, wetlands transition areas and floodplains.
- (1) Amount of common open space required. The amount of common open space proposed shall adhere to the applicable requirements of the zone district or planned development standards and to this section. At least 25% of the gross tract area shall be restricted as common open space meeting the following criteria:
 - (a) The area shall be suitable to use as developed common open space and shall not be encroached upon by any of the following: freshwater wetlands, wetlands transition areas, detention basins, the area of the one-hundred-year floodplain, floodways, steep slopes of 15% or greater, existing easements, buildings, parking lots, and private space, such as patios or yards, not available for common use. In the PR-A and PR-40 Zones, the area restricted as common open space may be composed of freshwater wetlands, wetlands transition areas,

the area of the one-hundred-year floodplain, floodways, and steep slopes of 15% or greater, provided that such areas shall be counted for no more than 50% of the required open space.

- (b) No dimension shall be less than 75 feet.
 - (c) The minimum contiguous area of an open space parcel shall be 20,000 square feet.
- (2) Circulation plan. A circulation plan showing a path system throughout the development which provides reasonable access to both the developed and undeveloped common space shall be provided. No accessway to common open space shall be less than 10 feet in width.
- (3) Developed common open space.
- (a) The Planning Board or other approving authority may approve the installation of recreational facilities as part of developed common open space.
 - (b) In all planned residential developments of 50 dwelling units or more, active recreation facilities consisting of playgrounds, playfields, parks or other recreation suitable to the development shall be provided as part of the developed common open space. Such facilities shall be conveniently located and accessible to all dwelling units and adhere to the following:
 - [1] One active recreation area shall be provided for each 300 persons or 75 children of projected population. Such areas shall not be less than 10,000 square feet.
 - [2] For developments of more than 300 persons, active recreation or park space shall be provided at the rate of 2.75 acres per 1,000 population.
- (4) Undeveloped common open space. Undeveloped common open space shall be left in its natural state. A developer, however, may make limited improvements for the installation of utilities, detention basins, stormwater management, necessary grading and the provision of picnic areas, jogging and exercise trails, etc. In addition, the Planning Board may require a developer to make other improvements such as removal of dead or diseased trees; thinning of trees or other vegetation to encourage more desirable growth; and grading and seeding, subject to approval by all regulatory agencies.
- (5) Deed restrictions. Any lands dedicated for common open space purposes shall contain covenants and deed restrictions approved by the Township Attorney that ensure that:

- (a) The open space area will not be further subdivided in the future.
 - (b) The use of the open space will continue in perpetuity for the purpose specified.
 - (c) Appropriate provisions are made for the maintenance of the open space.
 - (d) Common open space shall not be utilized for commercial purposes.
- (6) Common open space ownership. The type of ownership of land dedicated for common open space purposes shall be selected by the applicant subject to the approval of the municipal agency. Type of ownership may include, but is not necessarily limited to, the following:
- (a) The Township of Manchester, subject to acceptance by the Township Council.
 - (b) Homeowner, condominium, or cooperative associations or organizations.
 - (c) Shared, undivided interest by all property owners in the subdivision.
 - (d) Any organization provided for by the developer to own or maintain open space shall not be dissolved and shall not dispose of any of its open space without first offering to dedicate such property, without cost, to the Township of Manchester.
- (7) Homeowners' association. If the common open space is owned and maintained by a homeowners' or condominium association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for the preliminary approval. The provisions shall include, but are not necessarily limited to, the following:
- (a) The homeowners' association must be established before the sale of any residential unit.
 - (b) Membership shall be mandatory for each buyer and any successive buyer.
 - (c) The common open space restrictions shall be permanent.
 - (d) The association shall be responsible for liability insurance, local taxes, and the maintenance and replacement of recreational and other facilities.
 - (e) Homeowners shall pay their pro rata share of the cost; the assessment levied by the association can become a lien on

the property if allowed in the master deed establishing the homeowners' association.

- (f) The association must be able to adjust the assessment to meet changed needs.
- (8) Maintenance of open space areas. In the event that a nonmunicipal organization with the responsibility for the common open space fails to maintain it in reasonable order and condition, then the Mayor and Township Council of Manchester Township, in accordance with N.J.S.A. 40:55D-43, may correct such deficiencies and assess the cost of maintenance against the properties within the development.
- (9) Site plans of more than four lots and residential site plans. **[Amended 10-23-2000 by Ord. No. 00-34]**
 - (a) It is hereby established that in all site plans of more than four lots and residential site plans, residential developers shall reserve an area of at least 25% of the total property and dedicate it to the Township of Manchester, other public jurisdictions or private homeowner organizations. It shall be necessary for the developer to improve this area for active and passive recreation.
 - (b) Plans for the development and improvement of this recreation area shall be included in any preliminary plat and final construction drawings for any site plan.
 - (c) The developer shall have the option to post an off-tract assessment in the amount of \$2,500 per residential lot to be used for the construction of recreational facilities within the Township of Manchester. **[Amended 4-9-2007 by Ord. No. 07-011]**
 - (d) In lieu of the foregoing, the developer may provide services or property equal to the amount to be determined and accepted by the Manchester Township Planning Board.

§ 245-83. Stormwater management in areas outside Pinelands Management Area. [Amended 11-28-2005 by Ord. No. 05-053; 5-14-2007 by Ord. No. 07-017; 4-28-2008 by Ord. No. 08-012]

A. Scope and purpose.

- (1) Policy statement. Flood control, groundwater recharge, and pollutant reduction through nonstructural or low-impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being

placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

- (2) Purpose. It is the purpose of this section to establish minimum stormwater management requirements and controls for "major development," as defined in Subsection B.
 - (3) Applicability.
 - (a) This section shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:
 - [1] Nonresidential major developments; and
 - [2] Aspects of residential major developments that are not preempted by the residential site improvement standards at N.J.A.C. 5:21.
 - (b) This section shall also be applicable to all major developments undertaken in Manchester Township.
 - (4) Compatibility with other permit and ordinance requirements. Development approvals issued for subdivisions and site plans pursuant to this section are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this section shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This section is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.
- B. Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

COMPACTION — The increase in soil bulk density.

CORE — A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

COUNTY REVIEW AGENCY — An agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

- (1) A county planning agency; or
- (2) A county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

DEPARTMENT — The New Jersey Department of Environmental Protection.

DESIGN ENGINEER — A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DESIGNATED CENTER — A State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

DEVELOPMENT — The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, "development" means: any activity that requires a state permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

DRAINAGE AREA — A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.

EMPOWERMENT NEIGHBORHOOD — A neighborhood designated by the Urban Coordinating Council in consultation and conjunction with the New Jersey Redevelopment Authority pursuant to N.J.S.A. 55:19-69.

ENVIRONMENTALLY CRITICAL AREAS — An area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland

forest; steep slopes; and wellhead protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

IMPERVIOUS SURFACE — A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION — The process by which water seeps into the soil from precipitation.

MAJOR DEVELOPMENT — Any development that provides for ultimately disturbing one or more acres of land. "Disturbance," for the purpose of this rule, is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

MUNICIPALITY — Any city, borough, town, township, or village.

NODE — An area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

NUTRIENT — A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERSON — Any individual, corporation, company, partnership, firm, association, Township of Jackson, or political subdivision of this state subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

POLLUTANT — Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, groundwaters or surface waters of the state, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

RECHARGE — The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

SEDIMENT — Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

SITE — The lot or lots upon which a major development is to occur or has occurred.

SOIL — All unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1) — An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state's future redevelopment and revitalization efforts.

STATE PLAN POLICY MAP — The geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

STORMWATER — Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

STORMWATER MANAGEMENT BASIN — An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE — Any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal nonstormwater discharges into stormwater conveyances.

STORMWATER RUNOFF — Water flow on the surface of the ground or in storm sewers resulting from precipitation.

TIDAL FLOOD HAZARD AREA — A flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD — A neighborhood given priority access to state resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONES — A zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq.

URBAN REDEVELOPMENT AREA — Is defined as previously developed portions of areas:

- (1) Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- (2) Designated as CAFRA Centers, Cores or Nodes;
- (3) Designated as Urban Enterprise Zones; and

- (4) Designated as Urban Coordinating Council Empowerment Neighborhoods.

WATERS OF THE STATE — The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WETLANDS OR WETLAND — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

C. General standards.

- (1) Design and performance standards for stormwater management measures.

- (a) Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in Subsection D. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.
- (b) The standards in this section apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or water quality management plan adopted in accordance with Department rules.
- (c) The Board may waive the need for stormwater management improvements after finding that there is no appreciable increase anticipated in rate, velocity or duration of runoff based on plans submitted.
- (d) The Board may waive the specific requirement of this section where such waiver would be in the best interest of the Township or Manchester or surrounding municipalities.

D. Stormwater management requirements for major development.

- (1) The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Subsection J.
- (2) Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department' Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- (3) The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Subsection D(6) and (7):
 - (a) The construction of an underground utility line, provided that the disturbed areas are revegetated upon completion;
 - (b) The construction of an aboveground utility line, provided that the existing conditions are maintained to the maximum extent practicable; and
 - (c) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- (4) A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Subsection D(6) and (7) may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
 - (a) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - (b) The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Subsection D(6) and (7) to the maximum extent practicable;
 - (c) The applicant demonstrates that, in order to meet the requirements of Subsection D(6) and (7), existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - (d) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Subsection D(4)(c) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the

requirements of Subsection D(6) and (7) that were not achievable on-site.

(5) Nonstructural stormwater management strategies.

- (a) To the maximum extent practicable, the standards in Subsection D(6) and (7) shall be met by incorporating nonstructural stormwater management strategies set forth at Subsection D(5) into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Subsection D(5)(b) below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.
- (b) Nonstructural stormwater management strategies incorporated into site design shall:
 - [1] Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
 - [2] Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
 - [3] Maximize the protection of natural drainage features and vegetation;
 - [4] Minimize the decrease in the time of concentration from preconstruction to postconstruction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;
 - [5] Minimize land disturbance including clearing and grading;
 - [6] Minimize soil compaction;
 - [7] Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
 - [8] Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;
 - [9] Provide other source controls to prevent or minimize the use or exposure of pollutants at the site in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:

- [a] Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Subsection D(5)(c) below;
 - [b] Site design features that help to prevent discharge of trash and debris from drainage systems;
 - [c] Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
 - [d] When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.
- (c) Site design features identified under Subsection D(5)(b)[9][b] above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this subsection, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard, see Subsection D(5)(c)[3] below.
- [1] Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - [a] The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - [b] A different grate, if each individual clear space in that grate has an area of no more than seven square inches, or is no greater than 0.5 inch across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.
 - [2] Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear

space, if the curb opening has two or more clear spaces) shall have an area of no more than seven square inches, or be no greater than two inches across the smallest dimension.

[3] This standard does not apply:

- [a] Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - [b] Where flows from the water quality design storm as specified in Subsection D(7)(a) are conveyed through any device (e.g., end-of-pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - [i] A rectangular space 4 5/8 inches long and 1 1/2 inches wide (this option does not apply for outfall netting facilities); or
 - [ii] A bar screen having a bar spacing of 0.5 inch.
 - [c] Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars, to the elevation of the water quality design storm as specified in Subsection D(7)(a); or
 - [d] Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.
- (d) Any land area used as a nonstructural stormwater management measure to meet the performance standards in Subsection D(6) and (7) shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.
- (e) Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be

obtained from the address identified in Subsection G, or found on the Department's website at www.njstormwater.org.

- (6) Erosion control, groundwater recharge and runoff quantity standards.
 - (a) This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.
 - [1] The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.
 - [2] The minimum design and performance standards for groundwater recharge are as follows:
 - [a] The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations in Subsection E, either:
 - [i] Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual preconstruction groundwater recharge volume for the site; or
 - [ii] Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from preconstruction to postconstruction for the two-year storm is infiltrated.
 - [b] This groundwater recharge requirement does not apply to projects within an "urban redevelopment area," or to projects subject to Subsection D(6)(a)[2][c] below.
 - [c] The following types of stormwater shall not be recharged:
 - [i] Stormwater from areas of high pollutant loading. "High-pollutant-loading areas" are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas

where recharge would be inconsistent with Department-approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

- [ii] Industrial stormwater exposed to source material. "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.
- [d] The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.
- [3] In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations in Subsection E, complete one of the following:
 - [a] Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, postconstruction runoff hydrographs for the two-, ten-, and one-hundred-year storm events do not exceed, at any point in time, the preconstruction runoff hydrographs for the same storm events;
 - [b] Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the preconstruction condition, in the peak runoff rates of stormwater leaving the site for the two-, ten-, and one-hundred-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the

site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

- [c] Design stormwater management measures so that the postconstruction peak runoff rates for the two-, ten-, and one-hundred-year storm events are 50%, 75% and 80%, respectively, of the preconstruction peak runoff rates. The percentages apply only to the postconstruction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to postconstruction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or
 - [d] In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with Subsection D(6)(a)[3][a], [b] and [c] above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.
- (b) Any application for a new agricultural development that meets the definition of major development at Subsection B shall be submitted to the appropriate soil conservation district for review and approval in accordance with the requirements of this section and any applicable soil conservation district guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "agricultural development" means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.
- (7) Stormwater runoff quality standards.
- (a) Stormwater management measures shall be designed to reduce the postconstruction load of total suspended solids (TSS) in stormwater runoff by 80% of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit

from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of nonstructural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution

Time	Cumulative Rainfall	Time	Cumulative Rainfall
(minutes)	(inches)	(minutes)	(inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

- (b) For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Subsection G or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in Subsection G. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, P.O. Box 418 Trenton, New Jersey, 08625-0418.

- (c) If more than one BMP in series is necessary to achieve the required eighty-percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (AXB)/100$$

Where

- R = Total TSS percent load removal from application of both BMPs.
- A = The TSS percent removal rate applicable to the first BMP.
- B = The TSS percent removal rate applicable to the second BMP.

Table 2: TSS Removal Rates for BMPs

Best Management Practice	TSS Percent Removal Rate
Bioretention systems	90%
Constructed stormwater wetland	90%
Extended detention basin	40% to 60%
Infiltration structure	80%
Manufactured treatment device	See Subsection F(3)
Sand filter	80%
Vegetative filter strip	60% to 80%
Wet pond	50% to 90%

- (d) If there is more than one on-site drainage area, the eighty-percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.
- (e) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the postconstruction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Subsection D(6) and (7).
- (f) Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual.
- (g) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to

prevent any increase in stormwater runoff to waters classified as FW1.

- (h) Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:

- [1] The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:

- [a] A three-hundred-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the center line of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided.

- [b] Encroachment within the designated special water resource protection area under Subsection D(7)(h)[1] above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or center line of the waterway where the bank is undefined. All encroachments proposed under this subsection shall be subject to review and approval by the Department.

- [2] All stormwater shall be discharged outside of and flow through the special water resource protection area, and shall comply with the Standard for Off-Site Stability in the "Standards For Soil Erosion and Sediment Control in New

Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.

- [3] If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:
 - [a] Stabilization measures shall not be placed within 150 feet of the Category One waterway;
 - [b] Stormwater associated with discharges allowed by this section shall achieve a ninety-five-percent TSS postconstruction removal rate;
 - [c] Temperature shall be addressed to ensure no impact on the receiving waterway;
 - [d] The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;
 - [e] A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and
 - [f] All encroachments proposed under this section shall be subject to review and approval by the Department.
- [4] A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to Subsection D(7)(h) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to Subsection D(7)(h) shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in Subsection D(7)(h)[1][a] above. In no case shall a stream corridor protection plan

allow the reduction of the Special Water Resource Protection Area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.

- [5] Subsection D(7)(h) does not apply to the construction of one individual single-family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

E. Calculation of stormwater runoff and groundwater recharge.

- (1) Stormwater runoff shall be calculated in accordance with the following:

- (a) The design engineer shall calculate runoff using one of the following methods:

- [1] The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook, Section 4, Hydrology and Technical Release 55, Urban Hydrology for Small Watersheds; or

- [2] The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.

- (b) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the preconstruction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at Subsection E(1)(a)[1] and the Rational and Modified Rational Methods at Subsection E(1)(a)[2]. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

- (c) In computing preconstruction stormwater runoff, the design engineer shall account for all significant land features and

structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce preconstruction stormwater runoff rates and volumes.

- (d) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55, Urban Hydrology for Small Watersheds, and other methods may be employed.
 - (e) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- (2) Groundwater recharge may be calculated in accordance with the following:
- (a) The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427, Trenton, New Jersey 08625-0427; (609) 984-6587.

F. Standards for structural stormwater management measures.

- (1) Standards for structural stormwater management measures are as follows:
- (a) Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).
 - (b) Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the

parallel bars at the outlet structure shall be spaced no greater than $\frac{1}{3}$ the width of the diameter of the orifice or $\frac{1}{3}$ the width of the weir, with a minimum spacing between bars of one-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Subsection H(4).

- (c) Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.
 - (d) At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of 2 $\frac{1}{2}$ inches in diameter.
 - (e) Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at Subsection H.
 - (f) Detention facilities shall not intercept the postdevelopment groundwater table, where practicable.
 - (g) Only one-half of the area devoted to detention or retention facilities shall be considered nonimpervious surfaces in calculating the maximum percentages as set forth in other sections of this chapter. The area devoted shall be the area encompassed by the depth of water to the emergency spillway plus one foot.
 - (h) Retention facilities shall be required to provide 100% storage capacity for the fifty-year storm, and shall also satisfy the discharge requirements of this chapter pertaining to the one-hundred-year storm.
 - (i) Maximum velocities in emergency spillways shall be checked based on the velocity of the peak flow in the spillway resulting from the routed five-hundred-year storm emergency spillway hydrograph. Where maximum velocities exceed those contained in Standards for Soil Erosion and Sediment Control in New Jersey, suitable lining of the emergency spillway and its downstream slope shall be provided.
- (2) Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by Subsection D of this section.

- (3) Manufactured treatment devices may be used to meet the requirements of Subsection D of this section, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.
- (4) Standards for principal outlets quantity control are as follows:
 - (a) To minimize the chance of clogging and to facilitate cleaning, outlet pipes shall be at least 15 inches in diameter. All outlet piping is to be watertight, reinforced concrete pipe. In addition, aluminum, stainless steel or epoxy coated steel trash racks and/or anti-vortex devices may be required where deemed necessary by the Township.
 - (b) Minimum eight-inch thick anti-seep collars are to be installed along outlet pipes. Such collars shall be constructed of reinforced concrete with minimum Number 5 bars, each way, and three inches of cover. A minimum of two anti-seep collars shall be provided on the outlet pipes.
 - (c) All principal outlet structures shall be concrete block, precast reinforced concrete, or cast-in-place reinforced concrete. All construction joints are to be watertight. All construction shall be in conformance with New Jersey Department of Transportation standard specifications.
- (5) Standards for dams and embankments are as follows:
 - (a) The minimum top widths of all dams and embankments are listed below.

Minimum Dam and Embankment Top Widths

Height	Top Width
(feet)	(feet)
0 to 15	10
15 to 20	12
20 to 25	14

- (b) The design top elevation of all dams and embankments after all settlement has taken place shall be equal to or greater than the maximum water surface elevation in the basin resulting from the routed five-hundred-year storm freeboard hydrograph. Therefore, the design height of the dam or embankment, defined as the vertical distance from the top down to the bottom of the deepest cut, shall be increased by the amount needed to ensure the design top elevation will be maintained following all settlement. This increase shall not be less than 5%. Where necessary, the Engineer shall require consolidation tests of the undisturbed foundation soil to more accurately determine the necessary height.

- (c) All earth fill shall be free from brush, roots, and other organic material subject to decomposition.
- (d) The fill material in all earth dams and embankments shall be compacted to at least 95% of the maximum density obtained from compaction tests performed by the appropriate method in ASTM D698.
- (e) The top of bank for facilities constructed in cut and the toe of slope for facilities constructed in fill shall be located no closer than 15 feet to an existing or proposed property line.

G. Sources for technical guidance.

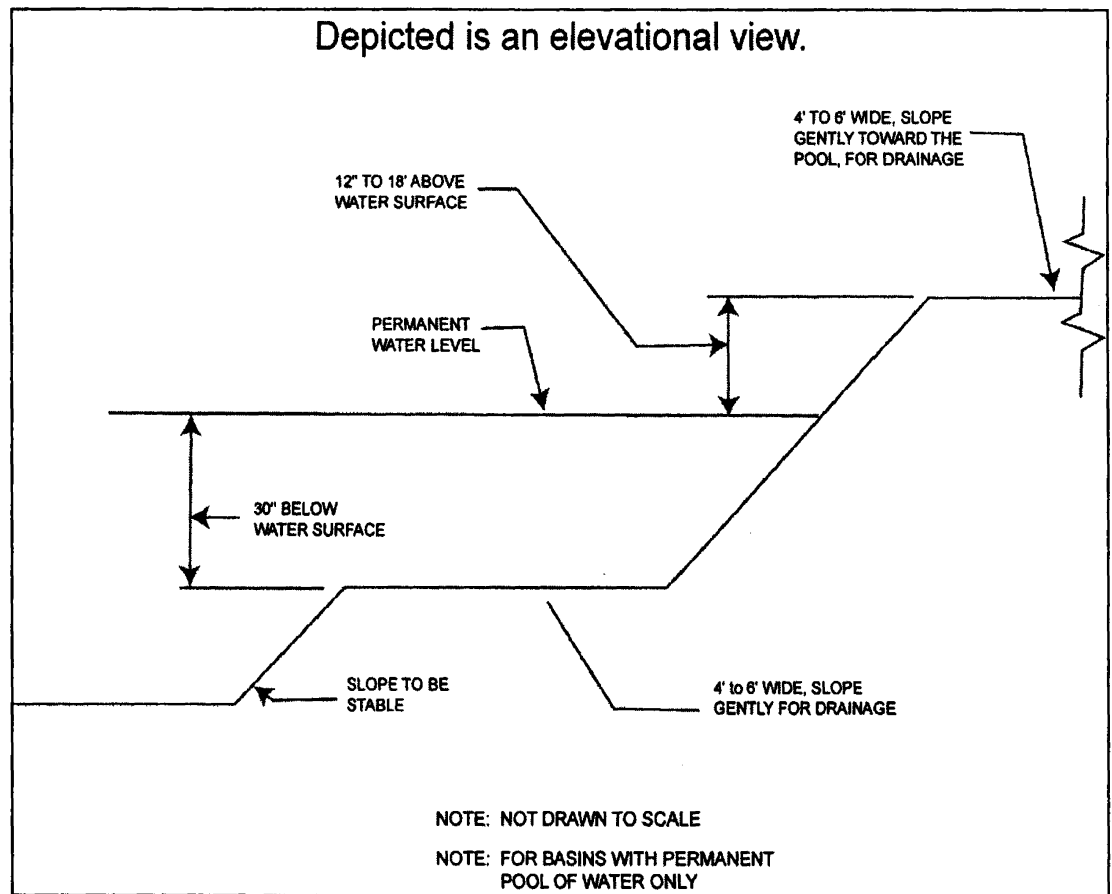
- (1) Technical guidance for stormwater management measures can be found in the documents listed in Subsection G(1)(a) and (b) below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.
 - (a) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.
 - (b) The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.
- (2) Additional technical guidance for stormwater management measures can be obtained from the following:
 - (a) The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;
 - (b) The Rutgers Cooperative Extension Service, (732) 932-9306; and
 - (c) The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil

Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625, (609) 292-5540.

H. Safety standards for stormwater management basins.

- (1) This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.
- (2) Requirements for trash racks, overflow grates and escape provisions.
 - (a) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
 - [1] The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars.
 - [2] The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
 - [3] The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
 - [4] The trash rack shall be constructed and installed to be rigid, durable, and corrosion-resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
 - (b) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - [1] The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - [2] The overflow grate spacing shall be no less than two inches across the smallest dimension.
 - [3] The overflow grate shall be constructed and installed to be rigid, durable, and corrosion-resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

- (c) For purposes of this Subsection H(2)(c), "escape provisions" means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:
 - [1] If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in Subsection H(3), a freestanding outlet structure may be exempted from this requirement.
 - [2] Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than 2 1/2 feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately 2 1/2 feet below the permanent water surface, and the second step shall be located one to 1 1/2 feet above the permanent water surface. See Subsection H(4) for an illustration of safety ledges in a stormwater management basin.
 - [3] In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.
- (3) Variance or exemption from safety standards.
 - (a) A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.
- (4) Illustration of safety ledges in a new stormwater management basin.



I. Requirements for a site development stormwater plan.

(1) Submission of site development stormwater plan.

- (a) Whenever an applicant seeks municipal approval of a development subject to this section, the applicant shall submit all of the required components of the checklist for the site development stormwater plan at Subsection I(3) below as part of the submission of the applicant's application for subdivision or site plan approval.
- (b) The applicant shall demonstrate that the project meets the standards set forth in this section.
- (c) The applicant shall submit copies of the materials listed in the checklist for site development stormwater plans in accordance with Subsection I(3) of this section, in a number as required by the local land use board checklist.

- (2) Site development stormwater plan approval. The applicant's site development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from

which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this section.

(3) Checklist requirements. The following information shall be required:

- (a) Topographic base map. The reviewing engineer may require upstream tributary drainage system information as necessary. A topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of one inch equals 200 feet or greater, showing not greater than two-foot contour intervals. The map, as appropriate, may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and man-made features not otherwise shown.
- (b) Environmental site analysis: a written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.
- (c) Project description and site plan(s): a map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.
- (d) Land use planning and source control plan. This plan shall provide a demonstration of how the goals and standards of Subsections C through F are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

- (e) Stormwater management facilities map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
 - [1] Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
 - [2] Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
- (f) Calculations.
 - [1] Comprehensive hydrologic and hydraulic design calculations for the predevelopment and postdevelopment conditions for the design storms specified in Subsection D of this section.
 - [2] When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.
- (g) Maintenance and repair plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of Subsection J.
- (h) Waiver from submission requirements. The municipal official or board reviewing an application under this section may, in consultation with the Municipal Engineer, waive submission of any of the requirements in Subsection I(3)(a) through (f) of this section when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

J. Maintenance and repair.

(1) Applicability.

- (a) Projects subject to review as in Subsection A(3) of this section shall comply with the requirements of Subsection J(2) and (3).

(2) General maintenance.

- (a) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
- (b) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
- (c) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. Responsibility for operation and maintenance of stormwater management facilities, including periodic removal and disposal of accumulated particulate materials and debris, shall remain with owner or owners of the property with permanent arrangements that it shall pass to any successive owner unless assumed by a government agency. If portions of the land are sold, legally binding arrangements shall be made to pass the basic responsibility to successors in title. These arrangements shall designate for each project the property owner, governmental agency, or other legally established entity to be permanently responsible for maintenance, hereinafter in this section referred to as the "responsible person."
- (d) If the person responsible for maintenance identified under Subsection J(2)(b) above is not a public agency, the maintenance plan and any future revisions based on Subsection J(2)(g) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (e) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow

and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.

- (f) The person responsible for maintenance identified under Subsection J(2)(b) above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.
- (g) The person responsible for maintenance identified under Subsection J(2)(b) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
- (h) The person responsible for maintenance identified under Subsection J(2)(b) above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Subsection J(2)(f) and (g) above.
- (i) The requirements of Subsection J(2)(c) and (d) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.
- (j) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the Municipal Engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately proceed to do so and shall bill the cost thereof to the responsible person.
- (k) The applicant shall enter into an agreement with the Township (or Ocean County) to ensure the continued operation and maintenance of the facility. This agreement shall be in a form satisfactory to the Township Attorney, and may include, but may not necessarily be limited to, personal guarantees, deed restrictions, covenants, and bonds. In cases where property is subdivided and sold separately, a homeowners' association or similar permanent entity shall be established as the responsible entity, absent an agreement by a governmental agency to assume responsibility.

[1] An applicant seeking approval for construction of a stormwater management facility shall provide the funds

necessary to permanently maintain the facility. The amount necessary to permanently maintain the facility shall be calculated by the Township Engineer based upon current estimates for maintenance with an annual increase of 4%. The Township Engineer shall also assume that the investment will yield a return equal to the ninety-day certificate of deposit interest rate paid by the First Federal Bank or its successor on the date the calculation is made.

[2] The form of security for the maintenance of the facility shall be approved by the Township Attorney and Finance Officer.

(l) Where required, the stormwater management facilities shall be dedicated to the Township of Manchester as a drainage utility easement or right-of-way. Detention or retention facility dedication shall be 15 feet from the top of bank of facilities in cut and the toe of slope of facilities constructed in fill. Inlet and outlet piping and maintenance access shall be contained within thirty-foot wide, minimum, drainage utility easements. No relocation, construction or reconstruction shall take place within the areas of the easement, nor shall any structures be located within such area, nor shall any action be taken which may alter or impair the effectiveness of present or future drainage facilities or cause soil erosion without prior Approving Authority or Township Council approval.

(3) Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

K. Penalties. Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this section shall be subject to the following penalties: Fines not to exceed \$5,000 and/or 30 days in jail.

§ 245-84. Stormwater management in areas within Pinelands Management Area. [Added 4-28-2008 by Ord. No. 08-013]

A. Scope and purpose.

(1) Purpose.

(a) It is hereby determined that:

[1] Certain lands of Manchester Township lie within the Pinelands Area, and therefore, development in this portion of Manchester Township is subject to the requirements of the Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq.) and the implementing regulations and minimum standards

contained in the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1.1 et seq.) (CMP).

[2] Pinelands Area resources are to be protected in accordance with Pinelands Comprehensive Management Plan at N.J.A.C. 7:50 et seq., New Jersey's Stormwater Management Rules at N.J.A.C. 7:8-1.1 et seq. and New Jersey's surface water quality antidegradation policies contained in the New Jersey Surface Water Quality Standards at N.J.A.C. 7:9B-1.1 et seq.

(b) Therefore, it is the purpose of this section to establish minimum stormwater management requirements and controls for major development, consistent with the statewide stormwater requirements at N.J.A.C. 7:8, the regulations and standards contained in the Pinelands CMP, and the provisions of the adopted master plan and land use ordinances of Manchester Township.

(2) Goals and techniques.

(a) In order to achieve the goals for stormwater control set forth in this section, Manchester Township has identified the following management techniques:

[1] Implementation of multiple stormwater management best management practices (BMPs) may be necessary to achieve the performance standards for stormwater runoff quantity and rate, groundwater recharge, erosion control, and stormwater runoff quality established through this section.

[2] Compliance with the stormwater runoff quantity and rate, groundwater recharge, erosion control, and stormwater runoff quality standards established through N.J.A.C. 7:8-1.1 et seq. and this section shall be accomplished to the maximum extent practicable through the use of nonstructural BMPs before relying on structural BMPs. Nonstructural BMPs are also known as "low-impact development" (LID) techniques.

[3] Nonstructural BMPs shall include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater.

[4] Source control plans shall be developed based upon physical site conditions and the origin, nature and the anticipated quantity or amount of potential pollutants.

- [5] Structural BMPs, where necessary, shall be integrated with nonstructural stormwater management strategies and proper maintenance plans.
- [6] When using structural BMPs, multiple stormwater management measures, smaller in size and distributed spatially throughout the land development site, shall be used wherever possible to achieve the performance standards for water quality, quantity and groundwater recharge established through this section before relying on a single, larger stormwater management measure to achieve these performance standards.

(3) Applicability.

(a) This section shall apply to:

- [1] All site plans and subdivisions for major developments occurring within the Pinelands Area that require preliminary or final site plan or subdivision review; and
- [2] All major development projects undertaken by Manchester Township in the Pinelands Area shall comply with this section.

(4) Procedures. In addition to other development review procedures set forth in the Code of Manchester Township, major developments located within the Pinelands Area shall comply with the stormwater management requirements and specifications set forth in this section. New agricultural development that meets the definition of "major development" in Subsection B of this section shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of N.J.A.C. 5.4(b) 7:8.

(5) Compatibility with other permit and ordinance requirements.

- (a) This section is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive or stringent provisions or higher standards shall control.

B. Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application. When used in this section, the following terms shall have the meanings herein ascribed to them.

A-HORIZON — The uppermost mineral horizon in a normal soil profile. The upper part of the A-horizon is characterized by maximum

accumulation of finely divided, dark-colored organic residues, known as humus, which are intimately mixed with the mineral particles of the soil.

AQUACULTURE — The propagation, rearing and subsequent harvesting of aquatic organisms in controlled or selected environments, and their subsequent processing, packaging and marketing, including but not limited to activities to intervene in the rearing process to increase production such as stocking, feeding, transplanting and providing for protection from predators.

ARTESIAN ZONE OF SATURATION — A zone of saturation which exists immediately below a hydraulically restrictive horizon, and which has an upper surface that is at a pressure greater than atmospheric, either seasonally or throughout the year.

CERTIFICATION — Either a written statement signed and sealed by a licensed New Jersey professional engineer attesting that a BMP design or stormwater management system conforms to or meets a particular set of standards or to action taken by the Commission pursuant to N.J.A.C. 7:50-3, Part II or Part IV. Depending upon the context in which the term is use, the terms "certify" and "certified" shall be construed accordingly.

CHROMA — The relative purity or strength of a color, a quantity which decreases with increasing grayness. Chroma is one of the three variables of soil color as defined in the Munsell system of classification.

CLAY — A particle size category consisting of mineral particles which are smaller than 0.002 millimeter in equivalent spherical diameter. Also, a soil textural class having more than 40% clay, less than 45% sand, and less than 40% silt, as shown in Subsection H(3)(a) (USDA Soil Textural Triangle).

CLAY LOAM — A soil textural class having 27% to 40% clay and 20% to 45% sand, as shown in Subsection H(3)(a) (USDA Soil Textural Triangle).

COARSE FRAGMENT — A rock fragment contained within the soil which is greater than two millimeters in equivalent spherical diameter or which is retained on a two-millimeter sieve.

COMPACTION — The increase in soil bulk density caused by subjecting soil to greater-than-normal loading. Compaction can also decrease soil infiltration and permeability rates.

CONSTRUCTION — The construction, erection, reconstruction, alteration, conversion, demolition, removal or equipping of buildings, structures or components of a stormwater management system, including but not limited to collection inlets, stormwater piping, swales and all other conveyance systems, and stormwater BMPs.

COUNTY REVIEW AGENCY — An agency designated by the County Board of Chosen Freeholders to review municipal stormwater

management plans and implementing ordinance(s). The county review agency may either be:

- (1) A county planning agency; or
- (2) A county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

COUNTY SOIL SURVEY REPORT — A report prepared by the U.S. Department of Agriculture, Natural Resources Conservation Service, which includes maps showing the distribution of soil mapping units throughout a particular county together with narrative descriptions of the soil series shown and other information relating to the uses and properties of the various soil series.

DESIGN ENGINEER — A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DESIGN PERMEABILITY — The tested permeability rate with a factor of safety of two applied to it (e.g., if the tested permeability rate of the soils is four inches per hour, the design rate would be two inches per hour).

DEVELOPMENT —

- (1) The change of or enlargement of any use or disturbance of any land, the performance of any building or mining operation, the division of land into two or more parcels, and the creation or termination of rights of access or riparian rights, including but not limited to:
 - (a) A change in type of use of a structure or land;
 - (b) A reconstruction, alteration of the size, or material change in the external appearance of a structure or land;
 - (c) A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land;
 - (d) Commencement of resource extraction or drilling or excavation on a parcel of land;
 - (e) Demolition of a structure or removal of trees;
 - (f) Commencement of forestry activities;
 - (g) Deposit of refuse, solid or liquid waste or fill on a parcel of land;

- (h) In connection with the use of land, the making of any material change in noise levels, thermal conditions, or emissions of waste material; and
 - (i) Alteration, either physically or chemically, of a shore, bank, or floodplain, seacoast, river, stream, lake, pond, wetlands or artificial body of water.
- (2) In the case of development on agricultural land, i.e., lands used for an agricultural use or purpose as defined at N.J.A.C. 7:50-2.11, development means: any activity that requires a state permit; any activity reviewed by the County Agricultural Boards (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

DEVELOPMENT, MAJOR — Any division of land into five or more lots; any construction or expansion of any housing development of five or more dwelling units; any construction or expansion of any commercial or industrial use or structure on a site of more than three acres; or any development, grading, clearing or disturbance of an area in excess of 5,000 square feet. "Disturbance," for the purpose of this section, is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting or removing of vegetation.

DEVELOPMENT, MINOR — All development other than major development.

DIRECT SUPERVISION — Control over and direction of work carried out by others with full knowledge of and responsibility for such work.

DRAINAGE AREA — A geographic area within which stormwater, sediments, or dissolved materials drain to a BMP, a stormwater management system, a particular receiving water body or a particular point along a receiving water body.

ENVIRONMENTALLY CRITICAL AREA — An area or feature which is of significant environmental value, including but not limited to stream corridors; natural heritage priority sites; habitat of endangered or threatened animal species; threatened or endangered plants of the Pinelands pursuant to N.J.A.C. 7:5-6.27(a); large areas of contiguous open space or upland forest; steep slopes; and wellhead protection and groundwater recharge areas. T and E habitat constitutes habitat that is critical for the survival of a local population of threatened and endangered species or habitat that is identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program, whichever is more inclusive. Threatened and endangered wildlife shall be protected in conformance with N.J.A.C. 7:50-6.33.

EQUIVALENT SPHERICAL DIAMETER — The diameter of a sphere which has a volume equal to the volume of the particle.

EXCEPTION — The approval by the approving authority of a variance or other material departure from strict compliance with any section, part, phrase or provision of this section. An exception may be granted only under certain specific, narrowly defined conditions described herein and does not constitute a waiver of strict compliance with any section, part, phrase or provision of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1.1 et seq.).

EXCESSIVELY COARSE HORIZON — A horizon of limited thickness within the soil profile which provides inadequate removal of pollutants from stormwater due to a high coarse fragment content, excessively coarse texture and/or excessively rapid permeability.

EXCESSIVELY COARSE SUBSTRATUM — A substratum below the soil profile which extends beyond the depth of soil profile pits and borings and which provides inadequate removal of pollutants from stormwater due to a high coarse fragment content, excessively coarse texture and/or excessively rapid permeability.

EXTENDED DETENTION BASIN — A facility constructed through filling and/or excavation that provides temporary storage of stormwater runoff. It has an outlet structure that detains and attenuates runoff inflows and promotes the settlement of pollutants. An extended detention basin is normally designed as a multi-stage facility that provides runoff storage and attenuation for both stormwater quality and quantity management. The term "stormwater detention basin" shall have the same meaning as "extended detention basin."

EXTREMELY FIRM CONSISTENCE — A type of soil material whose moist aggregated mass crushes only under very strong pressure; cannot be crushed between the thumb and forefinger and shall be broken apart bit by bit.

FINISHED GRADE — The elevation of the surface of the ground after completion of final grading, either via cutting, filling or a combination thereof.

FIRM CONSISTENCE — A type of soil material whose moist aggregated mass crushes under moderate pressure between the thumb and forefinger but resistance is distinctly noticeable.

GRADING — Modification of a land slope by cutting and filling with the native soil or redistribution of the native soil which is present at the site.

GROUNDWATER — Water below the land surface in a zone of saturation.

GROUNDWATER MOUNDING ANALYSIS — A test performed to demonstrate that the groundwater below a stormwater infiltration basin will not "mound up," encroach on the unsaturated zone, break the surface of the ground at the infiltration area or downslope, and create an overland flow situation.

HARD CONSISTENCE — A type of soil material whose dry aggregated mass is moderately resistant to pressure; can be broken in the hands without difficulty but is barely breakable between the thumb and forefinger.

HEAVY EQUIPMENT — Equipment, machinery, or vehicles that exert ground pressure in excess of eight pounds per square inch.

HIGH POLLUTANT LOADING AREA — An area in an industrial or commercial development site where solvents and/or petroleum products are loaded/unloaded, stored, or applied; where pesticides are loaded/unloaded or stored; where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; where recharge would be inconsistent with NJDEP-approved remedial action work plan or landfill closure plan; and/or where a high risk exists for spills of toxic materials, such as gas stations and vehicle maintenance facilities. The term "HPLA" shall have the same meaning as "high pollutant loading area."

HUE — The dominant spectral color, one of the three variables of soil color defined within the Munsell system of classification.

HYDRAULICALLY RESTRICTIVE HORIZON — A horizon within the soil profile which slows or prevents the downward or lateral movement of water and which is underlain by permeable soil horizons or substrata. Any soil horizon which has a saturated permeability less than one inch per hour is hydraulically restrictive.

HYDRAULICALLY RESTRICTIVE SUBSTRATUM — A substratum below the soil profile which slows or prevents the downward or lateral movement of water and which extends beyond the depth of profile pits or borings or to a massive substratum. A substratum which has a saturated permeability less than one inch per hour is hydraulically restrictive.

IMPERVIOUS SURFACE — A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

IN LIEU CONTRIBUTION — A monetary fee collected by Manchester Township in lieu of requiring strict on-site compliance with the groundwater recharge, stormwater runoff quantity and/or stormwater runoff quality standards established in this section.

INFILTRATION — The process by which precipitation enters the soil through its surface.

INSTALL — To assemble, construct, put in place or connect components of a stormwater management system.

LOAMY SAND — A soil textural class, as shown in Subsection H(3)(a) (USDA Soil Textural Triangle), that has a maximum of 85% to 90% sand with a percentage of silt plus 1.5 times the percentage of clay not in excess of 15; or a minimum of 70% to 85% sand with a percentage of silt plus 1.5 times the percentage of clay not in excess of 30.

LOWER PLASTIC LIMIT — The moisture content corresponding to the transition between the plastic and semisolid states of soil consistency. This corresponds to the lowest soil moisture content at which the soil can be molded in the fingers to form a rod or wire, 1/8 inches in thickness, without crumbling.

MANCHESTER TOWNSHIP — The Planning Board, Zoning Board of Adjustment or other board, agency or official of Manchester Township with authority to approve or disapprove subdivisions, site plans, construction permits, building permits or other applications for development approval. For the purposes of reviewing development applications and ensuring compliance with the requirements of this section, Manchester Township may designate the Municipal Engineer or other qualified designee to act on behalf of Manchester Township.

MITIGATION — Acts necessary to prevent, limit, remedy or compensate for conditions that may result from those cases where an applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in a local ordinance which is as protective as N.J.A.C. 7:8, and an exception from strict compliance is granted by Manchester Township and the Pinelands Commission.

MOTTILING — A color pattern observed in soil consisting of blotches or spots of contrasting color. The term "mottle" refers to an individual blotch or spot. The terms "color variegation," "iron depletion" and "iron concentration" are equivalent to the term "mottling." Mottling due to redoximorphic reactions is an indication of seasonal or periodic and recurrent saturation.

MUNSELL SYSTEM — A system of classifying soil color consisting of an alphanumeric designation for hue, value and chroma, such as "7.5 YR 6/2," together with a descriptive color name, such as "strong brown."

NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES MANUAL — Guidance developed by the New Jersey Department of Environmental Protection, in coordination with the New Jersey Department of Agriculture, the New Jersey Department of Community Affairs, the New Jersey Department of Transportation, Municipal Engineers, county engineers, consulting firms, contractors, and environmental organizations to address the standards in the New Jersey Stormwater Management Rules, N.J.A.C. 7:8. The BMP manual provides examples of ways to meet the standards contained in the rule. An applicant any demonstrate that other proposed management practices will also achieve the standards established in the rules. The manual and notices regarding future versions of the manual are available from the Division of Watershed Management, NJDEP, P.O. Box 418, Trenton, New Jersey 08625; and on the NJDEP's website, www.njstormwater.org. The term "New Jersey BMP Manual" shall have the same meaning as "New Jersey Stormwater Best Management Practices Manual."

NJDEP — The New Jersey Department of Environmental Protection.

NJPDES — The New Jersey Pollutant Discharge Elimination System as set forth in N.J.S.A. 58:10A-1 et seq. and in N.J.A.C. 7:14A.

NJPDES PERMIT — A permit issued by the NJDEP pursuant to the authority of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and N.J.A.C. 7:14A for a discharge of pollutants.

NONPOINT SOURCE —

- (1) Any human-made or human-induced activity, factor, or condition, other than a point source, from which pollutants are or may be discharged;
- (2) Any human-made or human-induced activity, factor, or condition, other than a point source, that may temporarily or permanently change any chemical, physical, biological, or radiological characteristic of waters of the State from what was or is the natural, pristine condition of such waters, or that may increase the degree of such change; or
- (3) Any activity, factor, or condition, other than a point source, that contributes or may contribute to water pollution.
- (4) The term "NPS" shall have the same meaning as "nonpoint source."

NONSTRUCTURAL BMP — A stormwater management measure, strategy or combination of strategies that reduces adverse stormwater runoff impacts through sound site planning and design. Nonstructural BMPs include such practices as minimizing site disturbance, preserving important site features, reducing and disconnecting impervious cover, flattening slopes, utilizing native vegetation, minimizing turf grass lawns, maintaining natural drainage features and characteristics and controlling stormwater runoff and pollutants closer to the source. The term "low-impact development technique" shall have the same meaning as "nonstructural BMP."

NUTRIENT — A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

O-HORIZON — A surface horizon, occurring above the A-horizon in some soils, which is composed primarily of undecomposed or partially decomposed plant remains which have not been incorporated into the mineral soil.

PERCHED ZONE OF SATURATION — A zone of saturation which occurs immediately above a hydraulically restrictive horizon and which is underlain by permeable horizons or substrata which are not permanently or seasonally saturated.

PERMEABILITY — The rate at which water moves through a saturated unit area of soil or rock material at hydraulic gradient of one, determined as prescribed in N.J.A.C. 7:9A-6.2 (tube permeameter test),

N.J.A.C. 6.5 (pit bailing test) or N.J.A.C. 6.6 (piezometer test). Alternative permeability test procedures may be accepted by the approving authority, provided the test procedure attains saturation of surrounding soils, accounts for hydraulic head effects on infiltration rates, provides a permeability rate with units expressed in inches per hour and is accompanied by a published source reference. Examples of suitable sources include hydrogeology, geotechnical, or engineering text and design manuals, proceedings of American Society for Testing and Materials (ASTM) symposia, or peer-review journals. Neither a soil permeability class rating test, as described in N.J.A.C. 7:9A-6.3, nor a percolation test, as described in N.J.A.C. 7:9A-6.4, are acceptable tests for establishing permeability values for the purpose of complying with this section.

PERMEABLE — Having a permeability of one inch per hour or faster. The terms "permeable soil," "permeable rock" and "permeable fill" shall be construed accordingly.

PERSON — Any individual, corporation, company, partnership, firm, association, municipality or political subdivision of this state subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

PIEZOMETER — A device consisting of a length of metal or plastic pipe, open at the bottom or perforated within a specified interval, and used for the determination of depth to water, permeability or hydraulic head within a specific soil horizon or substratum.

PINELANDS CMP — The New Jersey Pinelands Comprehensive Management Plan (N.J.A.C. 7:50 1.1 et seq).

PINELANDS COMMISSION or COMMISSION — The Commission created pursuant Section 5 of the Pinelands Protection Act, N.J.S.A. 13:18A-5.

PLATY STRUCTURE — Characterized by a soil aggregate which has one axis distinctly shorter than the other two and are oriented with the short axis vertical.

POINT SOURCE — Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

POLLUTANT — Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substances (except those regulated under the Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, suspended solids, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land,

groundwaters or surface waters of the state, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

PROFESSIONAL ENGINEER — A person licensed to practice professional engineering in the State of New Jersey pursuant to N.J.S.A. 45:8-27 et seq.

RECHARGE — The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

REGIONAL ZONE OF SATURATION — A zone of saturation which extends vertically without interruption below the depth of soil borings and profile pits.

REPLICATE — One of two or more soil samples or tests taken at the same location (within five feet of each other) and depth, within the same soil horizon or substratum. In the case of fill material, replicate tests are tests performed on subsamples of the same bulk sample packed to the same bulk density.

SAND — A particle size category consisting of mineral particles which are between 0.05 and 2.0 millimeters in equivalent spherical diameter. Also, a soil textural class having 85% or more of sand and a content of silt and clay such that the percentage of silt plus 1.5 times the percentage of clay does not exceed 15, as shown in Subsection H(3)(a) (USDA Soil Textural Triangle).

SANDY CLAY — A soil textural class having 35% or more of clay and 45% or more of sand, as shown in Subsection H(3)(a) (USDA Soil Textural Triangle).

SANDY LOAM — A soil textural class, as shown in Subsection H(3)(a) (USDA Soil Textural Triangle), that has a maximum of 20% clay, and the percentage of silt plus twice the percentage of clay exceeds 30%, and contains 52% or more sand; or less than 7% clay, less than 50% silt, and between 43% and 52% sand.

SEASONALLY HIGH WATER TABLE — The upper limit of the shallowest zone of saturation which occurs in the soil, identified as prescribed in N.J.A.C. 7:9A-5.8.

SEDIMENT — Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

SILT — A particle size category consisting of mineral particles which are between 0.002 millimeter and 0.05 millimeter in equivalent spherical diameter. It also means a soil textural class having 80% or more of silt and 12% or less of clay, as shown in Subsection H(3)(a) (USDA Soil Textural Triangle).

SILT LOAM — A soil textural class having 50% or more of silt and 12% to 27% of clay; or 50% to 80% of silt and less than 12% of clay, as shown in Subsection H(3)(a) (USDA Soil Textural Triangle).

SILTY CLAY — A soil textural class having 40% or more of clay and 40% or more of silt, as shown in Subsection H(3)(a) (USDA Soil Textural Triangle).

SILTY CLAY LOAM — A soil textural class having 27% to 40% of clay and less than 20% of sand, as shown in Subsection H(3)(a) (USDA Soil Textural Triangle).

SITE — The lot or lots upon which a major development is to occur or has occurred.

SOIL — All unconsolidated mineral and organic material of any origin which is not a rock substratum, including sediments below the biologically active and/or weathered zones.

SOIL AGGREGATE — A naturally occurring unit of soil structure consisting of particles of sand, silt, clay, organic matter, and coarse fragments held together by the natural cohesion of the soil.

SOIL COLOR — The soil color name and Munsell color designation determined by comparison of the moist soil with color chips contained in a Munsell soil color book.

SOIL CONSISTENCE — The resistance of a soil aggregate or clod to being crushed between the fingers or broken by the hands. Terms for describing soil consistence described are in N.J.A.C. 7:9A-5.3(h).

SOIL HORIZON — A layer within a soil profile differing from layers of soil above and below it in one or more of the soil morphological characteristics including color, texture, coarse fragment content, structure, consistence and mottling.

SOIL LOG — A description of the soil profile which includes the depth, thickness, color, texture, coarse fragment content, mottling, structure and consistence of each soil horizon or substratum.

SOIL MAPPING UNIT — An area outlined on a map in a County Soil Survey Report and marked with a letter symbol designating a soil phase, a complex of two or more soil phases, or some other descriptive term where no soil type has been identified.

SOIL PHASE — A specific type of soil which is mapped by the Natural Resources Conservation Service and which belongs to a soil series described within the County Soil Survey Report.

SOIL PROFILE — A vertical cross-section of undisturbed soil showing the characteristic horizontal layers or horizons of the soil which have formed as a result of the combined effects of parent material, topography, climate, biological activity and time.

SOIL SERIES — A grouping of soil types possessing a specific range of soil profile characteristics which are described within the County Soil Survey Report. Each soil series may consist of several "soil phases" which may differ in slope, texture of the surface horizon or stoniness.

SOIL STRUCTURAL CLASS — One of the shape classes of soil structure described in N.J.A.C. 7:9A-5.3(g).

SOIL STRUCTURE — The naturally occurring arrangement, within a soil horizon, of sand, silt and clay particles, coarse fragments and organic matter, which are held together in clusters or aggregates of similar shape and size.

SOIL TEST PIT — An excavation made for the purpose of exposing a soil profile which is to be described.

SOIL TEXTURAL CLASS — One of the classes of soil texture defined within the USDA system of classification (Soil Survey Manual, Agricultural Handbook No. 18, USDA Soil Conservation Service 1962).

SOIL TEXTURE — The relative proportions of sand, silt and clay in that portion of the soil which passes through a sieve with two-millimeter openings.

SOURCE MATERIAL — Any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

STATIC WATER LEVEL — The depth below the ground surface or the elevation with respect to some reference level, of the water level observed within a soil profile pit or boring, or within a piezometer, after this level has stabilized or become relatively constant with the passage of time.

STORMWATER — Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

STORMWATER INFILTRATION BMP — A basin or other facility constructed within permeable soils that provides temporary storage of stormwater runoff. An infiltration BMP does not normally have a structural outlet to discharge runoff from the stormwater quality design storm. Instead, outflow from an infiltration BMP is through the surrounding soil. The terms "infiltration measure" and "infiltration practice" shall have the same meaning as "stormwater infiltration basin."

STORMWATER MANAGEMENT MEASURE — Any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal nonstormwater

discharges into stormwater conveyances. This includes, but is not limited to, structural and nonstructural stormwater best management practices described in the New Jersey BMP Manual and designed to meet the standards for stormwater control contained within this section. The terms "stormwater best management practice" and "stormwater BMP" shall have the same meaning as "stormwater management measure."

STORMWATER RUNOFF — Water flow on the surface of the ground or in storm sewers resulting from precipitation.

SUBSTRATUM — A layer of soil or rock material present below the soil profile and extending beyond the depth of soil borings or profile pits.

SUITABLE SOIL — Unsaturated soil, above the seasonally high water table, which contains less than 50% by volume of coarse fragments and which has a tested permeability rate of between one inch and 20 inches per hour.

SURFACE WATER — Any waters of the state which are not groundwater.

TIDAL FLOOD HAZARD AREA — A flood hazard area which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

TIME OF CONCENTRATION — The time it takes for runoff to travel from the hydraulically most distant point of the drainage area to the point of interest within a watershed.

TOTAL SUSPENDED SOLIDS — The insoluble solid matter suspended in water and stormwater that is separable by laboratory filtration in accordance with the procedure contained in the Standard Methods for the Examination of Water and Wastewater prepared and published jointly by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation. The term "TSS" shall have the same meaning as "total suspended solids."

UNSUITABLE SOIL — All soil other than suitable soil.

USDA SYSTEM OF CLASSIFICATION — The system of classifying soil texture used by the United States Department of Agriculture which defines 12 soil textural classes based upon the weight percentages of sand, silt and clay in that portion of the soil which passes through a sieve with two-millimeter openings. The soil textural classes are shown graphically on the USDA Soil Textural Triangle, as shown in Subsection H(3)(a).

VALUE — The relative lightness or intensity of a color, one of the three variables of soil color defined within the Munsell system of classification.

VERY FIRM CONSISTENCE — Characterized by a moist soil which crushes under strong pressure; barely crushable between thumb and forefinger.

VERY HARD CONSISTENCE — Characterized by a dry soil which is resistant to pressure, can be broken in the hands only with difficulty; not breakable between the thumb and forefinger.

WATER TABLE — The upper surface of a zone of saturation.

WATERS OF THE STATE — The ocean and its estuaries, all springs, streams and bodies of surface and groundwater, whether natural or artificial, within the boundaries of New Jersey or subject to its jurisdiction.

WELL — A bored, drilled or driven shaft, or a dug hole, which extends below the seasonally high water table and which has a depth which is greater than its largest surface dimension.

WET POND — A stormwater facility constructed through filling and/or excavation that provides both permanent and temporary storage of stormwater runoff. It has an outlet structure that creates a permanent pool and detains and attenuates runoff inflows and promotes the settling of pollutants. A stormwater retention basin can also be designed as a multistage facility that also provides extended detention for enhanced stormwater quality design storm treatment and runoff storage and attenuation for stormwater quantity management. The term "stormwater retention basin" shall have the same meaning as "wet pond."

WETLANDS — Those lands which are inundated or saturated by water at a magnitude, duration and frequency sufficient to support the growth of hydrophytes. Wetlands include lands with poorly drained or very poorly drained soils as designated by the National Cooperative Soils Survey of the Soil Conservation Service of the United States Department of Agriculture. Wetlands include coastal wetlands and inland wetlands, including submerged lands. The "New Jersey Pinelands Commission Manual for Identifying and Delineating Pinelands Area Wetlands: A Pinelands Supplement to the Federal Manual for Identifying and Delineating Jurisdictional Wetlands," dated January, 1991, as amended, may be utilized in delineating the extent of wetlands based on the definitions of wetlands and wetlands soils contained in this section, N.J.A.C. 7:50 2.11, 6.4 and 6.5. The term "wetland" shall have the same meaning as "wetlands."

ZONE OF SATURATION — A layer within or below the soil profile which is saturated with groundwater either seasonally or throughout the year. This includes both regional and perched zones.

C. Requirements for a site development stormwater plan.

(1) Submission of site development stormwater plan.

- (a) Whenever an applicant seeks municipal approval of a site development that is subject to this section, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Subsection C(3) below

as part of the applicant's application for subdivision or site plan approval.

- (b) The applicant shall demonstrate that the site development project meets the standards set forth in this section.
 - (c) The applicant shall submit three copies of the materials listed in the checklist for site development stormwater plans in accordance with Subsection C(3) of this section.
- (2) Site development stormwater plan approval.
 - (a) The applicant's site development stormwater plan shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from whom municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this section.
- (3) Checklist requirements. Any application for approval of a major development shall include at least the following information. All required engineering plans shall be submitted to Manchester Township and the Pinelands Commission in CAD Format 2000 or higher, registered and rectified to NJ State Plane Feet NAD 83 or Shape Format NJ State Plan Feet NAD 83, and all other documents shall be submitted in both paper and commonly used electronic file formats such as PDF, word processing, database or spreadsheet files. Three copies of each item shall be submitted.
 - (a) Topographic base map. The applicant shall submit a topographic base map of the site which extends a minimum of 300 feet beyond the limits of the proposed development, at a scale of one inch equals 200 feet or greater, showing one-foot contour intervals. The map shall indicate the following: existing surface water drainage, shorelines, steep slopes, soils, highly erodible soils, perennial or intermittent streams that drain into or upstream of any Category One or Pinelands waters, wetlands and floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing surface and subsurface human-made structures, roads, bearing and distances of property lines, and significant natural and man-made features not otherwise shown. Manchester Township or the Pinelands Commission may require upstream tributary drainage system information as necessary.
 - (b) Environmental site analysis. The applicant shall submit a written description along with the drawings of the natural and human-made features of the site and its environs. This description should include:

- [1] A discussion of environmentally critical areas, soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual or environmentally sensitive features and to those that provide particular opportunities for or constraints on development; and
 - [2] Detailed soil and other environmental conditions on the portion of the site proposed for installation of any stormwater BMPs, including, at a minimum: soils report based on on-site soil tests; locations and spot elevations in plan view of test pits and permeability tests; permeability test data and calculations; and any other required soil data (e.g., mounding analyses results) correlated with location and elevation of each test site; cross-section of proposed stormwater BMP with side-by-side depiction of soil profile drawn to scale and seasonal high water table elevation identified; and any other information necessary to demonstrate the suitability of the specific proposed structural and nonstructural stormwater management measures relative to the environmental conditions on the portion(s) of the site proposed for implementation of those measures.
- (c) Project description and site plan(s). The applicant shall submit a map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.
- (d) Land use planning and source control plan.
- [1] The applicant shall submit a detailed land use planning and source control plan which provides a description of how the site will be developed to meet the erosion control, groundwater recharge and stormwater runoff quantity and quality standards of Subsection D through use of nonstructural or low-impact development techniques and source controls to the maximum extent practicable before relying on structural BMPs. The land use planning and source control plan shall include a detailed narrative and associated illustrative maps and/or plans that specifically address how each of the following nine nonstructural strategies identified in Subchapter 5 of the NJDEP Stormwater Management Rules (N.J.A.C. 7:8-5) and set

forth below (Subsection C(3)(d)[1][a] through [i]) will be implemented to the maximum extent practicable to meet the standards at Subsection D of this section on the site. If one or more of the nine nonstructural strategies will not be implemented on the site, the applicant shall provide a detailed rationale establishing a basis for the contention that use of the strategy is not practicable on the site.

- [a] Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
- [b] Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
- [c] Maximize the protection of natural drainage features and vegetation;
- [d] Minimize the decrease in the predevelopment time of concentration;
- [e] Minimize land disturbance, including clearing and grading;
- [f] Minimize soil compaction and all other soil disturbance;
- [g] Provide low-maintenance landscaping that provides for the retention and planting of native plants and minimizes the use of lawns, fertilizers and pesticides, in accordance with N.J.A.C. 7:50-6.24;
- [h] Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas; and
- [i] Provide other source controls to prevent or minimize the use or exposure of pollutants at the site in order to prevent or minimize the release of those pollutants into stormwater runoff. These source controls shall include, but are not limited to:
 - [i] Site design features that help to prevent accumulation of trash and debris in drainage systems;
 - [ii] Site design features that help to prevent discharge of trash and debris from drainage systems;
 - [iii] Site design features that help to prevent and/or contain spills or other harmful accumulations of

pollutants at industrial or commercial developments; and

[iv] Applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules, when establishing vegetation after land disturbance.

[2] For sites where stormwater will be generated from high pollutant loading areas or where stormwater will be exposed to source material, as defined in Subsection B of this section, the applicant shall also demonstrate in the land use planning and source control plan that the requirements of Subsection D have been met.

(e) Stormwater management facilities map. The applicant shall submit a map, at the same scale as the topographic base map, depicting the following information:

[1] The total area to be disturbed, paved and/or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to manage and dispose of stormwater; and

[2] Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention (if applicable) and emergency spillway provisions with maximum discharge capacity of each spillway.

(f) Calculations (groundwater recharge and stormwater runoff rate, volume and quality). The applicant shall submit comprehensive hydrologic and hydraulic design calculations for the predevelopment and postdevelopment conditions for the design storms specified in Subsection D. The standards for groundwater recharge and stormwater runoff rate, volume and quality required by Subsection D shall be met using the methods, calculations and assumptions provided in Subsection D.

(g) Inspection, maintenance and repair plan. The applicant shall submit a detailed plan describing how the proposed stormwater management measure(s) shall meet the maintenance and repair requirements of Subsection G of this section. Said plan shall include, at a minimum, the following elements:

[1] The frequency with which inspections will be made;

- [2] The specific maintenance tasks and requirements for each proposed structural and nonstructural BMP;
 - [3] The name, address and telephone number for the entity responsible for implementation of the maintenance plan;
 - [4] The reporting requirements; and
 - [5] Copies of the inspection and maintenance reporting sheets.
- (h) Exception from submission requirements. An exception may be granted from submission of any of these required components [except Subsection C(3)(g) above, Inspection, maintenance, and repair plan] if its absence will not materially affect the review process. However, items required pursuant to the application requirements in the Pinelands CMP [N.J.A.C. 7:50-4.2(b)] shall be submitted to the NJ Pinelands Commission unless the Executive Director waives or modifies the application requirements.
- D. Methodologies for the calculation of stormwater runoff rate and volume, stormwater runoff quality, and groundwater recharge.
- (1) Method of calculating stormwater runoff rate and volume.
- (a) In complying with the stormwater runoff quantity and rate standards in Subsection D(2), the design engineer shall calculate the stormwater runoff rate and volume using the USDA Natural Resources Conservation Service (NRCS) Runoff Equation, Runoff Curve Numbers, and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook, Part 630, Hydrology, and Technical Release 55, Urban Hydrology for Small Watersheds, incorporated herein by reference, as amended and supplemented. Alternative methods of calculation may be utilized, provided such alternative methods are at least as protective as the NRCS methodology when considered on a regional stormwater management basis.
 - (b) In calculating stormwater runoff using the NRCS methodology, the design engineer shall separately calculate and then combine the runoff volumes from pervious and directly connected impervious surfaces within each drainage area within the parcel.
 - (c) Calculation of stormwater runoff from unconnected impervious surfaces shall be based, as applicable, upon the two-step method described in the current New Jersey Stormwater Best Management Practices Manual or the NRCS methodology.

- (d) In calculating stormwater runoff using the NRCS methodology, the design engineer shall use appropriate twenty-four-hour rainfall depths as developed for the project site by the National Oceanic and Atmospheric Administration, available online at <http://hdsc.nws.noaa.gov/hdsc/pfds/index.html>.
- (e) When calculating stormwater runoff for predeveloped site conditions, the design engineer shall use the following criteria:
 - [1] When selecting or calculating runoff curve numbers (CNs) for predeveloped project site conditions, the project site's land cover shall be assumed to be woods in good condition. However, another land cover may be used to calculate runoff coefficients if:
 - [a] Such land cover has existed at the site or portion thereof without interruption for at least five years immediately prior to the time of application; and
 - [b] The design engineer can document the character and extent of such land cover through the use of photographs, affidavits, and/or other acceptable land use records.
 - [2] If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations.
 - [3] All predeveloped land covers shall be assumed to be in good hydrologic condition and, if cultivated, shall be assumed to have conservation treatment.
 - [4] In calculating predeveloped site stormwater runoff, the design engineer shall include the effects of all land features and structures, such as ponds, wetlands, depressions, hedgerows, and culverts that affect predeveloped site stormwater runoff rates and/or volumes.
 - [5] Where tailwater will affect the hydraulic performance of a stormwater management measure, the design engineer shall include such effects in the measure's design.
- (2) Method of calculating stormwater runoff quality.
 - (a) In complying with the stormwater runoff quality standards in Subsection E(6)(a), the design engineer shall calculate the stormwater runoff rate and volume using the USDA Natural Resources Conservation Service (NRCS) Runoff Equation, Runoff Curve Numbers, and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook, Part 630, Hydrology, and Technical Release 55, Urban

Hydrology for Small Watersheds, as amended and supplemented.

- (b) The design engineer shall also use the NJDEP Water Quality Design Storm, which is 1 1/4 inches of rainfall falling in a nonlinear pattern in two hours. Details of the water quality design storm are shown in Table 1.
- (c) Calculation of runoff volumes, peak rates, and hydrographs for the water quality design storm may take into account the implementation of nonstructural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution¹

Time	Cumulative Rainfall	Time	Cumulative Rainfall
(minutes)	(inches)	(minutes)	(inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

NOTES:

¹ Source: N.J.A.C. 7:8-5.5(a).

- (d) Total suspended solids (TSS) reduction calculations.

[1] If more than one stormwater BMP in series is necessary to achieve the required eighty-percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100$$

Where:

- R = Total TSS percent load removal from application of both BMPs.
- A = TSS percent removal rate applicable to the first BMP.
- B = TSS percent removal rate applicable to the second BMP.

- [2] If there is more than one on-site drainage area, the eighty-percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site, in which case the removal rate can be demonstrated through a calculation using a weighted average.

(e) TSS removal rates for stormwater BMPs.

- [1] TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2
- [2] Alternative stormwater management measures, removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to Manchester Township. Any alternative stormwater management measure, removal rate or method of calculating the removal rate shall be subject to approval by Manchester Township and a copy shall be provided to the following:
- [a] The Division of Watershed Management, New Jersey Department of Environmental Protection, P.O. Box 418, Trenton, NJ 08625-0418; and
- [b] The New Jersey Pinelands Commission, P.O. Box 7, New Lisbon, NJ 08064.

Table 2: Pollutant Removal Rates for BMPs²

Best Management Practice	TSS Removal Rate	Total Phosphorus Removal Rate	Total Nitrogen Removal Rate
Bioretention systems	90%	60%	30%
Constructed stormwater wetland	90%	50%	30%

Table 2: Pollutant Removal Rates for BMPs²

Best Management Practice	TSS Removal Rate	Total Phosphorus Removal Rate	Total Nitrogen Removal Rate
Extended detention basin	40% to 60% (final rate based upon detention time; see New Jersey BMP Manual, Chapter 9)	20%	20%
Infiltration basin	80%	60%	50%
Manufactured treatment device	Pollutant removal rates as certified by NJDEP; see Subsection D	Pollutant removal rates as certified by NJDEP; see Subsection D	Pollutant removal rates as certified by NJDEP; see Subsection D
	80% (porous paving)		
	80% (permeable pavers with storage bed)	60%	50%
Pervious paving systems	0 - volume reduction only (permeable pavers without storage bed)	0 - volume reduction only (permeable pavers without storage bed)	0 - volume reduction only (permeable pavers without storage bed)
Sand filter	80%	50%	35%

Table 2: Pollutant Removal Rates for BMPs²

Best Management Practice	TSS Removal Rate	Total Phosphorus Removal Rate	Total Nitrogen Removal Rate
Vegetative filter strip (for filter strips with multiple vegetated covers, the final TSS removal rate should be based upon a weighted average of the adopted rates shown in Table 2, based upon the relative flow lengths through each cover type)	60% (turf grass) 70% (native grasses, meadow and planted woods)	30%	30%
Wet pond/retention basin	80% (indigenous woods) 50% to 90% (final rate based upon pool volume and detention time; see NJ BMP Manual)	50%	30%

NOTES:

Source: 7:8-5.5(c) and New Jersey BMP Manual Chapter 4.

- (f) Nutrient removal rates for stormwater BMPs. For purposes of postdevelopment nutrient load reduction calculations, Table 2 presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey BMP Manual. If alternative stormwater BMPs are proposed, the applicant shall demonstrate that the selected BMPs will achieve the nutrient removal standard required in Subsection E(5).
- (3) Methods of calculating groundwater recharge.

- (a) In complying with the groundwater recharge requirements in Subsection E(3)(a)[1], the design engineer may calculate groundwater recharge in accordance with the New Jersey Groundwater Recharge Spreadsheet (NJGRS) computer program incorporated herein by reference as amended and supplemented.
 - (b) Alternative groundwater recharge calculation methods to meet these requirements may be used upon approval by the Municipal Engineer.
 - (c) In complying with the groundwater recharge requirements in Subsection E(3)(a)[2], the design engineer shall:
 - [1] Calculate stormwater runoff volumes in accordance with the USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Runoff Curve Numbers, as described in the NRCS National Engineering Handbook Part 630 - Hydrology and Technical Release 55 - Urban Hydrology for Small Watersheds as amended and supplemented; and
 - [2] Use appropriate two-year, twenty-four-hour rainfall depths as developed for the project site by the National Oceanic and Atmospheric Administration, available online at <http://hdsc.nws.noaa.gov/hdsc/pfds/index.html>.
 - (d) When calculating groundwater recharge or stormwater runoff for predeveloped site conditions, the design engineer shall use the criteria from Subsection D(1)(e)[1] through [3].
- E. Stormwater management performance standards for major development.
 - (1) Nonstructural stormwater management strategies.
 - (a) To the maximum extent practicable, the performance standards in Subsection E for major development shall be met by incorporating the nine nonstructural strategies identified in Subchapter 5 of the NJ Stormwater Management Rules (N.J.A.C. 7:8-5), and set forth in Subsection C(3)(d)(1), into the design.
 - (b) If the applicant contends that it is not practical for engineering, environmental or safety reasons to incorporate any of the nine nonstructural strategies into the design of a particular project, the applicant shall provide a detailed rationale establishing a basis for the contention that use of the strategy is not practical on the site. This rationale shall be submitted in accordance with the checklist requirements established by Subsection C to Manchester Township. A determination by Manchester Township that this rationale is

inadequate or without merit shall result in a denial of the application unless one of the following conditions are met:

- [1] The Land Use Planning and Source Control Plan is amended to include a description of how all nine nonstructural measures will be implemented on the development site, and the amended plan is approved by Manchester Township;
 - [2] The Land Use Planning and Source Control Plan is amended to provide an alternative nonstructural strategy or measure that is not included in the list of nine nonstructural measures, but still meets the performance standards in Subsection E, and the amended Plan is approved by Manchester Township; or
 - [3] The Land Use Planning and Source Control Plan is amended to provide an adequate rationale for the contention that use of the particular strategy is not practical on the site, and the amended Plan is approved by Manchester Township.
- (c) In addition to all other requirements of this section, each applicant shall demonstrate that, at a minimum, existing trees and vegetation on the development site will be preserved, protected and maintained according to the minimum standards established by provisions of the Manchester Township Land Use Ordinance, Zoning Ordinance or by conditions of zoning or variance approval. Existing trees and vegetation shall be protected during construction activities in accordance with the Standard for Tree Protection During Construction provided in the NJ State Soil Conservation Committee Standards for Soil Erosion and Sediment Control in New Jersey, which is incorporated herein by reference, as amended and supplemented.
- (d) In addition to all other requirements of this section, each application for major development, and any other application where Manchester Township otherwise requires a landscaping plan, shall contain a landscaping or revegetation plan in accordance with the Pinelands CMP standards at N.J.A.C. 7:50-6.24(c).
- (e) Any land area used as a nonstructural stormwater management measure to meet the performance standards in Subsection E shall be dedicated to a government entity; shall be subjected to a conservation easement filed with the appropriate County Clerk's office; or shall be subjected to an equivalent form of restriction approved by Manchester Township that ensures that that measure, or equivalent

stormwater management measure is maintained in perpetuity, as detailed in Subsection G of this section.

- (f) The use of nonstructural strategies to meet the performance standards in Subsection E of this section is not required for major development creating less than one acre of disturbance. However, the following requirements shall be met:

- [1] Each application for major development and any other application where Manchester Township otherwise requires a landscaping plan shall contain a landscaping or revegetation plan prepared in accordance with the Pinelands CMP standards [N.J.A.C. 7:50-6.24(c)];
- [2] Each applicant shall demonstrate that, at a minimum, existing trees and vegetation on the development site will be preserved and protected according to the minimum standards established by provisions of the Manchester Township Land Use Ordinance, Zoning Ordinance or by conditions of zoning or variance approval; and
- [3] Existing trees and vegetation shall be protected during construction activities in accordance with the Standard for Tree Protection During Construction provided in the NJ State Soil Conservation Committee Standards for Soil Erosion and Sediment Control in New Jersey, which is incorporated herein by reference as amended and supplemented.

(2) Stormwater runoff quantity and rate standards.

- (a) There shall be no direct discharge of stormwater runoff from any point or nonpoint source to any wetland, wetlands transition area or surface water body. In addition, stormwater runoff shall not be directed in such a way as to increase the volume and/or rate of discharge into any surface water body from that which existed prior to development of the site.
- (b) To the maximum extent practical, there shall be no direct discharge of stormwater runoff onto farm fields so as to protect farm crops from damage due to flooding, erosion and long-term saturation of cultivated crops and cropland.
- (c) For all major developments, the total runoff volume generated from the net increase in impervious surfaces by a ten-year, twenty-four-hour storm shall be retained and infiltrated on-site.
- (d) In addition, the design engineer, using the assumptions and factors for stormwater runoff and groundwater recharge calculations contained in Subsection D, shall either:

- [1] Demonstrate through hydrologic and hydraulic analysis that the postdeveloped stormwater runoff hydrographs from the project site for the two-, ten-, and one-hundred-year storms do not exceed, at any point in time, the site's predeveloped runoff hydrographs for the same storms;
 - [2] Demonstrate through hydrologic and hydraulic analysis that under postdeveloped site conditions:
 - [a] There is no increase in predeveloped stormwater runoff rates from the project site for the two-, ten-, and one-hundred-year storms; and
 - [b] Any increased stormwater runoff volume or change in stormwater runoff timing for the two-, ten-, and one-hundred-year storms will not increase flood damage at or downstream of the project site. When performing this analysis for predeveloped site conditions, all off-site development levels shall reflect existing conditions. When performing this analysis for postdeveloped site conditions, all off-site development levels shall reflect full development in accordance with current zoning and land use ordinances; or
 - [3] Demonstrate that the peak postdeveloped stormwater runoff rates from the project site for the two-, ten-, and one-hundred-year storms are 50%, 75% and 80%, respectively, of the site's peak predeveloped stormwater runoff rates for the same storms. Peak outflow rates from on-site stormwater measures for these storms shall be adjusted where necessary to account for the discharge of increased stormwater runoff rates and/or volumes from project site areas not controlled by the on-site measures. These percentages do not have to be applied to those portions of the project site that are not proposed for development at the time of application, provided that such areas are:
 - [a] Protected from future development by imposition of a conservation easement, deed restriction, or other acceptable legal measures; or
 - [b] Would be subject to review under these standards if they are proposed for any degree of development in the future.
- (e) In tidal flood hazard areas, a stormwater runoff quantity analysis in accordance with Subsection E(2)(d)[1], [2], and [3] above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

- (f) The standards for stormwater runoff quantity and rate required by this section shall be met using the methods, calculations and assumptions provided in Subsection D.
- (3) Groundwater recharge standards.
 - (a) For all major developments, the design engineer, using the assumptions and factors for stormwater runoff and groundwater recharge calculations contained in Subsection D, shall either:
 - [1] Demonstrate through hydrologic and hydraulic analysis that the postdeveloped project site maintains 100% of the site's predeveloped average annual groundwater recharge volume; or
 - [2] Demonstrate through hydrologic and hydraulic analysis that any increase in the project site's stormwater runoff volume for the two-year, twenty-four-hour storm from predeveloped to postdeveloped conditions is infiltrated on-site.
 - (b) The design engineer shall assess the hydraulic impact on the groundwater table and design the project site and all site groundwater recharge measures so as to avoid adverse hydraulic impacts. Adverse hydraulic impacts include, but are not limited to, raising the groundwater table so as to cause surface ponding; flooding of basements and other subsurface structures and areas; preventing a stormwater infiltration basin from completely draining via infiltration within 72 hours of a design storm event; and interference with the proper operation of subsurface sewage disposal systems and other surface and subsurface facilities in the vicinity of the groundwater recharge measure.
 - (c) The standards for groundwater recharge required by this section shall be met using the methods, calculations and assumptions provided in Subsection D.
 - (d) Exceptions.
 - [1] The preceding groundwater recharge standards shall not apply to sites that create less than one acre of disturbance.
- (4) Erosion control standards. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and its implementing regulations, N.J.A.C. 2:90-1.1 through 1.4.
- (5) Stormwater runoff quality standards.

- (a) There shall be no direct discharge of stormwater runoff from any point or nonpoint source to any wetland, wetland transition area or surface water body.
- (b) Stormwater management measures shall be designed to reduce the total suspended solids (TSS) load in the stormwater runoff from the postdeveloped site by 80% expressed as an annual average.
- (c) Stormwater management measures shall also be designed to reduce the nutrient load in the stormwater runoff from the postdeveloped site by the maximum extent practicable. In achieving this reduction, the design of the development site shall include nonstructural and structural stormwater management measures that optimize nutrient removal while still achieving the groundwater recharge, runoff quantity and rate, and TSS removal standards in this section.
- (d) The standards for stormwater runoff quality required by this section shall be met using the methods, calculations, assumptions and pollutant removal rates provided in Subsection D.
- (e) Exceptions.
 - [1] The preceding stormwater runoff quality standards shall not apply to the following major development sites:
 - [a] Major development sites where less than 0.25 acre of additional impervious surface is proposed; or
 - [b] Major residential development sites that create less than one acre of disturbance.
 - [2] The TSS reduction requirement in Subsection E(6)(b) shall not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the NJPDES rules (N.J.A.C. 7:14A) or in a discharge specifically exempt under a NJPDES permit from this requirement.
 - [3] The stormwater runoff quantity and rate standards in Subsection E(2) shall still be met for all major development sites.
- (6) Additional stormwater quality standards for high pollutant loading areas and areas where stormwater runoff is exposed to source material.
 - (a) This subsection applies to the following areas of a major development as defined in Subsection H of this section:
 - [1] High pollutant loading areas (HPLAs); and

- [2] Areas where stormwater is exposed to source material.
- (b) For a major development in areas described in Subsection E(6)(a)[1] or [b] above, in addition to the infiltration requirements specified in Subsection E(1)(b) and the groundwater recharge requirements specified in Subsection E(3), the applicant shall demonstrate in the Land Use Planning and Source Control Plan required in Subsection C(3)(d) that the following requirements have been met:
- [1] The extent of the areas described in Subsection E(6)(a)[1] and [b] above have been minimized on the development site to the maximum extent practicable;
 - [2] The stormwater runoff from the areas described in Subsection E(6)(a)[1] and [b] above is segregated to the maximum extent practicable from the stormwater runoff generated from the remainder of the site such that co-mingling of the stormwater runoff from the areas described in Subsection E(6)(a)[1] and [b] above and the remainder of the site will be minimized;
 - [3] The amount of precipitation falling directly on the areas described in Subsection E(6)(a)[1] and [b] above is minimized to the maximum extent practicable by means of a canopy, roof or other similar structure that reduces the generation of stormwater runoff; and
 - [4] The stormwater runoff from or co-mingled with the areas described in Subsection E(6)(a)[1] and [b] above for the water quality design storm, defined in Subsection D(2), Table 1, shall be subject to pretreatment by one or more of the following stormwater BMPs, designed in accordance with the New Jersey BMP Manual to provide ninety-percent TSS removal:
 - [a] Bioretention system;
 - [b] Sand filter,
 - [c] Wet ponds which shall be hydraulically disconnected by a minimum of two feet of vertical separation from the seasonal high water table and shall be designed to achieve a minimum eighty-percent TSS removal rate;
 - [d] Constructed stormwater wetlands; and/or
 - [e] Media filtration system manufactured treatment device with a minimum eighty-percent TSS removal as verified by the New Jersey Corporation for Advanced Technology and as certified by NJDEP.

- [5] If the potential for contamination of stormwater runoff by petroleum products exists on-site, prior to being conveyed to the pretreatment BMP required in Subsection E(6)(b)[4] above, the stormwater runoff from the areas described in Subsection E(6)(a)[1] and [b] above shall be conveyed through an oil/grease separator or other equivalent manufactured filtering device to remove the petroleum hydrocarbons. The applicant shall provide the reviewing agency with sufficient data to demonstrate acceptable performance of the device.
- (7) Threatened and endangered species and associated habitat standards. Stormwater management measures shall address the impacts of the development on habitat for threatened and endangered species, in accordance with N.J.A.C. 7:8-5.2(c), N.J.A.C. 7:50-6.27, and 7:50-6.33 and 34.
- (8) Exceptions and mitigation requirements.
 - (a) Exceptions from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements established by this section may be granted, at the discretion of Manchester Township, and subject to approval by the Pinelands Commission, provided that all of the following conditions are met:
 - [1] The exception is consistent with that allowed by Manchester Township;
 - [2] Manchester Township has an adopted and effective municipal stormwater management plan in accordance with N.J.A.C. 7:8-4.4, which includes a mitigation plan in accordance with N.J.A.C. 7:8-4.2(c)11, and is also certified by the Pinelands Commission.
 - [3] The applicant demonstrates that mitigation, in addition to the requirements of mitigation plan discussed in Subsection E(8)(a)[2] above, will be provided consistent with one of the following options:
 - [a] Mitigation may be provided off-site, but within the Pinelands Area and within the same drainage area as the development site, and shall meet or exceed the equivalent recharge, quality or quantity performance standard which is lacking on the development site due to the exception; or
 - [b] In lieu of the required mitigation, a monetary "in-lieu contribution" may be provided by the applicant to Manchester Township in accordance with the following:

- [i] The amount of the in-lieu contribution shall be determined by Manchester Township, but the maximum in-lieu contribution required shall be equivalent to the cost of implementing and maintaining the stormwater management measure(s) for which the exception is granted;
 - [ii] The in-lieu contribution shall be used to fund an off-site stormwater control mitigation project(s) located within the Pinelands Area, within the same drainage area as the development site, and shall meet or exceed the equivalent recharge, quality or quantity performance standards which are lacking on the development site. Such mitigation project shall be identified by Manchester Township in Manchester Township's adopted municipal stormwater management plan. The stormwater control project to which the monetary contribution will be applied shall be identified by Manchester Township at the time the exception is granted. The applicant shall amend the project description and site plan required in Subsection C(3)(c) to incorporate a description of both the standards for which an on-site exception is being granted and of the selected off-site mitigation project;
 - [iii] Manchester Township shall expend the in-lieu contribution to implement the selected off-site mitigation project within five years from the date that payment is received. Should Manchester Township fail to expend the in-lieu contribution within the required time frame, the mitigation option provided in Subsection E(8)(a)[3][ii] of this section shall be void and Manchester Township shall be prohibited from collecting in-lieu contributions.
 - (b) An exception from strict compliance granted in accordance with Subsection E(8)(a) above shall not constitute a waiver of strict compliance from the requirements of the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50. An applicant should contact the Pinelands Commission to determine whether a waiver of strict compliance is also required in accordance with N.J.A.C. 7:50, Subchapter 4, Part V.
- F. Design, construction, and safety standards for structural stormwater management measures.
- (1) General design and construction standards.

- (a) The following structural stormwater management measures may be utilized as part of a stormwater management system at a major land development in the Pinelands, provided that the applicant demonstrates that they are designed, constructed and maintained so as to meet the standards and requirements established by this section. If alternative stormwater management measures are proposed, the applicant shall demonstrate that the selected measures will achieve the standards established by this section.
 - [1] Bioretention systems;
 - [2] Constructed stormwater wetlands;
 - [3] Extended detention basins;
 - [4] Infiltration basins;
 - [5] Vegetated filter strips;
 - [6] Infiltration basins and trenches;
 - [7] Wet ponds with suitable liners;
 - [8] Pervious paving systems; and
 - [9] Manufactured treatment devices, provided their pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the NJDEP.
- (b) Structural stormwater management measures shall be designed to take into account the existing site conditions, including environmentally critical areas, wetlands, flood-prone areas, slopes, depth to seasonal high water table, soil type, permeability and texture, and drainage area and drainage patterns.
- (c) Structural stormwater management measures shall be designed and constructed to be strong, durable, and corrosion-resistant (measures that are consistent with the relevant portions of the residential site improvement standards at N.J.A.C. 5:21-7.3, 7.4, and 7.8 shall be deemed to meet this requirement); to minimize and facilitate maintenance and repairs; and to ensure proper functioning.
- (d) For all stormwater management measures at a development site, each applicant shall submit a detailed inspection, maintenance and repair plan consistent with the requirements of Subsection F of this section.
- (e) To the maximum extent practicable, the design engineer shall design structural stormwater management measures on the development site in a manner that:

- [1] Limits site disturbance, maximizes stormwater management efficiencies, and maintains or improves aesthetic conditions;
 - [2] Utilizes multiple stormwater management measures, smaller in size and distributed spatially throughout the land development site, instead of a single larger structural stormwater management measure;
 - [3] Incorporates pretreatment measures. Pretreatment can extend the functional life and increase the pollutant removal capability of a structural stormwater management measure.
- (f) Stormwater management basins shall be designed in a manner that complements and mimics the existing natural landscape, including but not limited to the following design strategies:
 - [1] Use of natural, nonwetland wooded depressions for stormwater runoff storage; and
 - [2] Establishment of attractive landscaping in and around the basin that mimics the existing vegetation and incorporates native Pinelands plants, including but not limited to the species listed in N.J.A.C. 7:50-6.25 and 6.26.
- (g) The maximum allowable basin side slope shall be three horizontal to one vertical (3:1).
- (h) After all construction activities and required field testing have been completed on the development site, as-built plans depicting design and as-built elevations of all stormwater management measures shall be prepared by a Licensed Land Surveyor and submitted to the Municipal Engineer. Based upon the Municipal Engineer's review of the as-built plans, all corrections or remedial actions deemed by the Municipal Engineer to be necessary due to the failure to comply with the standards established by this section and/or any reasons of public health or safety shall be completed by the applicant. The applicant shall pay all costs associated with such review.
- (2) Design and construction standards for stormwater infiltration BMPs.
 - (a) Stormwater infiltration BMPs, such as bioretention systems with infiltration, dry wells, infiltration basins, pervious paving systems with storage beds, and sand filters with infiltration, shall be designed, constructed and maintained to completely drain the total runoff volume generated by the basin's maximum design storm within 72 hours after a storm event.

- (b) Stormwater infiltration BMPs shall be designed, constructed and maintained to provide a minimum separation of at least two feet between the elevation of the lowest point of the bottom of the infiltration BMP and the seasonal high water table.
- (c) A stormwater infiltration BMP shall be sited in suitable soils verified by field testing to have permeability rates between one inch and 20 inches per hour. If such site soils do not exist or if the design engineer demonstrates that it is not practical for engineering, environmental or safety reasons to site the stormwater infiltration BMP(s) in such soils, then the stormwater infiltration BMP(s) may be sited in soils verified by field testing to have permeability rates in excess of 20 inches per hour, provided that a bioretention system, designed, installed and maintained in accordance with the New Jersey BMP Manual, is installed to meet one of the following conditions:
 - [1] The bioretention system is constructed as a separate measure designed to provide pretreatment of stormwater and to convey the pretreated stormwater into the infiltration BMP; or
 - [2] The bioretention system is integrated into and made part of the infiltration BMP and, as such, does not require an underdrain system. If this option is selected, the infiltration BMP shall be designed and constructed so that the maximum water depth in the bioretention system portion of the BMP during treatment of the stormwater quality design storm is 12 inches in accordance with the New Jersey BMP Manual.
- (d) The minimum design permeability rate for the soil within a BMP that relies on infiltration shall be 0.5 inch per hour. A factor of safety of two shall be applied to the soil's field-tested permeability rate to determine the soil's design permeability rate. The minimum design permeability rate for the soil within a stormwater infiltration basin shall also be sufficient to achieve the minimum seventy-two-hour drain time described in Subsection F(2)(a) above. The maximum design permeability shall be 10 inches per hour.
- (e) A soil's field tested permeability rate shall be determined in accordance with the following:
 - [1] The predevelopment field test permeability rate shall be determined according to the methodologies provided in Subsection H(3)(b) of this section;

- [2] The results of the required field permeability tests shall demonstrate a minimum tested infiltration rate of one inch per hour;
 - [3] After all construction activities have been completed on the site and the finished grade has been established in the infiltration BMP, postdevelopment field permeability tests shall also be conducted according to the methodologies provided in Subsection H(3)(b) of this section;
 - [4] If the results of the postdevelopment field permeability tests fail to achieve the minimum required design permeability rates in five above utilizing a factor of safety of two, the stormwater infiltration BMP shall be renovated and retested until such minimum required design permeability rates are achieved; and
 - [5] The results of all field permeability tests shall be certified by a professional engineer and transmitted to the Municipal Engineer.
- (f) To help ensure maintenance of the design permeability rate over time, a six-inch layer of K5 soil shall be placed on the bottom of a stormwater infiltration BMP. This soil layer shall meet the textural and permeability specifications of a K5 soil as provided at N.J.A.C. 7:9A, Appendix A, Figure 6, and be certified to meet these specifications by a professional engineer licensed in the State of New Jersey. The depth to the seasonal high water table shall be measured from the bottom of the K5 sand layer.
- (g) The design engineer shall assess the hydraulic impact on the groundwater table and design the project site and all stormwater infiltration basins so as to avoid adverse hydraulic impacts. Adverse hydraulic impacts include, but are not limited to raising the groundwater table so as to cause surface ponding; flooding of basements and other subsurface structures and areas; preventing a stormwater infiltration basin from completely draining via infiltration within 72 hours of a design storm event; and interference with the proper operation of subsurface sewage disposal systems and other surface and subsurface structures in the vicinity of the stormwater infiltration basin.
- (h) The design engineer shall conduct a mounding analysis, as defined in Subsection H, of all stormwater infiltration BMPs. The mounding analysis shall be conducted in accordance with the requirements in Section H(3)(b)[12]. Where the mounding analysis identifies adverse impacts, the stormwater infiltration BMP shall be redesigned or relocated, as appropriate.

- (i) Stormwater infiltration BMPs shall be constructed in accordance with the following:

- [1] To avoid sedimentation that may result in clogging and reduce the basin's permeability rate, stormwater infiltration basins shall be constructed according to the following:

- [a] Unless the conditions in Subsection F(2)(i)[1][b] below are met, a stormwater infiltration basin shall not be placed into operation until its drainage area is completely stabilized. Instead, upstream runoff shall be diverted around the basin and into separate, temporary stormwater management facilities and sediment basins. Such temporary facilities and basins shall be installed and utilized for stormwater management and sediment control until stabilization is achieved in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey, which is incorporated herein by reference as amended and supplemented.

- [b] If the design engineer determines that, for engineering, environmental or safety reasons, temporary stormwater management facilities and sediment basins cannot be constructed on the site, the stormwater infiltration basin may be placed into operation prior to the complete stabilization of its drainage area, provided that the basin's bottom during this period is constructed at a depth at least two feet higher than its final design elevation. All other infiltration BMP construction requirements in this section shall be followed. When the drainage area is completely stabilized, all accumulated sediment shall be removed from the infiltration BMP, which shall then be excavated to its final design elevation in accordance with the construction requirements of this section and the performance standards in Subsection E.

- [2] To avoid compaction of subgrade soils of BMPs that rely on infiltration, no heavy equipment shall be permitted to operate within the footprint of the BMP. All excavation required to construct a stormwater infiltration BMP shall be performed by equipment placed outside the BMP. If this is not possible, the soils within the excavated area shall be renovated and tilled after construction is completed. In addition, postdevelopment soil permeability testing shall be performed in accordance with Subsection F(2)(e) of this section.

- [3] Earthwork associated with stormwater infiltration BMP construction, including excavation, grading, cutting or filling, shall not be performed when soil moisture content is above the lower plastic limit.

(3) Safety standards for structural stormwater management measures.

- (a) If a structural stormwater management measure has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide readily accessible means of ingress and egress from the outlet structure.

- (b) Trash racks shall be installed upstream of such outlet structure openings as necessary to ensure proper functioning of the structural stormwater management measure in accordance with the following:

- [1] The trash rack should be constructed primarily of bars aligned in the direction of flow with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the bars shall be spaced no greater than $\frac{1}{3}$ the width of the hydraulic opening it is protecting or six inches, whichever is less. Transverse bars aligned perpendicular to flow should be sized and spaced as necessary for rack stability and strength.

- [2] The trash rack shall not adversely affect the hydraulic performance of either the outlet structure opening it is protecting or the overall outlet structure.

- [3] The trash rack shall have sufficient net open area under clean conditions to limit the peak design storm velocity through it to a maximum of 2.5 feet per second.

- [4] The trash rack shall be constructed and installed to be rigid, durable, and corrosion-resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

- (c) If an outlet structure has an overflow grate, such grate shall meet the following requirements:

- [1] The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance;

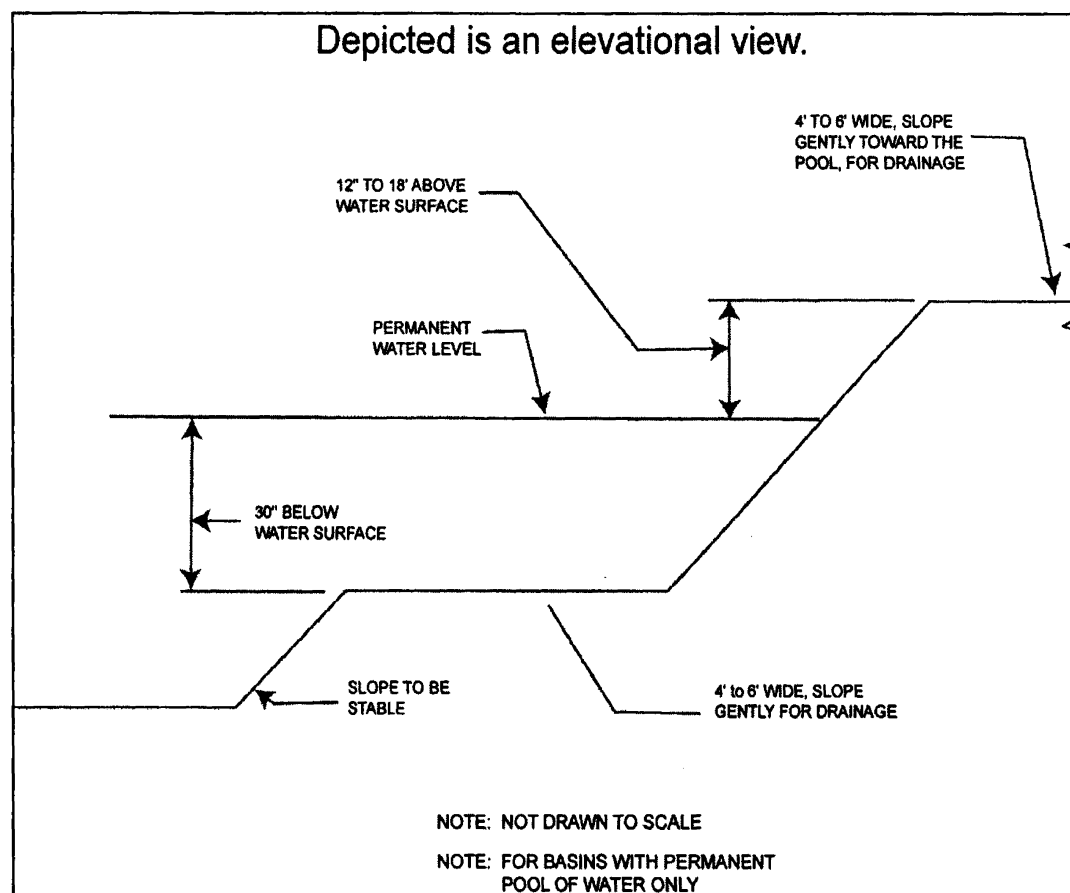
- [2] The overflow grate spacing shall be no more than two inches across the smallest dimension; and

- [3] The overflow grate shall be constructed and installed to be rigid, durable, and corrosion-resistant, and shall be

designed to withstand a perpendicular live loading of 300 pounds per square foot.

- (d) The maximum side slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical (3:1).
- (e) Safety ledges shall be constructed on the slopes of all new structural stormwater management measures having a permanent pool of water deeper than 2 1/2 feet. Such safety ledges shall be comprised of two steps. Each step shall be four feet to six feet in width. One step shall be located approximately 2 1/2 feet below the permanent water surface, and the second step shall be located one foot to 1 1/2 feet above the permanent water surface. See Subsection F(3)(e)[1] below for an illustration of safety ledges in a stormwater management basin.

[1] Illustration of safety ledges.



Source: N.J.A.C. 7:8-6, Appendix A.

G. Inspection, maintenance and repair of stormwater management measures.

- (1) Applicability. Projects subject to review pursuant to Subsection A(3) of this section shall comply with the requirements of Subsection G(2) and (3) below.
- (2) General inspection, maintenance and repair plan.
 - (a) The design engineer shall prepare an inspection, maintenance and repair plan for the stormwater management measures, including both structural and nonstructural measures incorporated into the design of a major development. This plan shall be submitted as part of the checklist requirements established in Subsection C(3).
 - (b) The inspection, maintenance and repair plan shall contain the following:
 - [1] Accurate and comprehensive drawings of the site's stormwater management measures;
 - [2] Specific locations of each stormwater management measure identified by means of longitude and latitude as well as block and lot number;
 - [3] Specific preventative and corrective maintenance tasks and schedules for such tasks for each stormwater BMP;
 - [4] Cost estimates, including estimated cost of sediment, debris or trash removal; and
 - [5] The name, address and telephone number of the person or persons responsible for regular inspections and preventative and corrective maintenance (including repair and replacement). If the responsible person or persons is a corporation, company, partnership, firm, association, municipality or political subdivision of this state, the name and telephone number of an appropriate contact person shall also be included.
 - (c) The person responsible for inspection, maintenance and repair identified under Subsection G(2)(b) above shall maintain a detailed log of all preventative and corrective maintenance performed for the site's stormwater management measures, including a record of all inspections and copies of all maintenance-related work orders in the inspection, maintenance and repair plan. Said records and inspection reports shall be retained for a minimum of five years.
 - (d) If the inspection, maintenance and repair plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for

inspection and maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management measure to such person under an applicable ordinance or regulation.

- (e) If the person responsible for inspection, maintenance and repair identified under Subsection G(2)(b) above is not a public agency, the maintenance plan and any future revisions based on Subsection G(2)(f) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan shall be undertaken.
 - (f) The person responsible for inspection, maintenance and repair identified under Subsection G(2)(b) above shall evaluate the effectiveness of the inspection, maintenance and repair plan at least once per year and update the plan and the deed as needed.
 - (g) The person responsible for inspection, maintenance and repair identified under Subsection G(2)(b) above shall submit the updated inspection, maintenance and repair plan and the documentation required by Subsection G(2)(b) and (c) above to Manchester Township once per year.
 - (h) The person responsible for inspection, maintenance and repair identified under Subsection G(2)(b) above shall retain and make available, upon request by any public entity with administrative, health, environmental or safety authority over the site the inspection, maintenance and repair plan and the documentation required by Subsection G(2)(b) and (c) above.
- (3) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including but not limited to repairs or replacement to any associated appurtenance of the measure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; repair or replacement of linings; and restoration of infiltration function.
 - (4) Stormwater management measure easements shall be provided by the property owner as necessary for facility inspections and maintenance and preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities. The purpose of the easement shall be specified in the maintenance agreement.
 - (5) In the event that the stormwater management measure becomes a public health nuisance or danger to public safety or public health, or if it is in need of maintenance or repair, Manchester Township shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved

by the Municipal Engineer or the Municipal Engineer's designee. Manchester Township, at its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair within the allowable time, Manchester Township may immediately proceed to do so with its own forces and equipment and/or through contractors. The costs and expenses of such maintenance and repair by Manchester Township shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the maintenance and repair was performed.

- (6) Requirements for inspection, maintenance and repair of stormwater BMPs that rely on infiltration. If a stormwater infiltration BMP is incorporated into the design of a major development, the applicant shall include the following requirements in its inspection, maintenance and repair plan:
 - (a) Once per month (if needed): mow side slopes, remove litter and debris, stabilize eroded banks, repair erosion at inflow structure(s);
 - (b) After every storm exceeding one inch of rainfall: Ensure that infiltration BMPs drain completely within 72 hours after the storm event. If stored water fails to infiltrate 72 hours after the end of the storm, corrective measures shall be taken. Raking or tilling by light equipment can assist in maintaining infiltration capacity and break up clogged surfaces;
 - (c) Four times per year (quarterly): Inspect stormwater infiltration BMPs for clogging and excessive debris and sediment accumulation within the BMP, remove sediment (if needed) when completely dry;
 - (d) Two times per year: Inspect for signs of damage to structures, repair eroded areas, check for signs of petroleum contamination and remediate;
 - (e) Once per year: Inspect BMPs for unwanted tree growth and remove, if necessary, disc or otherwise aerate bottom of infiltration basin to a minimum depth of six inches; and
 - (f) After every storm exceeding one inch of rainfall, inspect and, if necessary, remove and replace K5 sand layer and accumulated sediment, to restore original infiltration rate.
- (7) Financing of inspection, maintenance and repair of stormwater BMPs. An adequate means of ensuring permanent financing of the inspection, maintenance and repair of stormwater BMPs shall be implemented and detailed in the inspection, maintenance and repair plan. Permanent financing shall be accomplished by:

- (a) The assumption of the inspection and maintenance program by a municipality, county, public utility, private owner or homeowner's association.
- (b) The required payment of fees to a municipal stormwater fund in an amount equivalent to the cost of both ongoing maintenance activities and necessary structural replacements. The amount necessary to permanently maintain the facility shall be calculated by the Township Engineer as follows:
 - [1] Surface stormwater management systems (detention or retention basins). The amount of the maintenance fee shall be the annual maintenance cost per acre multiplied by the twenty-five-year maintenance period multiplied by the maintenance area in acres. The maintenance area of the stormwater management basin shall be defined to be the area included within a line drawn around the top of the bank of the basin, plus an additional 25 feet outward from the top of the bank. The annual maintenance cost per acre shall be \$1,281.25. The minimum contribution, regardless of the size of the basin, will be \$12,500.
 - [2] Subsurface infiltration systems: The amount of the maintenance fee shall be determined as follows: \$1.25 per linear foot of the infiltration system per year for maintenance multiplied by a twenty-five-year period, plus twice the cost of the subsurface infiltration system (not including structures). The replacement cost shall be the amount of the performance guaranties for the subsurface infiltration system, plus the amount of \$34.50 per linear foot for road repair for any portion of the roadway disturbed by such replacement determined by the Township Engineer. The minimum fee, regardless of the length of infiltration system, shall be \$12,500.
 - [3] Combination systems. The required fee shall be based on a combined total of the above.

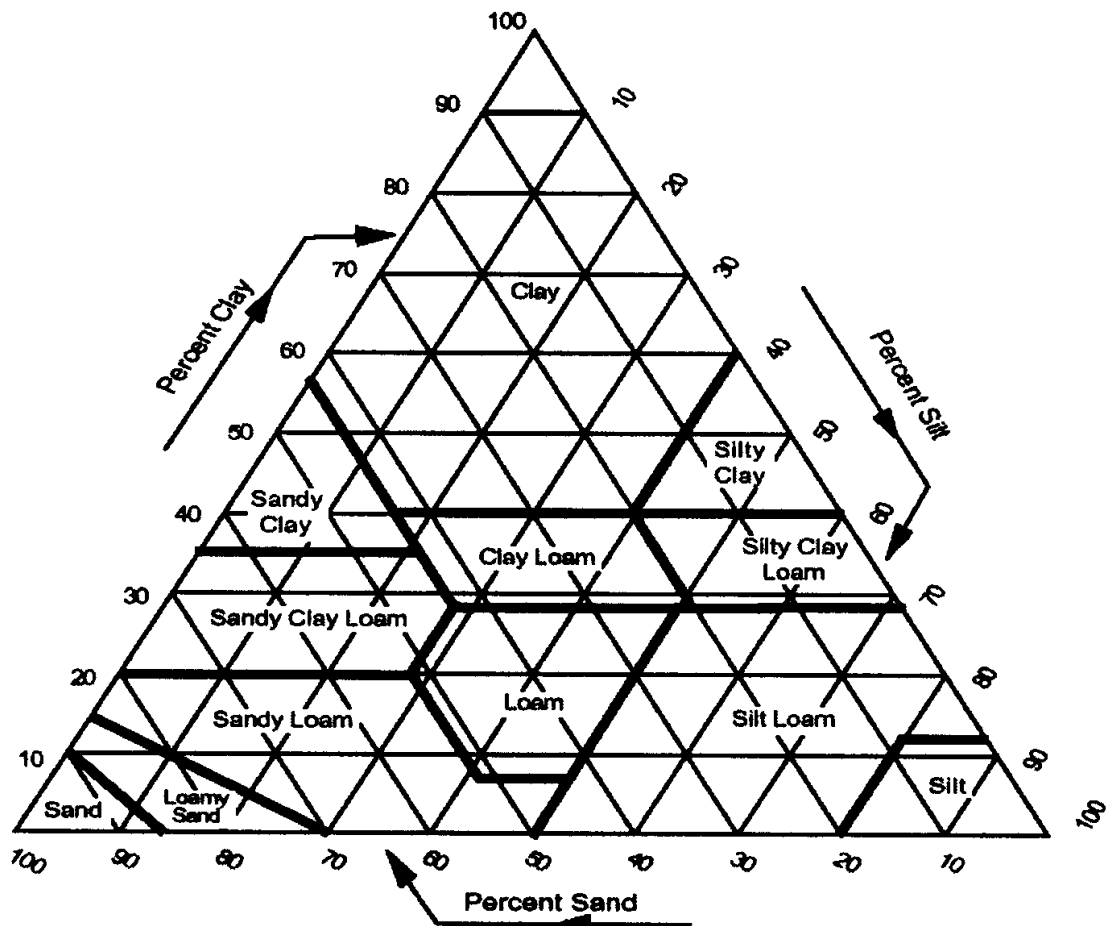
H. Appendixes.

- (1) Methods for calculating groundwater recharge.
 - (a) The New Jersey Geological Survey Report GSR-32: A Method for Evaluating Groundwater Recharge Areas in New Jersey. Available at <http://www.njgeology.org/geodata/dgs99-2.htm>.
 - (b) The New Jersey Groundwater Recharge Spreadsheet (NJGRS). Available in the New Jersey BMP Manual, Chapter 6, at http://www.njstormwater.org/bmp_manual2.htm.
- (2) NJDEP Nonstructural Strategies Point System. The New Jersey Stormwater Management Rules at N.J.A.C.7:8-5.2(a), and

Subsection E(1) of this section, require nonstructural stormwater management strategies to be incorporated into the site design of a major development. A total of nine strategies are to be used to the maximum extent practical to meet the groundwater recharge, stormwater quality and stormwater quantity requirements of the rules prior to utilizing structural stormwater management measures. The New Jersey Nonstructural Stormwater Management Strategies Point System (NSPS) provides a tool to assist planners, designers and regulators in determining that the strategies have been used to the maximum extent practical at a major development as required by the Rules. Refer online to <http://www.njstormwater.org> for information on the NSPS.

(3) Soils.

(a) USDA Soil Textural Triangle.



Source: U.S. Department of Agriculture

(b) Methods for assessing soil suitability for infiltration stormwater management BMPs. The results of a subsurface

investigation shall serve as the basis for the site selection and design of stormwater infiltration BMPs. The subsurface investigation shall include, but not be limited to, a series of soil test pits and soil permeability tests conducted in accordance with the following:

- [1] All soil test pits and soil permeability results shall be performed under the direct supervision of a professional engineer. All soil logs and permeability test data shall be accompanied by a certification by a professional engineer. The results and location (horizontal and vertical) of all soil test pits and soil permeability tests, both passing and failing, shall be reported to Manchester Township.
- [2] During all subsurface investigations and soil test procedures, adequate safety measures shall be taken to prohibit unauthorized access to the excavations at all times. It is the responsibility of persons performing or witnessing subsurface investigations and soil permeability tests to comply with all applicable federal, state and local laws and regulations governing occupational safety.
- [3] A minimum of two soil test pits shall be excavated within the footprint of any proposed infiltration BMP to determine the suitability and distribution of soil types present at the site. Placement of the test pits shall be within 20 feet of the basin perimeter, located along the longest axis bisecting the BMP. For BMPs larger than 10,000 square feet in area, a minimum of one additional soil test pit shall be conducted within each additional area of 10,000 square feet. The additional test pit(s) shall be placed approximately equidistant to other test pits, so as to provide adequate characterization of the subsurface material. In all cases, where soil and or groundwater properties vary significantly, additional test pits shall be excavated in order to accurately characterize the subsurface conditions below the proposed infiltration BMP. Soil test pits shall extend to a minimum depth of eight feet below the lowest elevation of the basin bottom or to a depth that is at least two times the maximum potential water depth in the proposed infiltration BMP, whichever is greater.
- [4] A soil test pit log shall be prepared for each soil test pit. The test pit log shall, at a minimum, provide the elevation of the existing ground surface, the depth and thickness (in inches) of each soil horizon or substratum, the dominant matrix or background and mottle colors using the Munsell system of classification for hue, value and chroma, the appropriate textural class as shown on the USDA textural triangle, the volume percentage of coarse fragments

(larger than two millimeters in diameter), the abundance, size, and contrast of mottles, the soil structure, soil consistence, and soil moisture condition, using standard USDA classification terminology for each of these soil properties. Soil test pit logs shall identify the presence of any soil horizon, substratum or other feature that exhibits an in-place permeability rate less than one inch per hour.

- [5] Each soil test pit log shall report the depth to seasonally high water level, either perched or regional, and the static water level based upon the presence of soil mottles or other redoximorphic features, and observed seepage or saturation. Where redoximorphic features, including soil mottles resulting from soil saturation, are present, they shall be interpreted to represent the depth to the seasonal high water table unless soil saturation or seepage is observed at a higher level. When the determination of the seasonally high water table shall be made in ground previously disturbed by excavation, direct observation of the static water table during the months of January through April shall be the only method permitted.
- [6] Any soil horizon or substratum which exists immediately below a perched zone of saturation shall be deemed by rule to exhibit unacceptable permeability (less than one inch per hour). The perched zone of saturation may be observed directly, inferred based upon soil morphology, or confirmed by performance of a hydraulic head test as defined at N.J.A.C. 7:9A-5.9.
- [7] Stormwater infiltration BMPs shall not be installed in soils that exhibit artesian groundwater conditions. A permeability test shall be conducted in all soils that immediately underlie a perched zone of saturation. Any zone of saturation which is present below a soil horizon which exhibits an in-place permeability of less than 0.2 inch per hour shall be considered an artesian zone of saturation unless a minimum one-foot thick zone of unsaturated soil, free of mottling or other redoximorphic features and possessing a chroma of four or higher, exists immediately below the unsuitable soil.
- [8] A minimum of one permeability test shall be performed at each soil test pit location. The soil permeability rate shall be determined using test methodology as prescribed in N.J.A.C.7:9A-6.2 (tube permeameter test), 6.5 (pit bailing test) or 6.6 (piezometer test). When the tube permeameter test is used, a minimum of two replicate samples shall be taken and tested. Alternative permeability test procedures may be accepted by the approving authority, provided the test procedure attains saturation of surrounding soils,

accounts for hydraulic head effects on infiltration rates, provides a permeability rate with units expressed in inches per hour and is accompanied by a published source reference. Examples of suitable sources include hydrogeology, geotechnical or engineering text and design manuals, proceedings of American Society for Testing and Materials (ASTM) symposia, or peer-review journals. Neither a soil permeability class rating test, as described in N.J.A.C. 7:9A-6.3, nor a percolation test, as described in N.J.A.C. 7:9A-6.4, are acceptable tests for establishing permeability values for the purpose of complying with this section.

- [9] Soil permeability tests shall be conducted on the most hydraulically restrictive horizon or substratum to be left in place below the basin as follows: Where no soil replacement is proposed, the permeability tests shall be conducted on the most hydraulically restrictive horizon or substratum within four feet of the lowest elevation of the basin bottom or to a depth equal to two times the maximum potential water depth within the basin, whichever is greater. Where soil replacement is proposed, the permeability tests shall be conducted within the soil immediately below the depth of proposed soil replacement or within the most hydraulically restrictive horizon or substratum to a depth equal to two times the maximum potential water depth within the basin, whichever is greater. Permeability tests may be performed on the most hydraulically restrictive soil horizons or substrata at depths greater than those identified above based upon the discretion of the design or testing engineer. The tested infiltration rate should then be divided by two to establish the soil's design permeability rate. Such division will provide a 100% safety factor to the tested rate.
- [10] The minimum acceptable "tested permeability rate" of any soil horizon or substratum shall be one inch per hour. Soil materials that exhibit tested permeability rates slower than one inch per hour shall be considered unsuitable for stormwater infiltration. The maximum reportable tested permeability rate of any soil horizon or substratum shall be no greater than 20 inches per hour, regardless of the rate attained in the test procedure.
- [11] After all construction activities have been completed on the development site and the finished grade has been established in the infiltration BMP, a minimum of one permeability test shall be conducted within the most hydraulically restrictive soil horizon or substratum below the as-built BMP to ensure the performance of the

infiltration BMP is as designed. Hand tools and manual permeability test procedures shall be used for the purpose of confirming BMP performance. In addition, the infiltration BMP shall be flooded with water sufficient to demonstrate the performance of the BMP. Test results shall be certified to the Municipal Engineer.

[12]A groundwater mounding analysis shall be provided for each stormwater infiltration BMP. The groundwater mounding analysis shall calculate the maximum height of the groundwater mound based upon the volume of the maximum design storm. The professional engineer conducting the analysis shall provide the Municipal Engineer with the methodology and supporting documentation for the mounding analysis used and shall certify to Manchester Township, based upon the analysis, that the groundwater mound will not cause stormwater or groundwater to breakout to the land surface or cause adverse impact to adjacent surface water bodies, wetlands or subsurface structures, including but not limited to basements and septic systems. If there is more than one infiltration BMP proposed, the model shall indicate if and how the mounds will interact. The mounding analysis shall be calculated using the most restrictive soil horizon that will remain in place within the explored aquifer thickness unless alternative analyses are authorized by the Municipal Engineer. The mounding analysis shall be accompanied by a cross-section of the infiltration BMP and surrounding topography and the mound analysis shall extend out to the point(s) at which the mound intersects with the preexisting maximum water table elevation.

[13]The applicant shall demonstrate that stormwater infiltration BMPs meet the seventy-two-hour drain time requirement established in Subsection F(2)(a) of this section.

- (4) Pretreatment measures for infiltration BMPs. The installation of pretreatment measures is recommended for all development sites. Pretreatment measures may include, but are not limited to, the following:
- (a) Vegetative filter strips;
 - (b) Bioretention systems. Used in conjunction with a bioretention system, the infiltration basin takes the place of the standard underdrain;
 - (c) Sand filters;
 - (d) Grassed swales; and

- (e) Detention basins.
- (5) Collection and conveyance.
 - (a) Bicycle-safe inlet grates. Site development plans that incorporate site design features that help to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this subsection, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids.
 - [1] Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - [a] The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - [b] A different grate, if each individual clear space in that grate has an area of no more than seven square inches, or is no greater than 0.5 inch across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.
 - [2] Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven square inches, or be no greater than two inches across the smallest dimension.
 - [3] This standard does not apply:
 - [a] Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

- [b] Where flows from the water quality design storm as specified in Subsection C are conveyed through any device (e.g., end-of-pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - [i] A rectangular space 4 5/8 inches long and 1.5 inches wide (this option does not apply for outfall netting facilities); or
 - [ii] A bar screen having a bar spacing of 0.5 inch.
 - [c] Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars, to the elevation of the water quality design storm as specified in Subsection D of this section; or
 - [d] Where the NJDEP determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.
- (b) Catch basins. Where catch basins with sumps are proposed, the minimum two-foot separation between the bottom of the sump and seasonally high water table shall be provided.
- (c) Open or perforated conveyance piping. Perforated pipe specifications shall be certified by a professional engineer. A professional engineer shall certify that perforated conveyance piping will not act to intercept the seasonal high water table and convey groundwater to the stormwater basin. All open or perforated stormwater conveyance systems shall be installed with a minimum separation of two feet from the seasonal high water table.

§ 245-85. Flood damage prevention. [Added 9-11-2006 by Ord. No. 06-020]

- A. Statutory authorization. The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1 et seq. delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Township Council of the Township of Manchester does ordain as follows.
- B. Findings of fact.

- (1) The flood hazard areas of the Township of Manchester are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 - (2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.
- C. Statement of purpose. It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
- (1) To protect human life and health;
 - (2) To minimize expenditure of public money for costly flood control projects;
 - (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) To minimize prolonged business interruptions;
 - (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
 - (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
 - (7) To insure that potential buyers are notified that property is in an area of special flood hazard; and
 - (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- D. Methods of reducing flood losses. In order to accomplish its purposes, this section includes methods and provisions for:
- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers which help accommodate or channel floodwaters;
 - (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
 - (5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.
- E. Lands to which these regulations applies. The regulations in this section shall apply to all areas of special flood hazard within the jurisdiction of the Township of Manchester, Ocean County, New Jersey.
- F. Basis for establishing the areas of special flood hazard. The areas of special flood hazard for the Township of Manchester are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
- (1) A scientific and engineering report "Flood Insurance Study, Ocean County, New Jersey" dated September 29, 2006.
 - (2) Flood Insurance Rate Map for Manchester Township (Community No. 340382) are shown on index and panel(s) whose effective date is September 29, 2006, as follows:

Flood Insurance Rate Maps — Manchester Township

0145	0167	0255	0278	0282	0290
0164	0168	0260	0279	0283	0301
0165	0169	0265	0280	0286	0355
0166	0188	0270	0281	0287	0360

- (3) The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and FIRM maps are on file at:

Manchester Township Municipal Building

Construction Official's Office

1 Colonial Drive

Manchester, New Jersey 08759
- G. Penalties for noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this section and other applicable

regulations. Violation of the provisions of this section by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be subject to the penalties included in Chapter 1, Article II, General Penalty, of the Township Code for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Manchester from taking such other lawful action as is necessary to prevent or remedy any violation.⁸³

- H. Abrogation and greater restrictions. The requirements and restrictions in this section are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and any other ordinance, easement, covenant, or deed restriction conflicts or overlaps, whichever imposes the more stringent restrictions shall prevail.
- I. Interpretation. In the interpretation and application of this section, all provisions shall be:
 - (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
- J. Warning and disclaimer of liability.
 - (1) The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.
 - (2) The requirements of this section and chapter shall not create liability on the part of the Township of Manchester, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
- K. Development permit required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Subsection F, Basis for establishing the areas of special flood hazard. Application for a development permit shall be made on forms furnished by the Construction Official and

83. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

may include, but not be limited to, plans in triplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 - (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
 - (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in the specific standards for flood hazard reduction in Subsection S(2), Nonresidential construction; and
 - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- L. Construction Official is designated as local administrator. The Township Construction Official is hereby appointed to administer and implement this section by granting or denying development permit applications in accordance with its provisions. Duties of the Construction Official shall include, but not be limited to, permit review, including the following:
- (1) Review all development permits to determine that the permit requirements of this section have been satisfied.
 - (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - (3) Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of Subsection T(1), Floodways, are met.
- M. Use of other base flood and floodway data. When base flood elevation and floodway data has not been provided in accordance with Subsection F, Basis for establishing the areas of special flood hazard, the Construction Official, in coordination with the Township Engineer, shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the specific standards of Subsection S(1), Specific standards for residential construction, and Subsection S(2), Specific standards for nonresidential construction. Information to be obtained and maintained by the Construction Official shall include the following:
- (1) Obtain and record the actual elevation in relation to mean sea level of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

- (2) For all new or substantially improved floodproofed structures:
 - (a) Verify and record the actual elevation (in relation to mean sea level); and
 - (b) Maintain the floodproofing certifications required in Subsection K(3) by a registered professional engineer or architect.
 - (3) Maintain for public inspection all records pertaining to the provisions of this section.
- N. Alteration of watercourses. The Township Engineer shall:
- (1) Notify adjacent communities and the New Jersey Department of Environmental, Protection Floodplain Management Section, and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.
- O. Interpretation of FIRM boundaries. The Township Engineer shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection P, Appeals and variance procedures.
- P. Appeals and variance procedures. Appeals of decisions by the Construction Official and requests for variances from the provisions of this section shall be made as follows:
- (1) The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of this section.
 - (2) The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this section.
 - (3) Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decision to the Superior Court, as provided in N.J.S.A. 40:55D-1 et seq.
 - (4) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors and standards specified in other sections of this section, and:

- (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location, where applicable;
 - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Upon consideration of the factors of Subsection P(4) above and the purposes of this section, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.
- (6) The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

Q. Conditions for variances.

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that Subsection P(4)(a) through (k) have been fully considered. As the

lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

- (2) Variances may be issued for the repair or rehabilitation of historic structures or resources upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure or resource and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (5) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on; or
 - (d) Victimization of the public, as identified in Subsection P(4), or conflict with existing local laws or ordinances.
 - (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- R. General provisions for flood hazard reduction. In all areas of special flood hazard, the following standards are required:
- (1) Anchoring.
 - (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - (b) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the top or frame ties to ground anchors. This requirement is in addition to

applicable state and local anchoring requirements for resisting wind forces.

(2) Construction materials and methods.

- (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) Utilities.

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;
- (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- (d) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Subdivision proposals.

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).

(5) Enclosure openings. All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic

flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other covering or devices, provided that they permit the automatic entry and exit of floodwaters.

- S. Specific standards for flood hazard reduction. In all areas of special flood hazard where base flood elevation data have been provided as set forth in Subsection F, Basis for establishing the areas of special flood hazard, or in Subsection M, Use of other base flood data, the following standards are required:
- (1) Residential construction. In Flood Hazard Zones A1-30 or AE Zones,⁸⁴ Areas of Special Flood Hazard with Water Surface, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation;
 - (2) Nonresidential construction. In A1-A30 or AE Zones, Areas of Special Flood Hazard with Water Surface, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with the attendant utilities and sanitary facilities, shall:
 - (a) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in Subsection M(2).
 - (3) Manufactured homes.

84. Note: Flood Hazard Zones in Manchester Township are classified by FEMA as "A" Zones, "Areas of Special Flood Hazard Without Water Surface Elevations Determined," except for the following stream segments, which are classified as "AE" Zones, "Areas of Special Flood Hazard with Water Surface Determined" including areas of "0.2% Chance of Annual Flood Hazard": (1) North branch of the Toms River. (2) Ridgeway branch of the Toms River from CR 547 to the Toms River. (3) Union branch of the Toms River from Horicon Lake to the Toms River. (4) Manapagua Brook from NAES Lakehurst to Union branch. (5) Davenport branch and Harry Wright Lake.

- (a) Manufactured homes shall be anchored in accordance with Subsection R(1)(b), Anchoring, to resist flotation, collapse or lateral movement.
 - (b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.
- T. Floodways. Located within areas of special flood hazard established in Subsection F, Basis for establishing the areas of special flood hazard, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
 - (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (2) If Subsection T(1)above is satisfied, all new construction and substantial improvements must comply with Subsection R, General provisions for flood hazard reduction, and Subsection S, Specific standards for flood hazard reduction.
 - (3) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 0.2 foot at any point.

§ 245-86. Streetlighting. [Amended 11-28-2005 by Ord. No. 05-053; 9-11-2006 by Ord. No. 06-020]

- A. Streetlighting shall be provided in accordance with a plan designed by the electric utility company, or using as a guideline the standards set forth by Illuminating Engineering Society of North America (IES) Lighting Handbook shown in the construction specifications.
- B. Lighting for safety shall be provided at intersections, along walkways, at entryways, between buildings, and in parking areas.
- C. Spacing of standards shall be equal to approximately four times the height of the standard.
- D. The maximum height of light standards, other than streetlights approved by the applicable electric utility company, shall not exceed the maximum building height permitted, or 25 feet, whichever is less.

- E. The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or nuisance to residents, and the design of lighting standards shall be of a type appropriate to the development and the Township.
- F. Spotlights, if used, shall be placed on standards pointing toward the buildings and positioned so as not to blind the residents, rather than on the buildings and directed outward, which creates dark shadows adjacent to the buildings.
- G. The developer shall pay the full cost for initial installation of any streetlights through a contribution fixture agreement and the operation and maintenance costs until such time as the municipality assumes payment for the operation and maintenance costs of such streetlighting in accordance with N.J.S.A. 40:55D-53.6, Acceptance of certain public utilities. **[Added 11-18-2010 by Ord. No. 10-030; amended 3-14-2011 by Ord. No. 11-002]**

§ 245-86.1. Small wind energy systems. [Added 12-12-2011 by Ord. No. 11-026]

All small wind energy systems, facilities or structure installations as defined herein in § 245-8 shall comply with the following standards:

- A. Small wind energy systems shall be a permitted use in the following zones:
 - (1) OR-LI, Office, Research and Light Industrial.
 - (2) HD-10, Highway Development-10 acres.
 - (3) LI, Light Industrial.
- B. Setbacks. A small wind energy system shall be set back from the nearest property boundary a distance at least equal to 150% of the system height.
- C. Lot area. The lot area for freestanding small wind energy systems shall be a minimum of 20 acres.
- D. Maximum height. System height of freestanding wind turbines shall be as high as necessary to capture the wind energy resource, but shall not exceed 140 feet.
- E. Noise. The noise level of any small wind energy system shall not exceed 55 decibels as measured at the closest property line. These levels may be exceeded during short-term events such as severe windstorms.
- F. A small wind energy system including tower shall comply with all applicable construction and electrical codes, and the National Electrical Code and all other applicable state and federal laws and regulations.

- G. Small wind energy systems that connect to the electric utility shall comply with New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems.
- H. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.
- I. Metrological towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.
- J. The wind generator and the tower shall remain painted in the color that was originally applied by the manufacturer, unless a different color is approved by the board of jurisdiction.
- K. Requirements for a small wind energy system:
 - (1) Preliminary and final site plan approval from the Planning Board or Board of Adjustment, as appropriate, shall be required for the installation of a small wind energy system.
 - (2) Documents. The site plan shall include the information specified in §§ 245-48 and 245-49 in addition to the following:
 - (a) Location of the proposed small wind energy system tower.
 - (b) The right-of-way of any public road that is contiguous with the property.
 - (c) Any overhead utility lines.
 - (d) Wind energy system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
 - (e) Stamped, engineered tower and tower foundation drawings signed and sealed by an engineer licensed in the State of New Jersey.
 - (f) Noise levels of the proposed wind energy system at all property lines.
 - (g) Proposed screening of the wind energy system from adjoining properties.
 - (h) A description of any lighting and its impact on neighboring residences and properties.
 - (i) A wildlife habitat assessment report shall be prepared, either as part of an environmental impact statement or as a separate report that specifically addresses the wildlife habitat affected by the installation of a wind energy system. This report shall address the impacts to existing bird and bat populations by

the wind energy system. Additionally, the report shall address the environmental resources of the New Jersey Department of Environmental Protection's Landscape Project and impacts to habitats ranked 3, 4, or 5 that indicate the presence of threatened or endangered species, including consideration for reducing or mitigating the effect of the wind energy system on the wildlife resources of the Township. This report shall document that the wind energy system will not endanger/kill the varied threatened and endangered species, bats and migratory birds of the Township.

- (3) A small wind energy system that is out of service for a continuous twelve-month period shall be deemed to have been presumptively abandoned. The Zoning Officer may issue a notice of abandonment to the owner of a wind energy system that is deemed to have been abandoned. The owner shall have the right to respond to the notice of abandonment within 30 days from the notice receipt date. The Zoning Officer shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned. In the event that the Zoning Officer, after investigation, determines that a wind energy system has been abandoned, the Zoning Officer may issue a notice of abandonment during the presumptive twelve-month period, and the owner shall have the right to respond to the notice of abandonment.
- (4) If the wind energy system is determined to be abandoned, the owner of a wind energy system shall remove the tower and wind generator at the owner's sole expense within three months of receipt of notice of abandonment. If the owner fails to remove the tower and wind generator, the Zoning Officer may, at the option of the Township Council, have the tower and wind generator removed at the owner's expense. The costs incurred by the Township shall be assessed against the property, shall become a lien and tax upon the said property, shall be added to and be a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officers and in the same manner as other taxes.

§ 245-86.2. Solar or photovoltaic facilities or structures. [Added 12-12-2011 by Ord. No. 11-026]

A. Minor solar or photovoltaic facilities.

- (1) Permitted uses. Roof-mounted and ground-mounted minor solar or photovoltaic facilities shall be permitted as follows:
 - (a) Roof mounted. Minor solar or photovoltaic facilities that are roof mounted to principal and accessory structures and buildings shall be permitted in all zoning districts.

- (b) Ground mounted. Minor solar or photovoltaic facilities that are ground mounted shall be permitted in all zoning districts on lots a minimum of three acres.
 - (2) Setbacks. Surface-level or ground-mounted systems shall be situated 50 feet from the nearest property boundary line. Minor solar ground-mounted facilities located less than 50 feet from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit.
 - (3) Height.
 - (a) Roof-mounted minor solar or photovoltaic systems shall not extend more than 12 inches beyond the edge of the roofline or 12 inches above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than five feet above the roof line. In no event shall the placement of the solar panels or any part of the solar energy system result in a total height (including building) than what is permitted in the zoning district in which they are located for the principal building.
 - (b) Surface-level or ground-mounted solar collectors and any mounts shall not exceed 10 feet when oriented at maximum tilt.
 - (4) Installation of minor solar or photovoltaic facilities requires zoning permit approval from the Zoning Officer and a building permit from the Construction Official prior to installation.
 - (5) All solar collector installations must be performed by a qualified solar installer, and prior to operation the electrical connections must be inspected by the Township or other appropriate electrical inspection agency as determined by the Township. In addition, any interconnection to the public utility grid must be inspected by the appropriate public utility.
 - (6) Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment.
- B. Major solar or photovoltaic energy facilities or structures. All major solar or photovoltaic energy facilities or structure installations shall comply with all applicable state and federal laws and regulations and shall also comply with the following standards:
- (1) Lot area. Major solar or photovoltaic energy facilities or structures shall be located on a parcel or parcels of land comprising 20 or more contiguous acres that are owned by the same person or entity.

- (2) Permitted use. Major solar or photovoltaic energy facilities or structures shall be a permitted use in the following zones:
 - (a) OR-LI, Office, Research and Light Industrial.
 - (b) HD-3, Highway Development-3 acres.
 - (c) HD-3A, Highway Development-3 acres.
 - (d) HD-10, Highway Development-10 acres.
 - (e) TC, Town Center.
 - (f) LI, Light Industrial.
- (3) Solar energy facilities may occupy up to 20% of any parcel but in no case shall exceed 10 acres.
- (4) Height. The maximum permitted vertical height above ground for solar and photovoltaic energy panels shall be 10 feet.
- (5) Solar installations on preserved and commercial farmland shall be subject to the State Agriculture Development Committee (SADC) regulations at N.J.S.A. 4:1C-32.4.
- (6) Preliminary and final site plan approval from the Planning Board or Board of Adjustment, as appropriate, shall be required for the installation of a major solar or photovoltaic energy facility and shall include the information specified in §§ 245-48 and 245-49 in addition to the following::
 - (a) Location of proposed and existing overhead and underground utility and transmission lines.
 - (b) Location of any proposed or existing substations, inverters or transformers.
 - (c) Details of solar panels and arrays. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment.
 - (d) Description of how the energy generated by the facility will be connected to the electrical distribution or transmission system or the electrical system of the intended energy user. This description shall also address the ability to disconnect the system in the event of an emergency or maintenance.
 - (e) Description of shielding of any electric equipment to prevent interference of radio or television reception at the property line.
 - (f) Description of any necessary upgrades or modifications to existing substations or the necessity for a new substation.

- (g) For projects over two megawatts (MW), the location and elevations of all transmission lines, support structures and attachments to a substation(s).
 - (h) Location and condition of existing hedgerows and vegetated windbreaks.
 - (i) A description of any lighting and its impact on neighboring residences and properties.
 - (j) A construction plan to include, but not limited to mounting techniques and a description of on-site construction.
 - (k) A description of glare on neighboring properties and residences.
- (7) No soil shall be removed from any site upon which major solar or photovoltaic energy facilities and structures or other necessary equipment are required for the solar facility.
- (8) Except pursuant to a permit issued by the New Jersey Department of Environmental Protection (NJDEP), no portion of major solar or photovoltaic energy facilities and structures shall occupy areas of land designated and regulated by NJDEP as floodplains, flood hazard areas, wetlands, wetland transition areas or riparian corridors. An applicability determination from the NJDEP shall be provided to document the presence and/or absence of these regulated areas.
- (9) Major solar or photovoltaic energy facilities and structures shall not occupy any area beyond the required principal building setbacks for the zone in which the facility is located, exclusive of poles for interconnection of the facility to the electrical grid. Setback requirements shall be equal to the principal building setback in the zone or the minimum vegetated visual and security buffer requirement, whichever is greater. A minimum fifty-foot-wide vegetated visual screen shall separate solar or photovoltaic facilities from properties in residential zone districts, a minimum thirty-foot-wide visual screen shall separate such facilities from public roads, and a twenty-foot-wide visual screen shall separate such facilities from properties in a nonresidential zone district.
- (10) Major solar or photovoltaic energy facilities and structures shall be visibly screened from the public traveled way (public roads, trails, navigable waterways), open space, preserved farmland, publicly owned properties and historic resources, including sites and buildings listed or eligible for listing on the State and National Registers of Historic Places.
- (a) To the extent achievable, solar or photovoltaic energy facilities and structures shall be sited using the natural topography to

screen the energy project from public view and the view of any adjoining residences.

- (b) If the property is adjacent and contiguous to a permanently preserved farm, open space and/or public access easements, it shall buffer the farm, open space and/or easements from view.
- (c) The following minimum screening requirements shall be met. However, notwithstanding the minimum requirements, the applicant shall demonstrate, to the satisfaction of the Planning Board or Board of Adjustment, whichever has jurisdiction, that the proposed screening provides a visual screen of the facility from neighboring properties. Additional screening may be needed to meet this requirement as determined by the approving board.

[1] Screening shall consist of a combination of native plantings, to the extent possible. Alternately, an earthen berm may be employed if existing vegetated screening and native plantings will not suffice to provide the necessary buffer and maintain the character of the Township. The need for and location of vegetative screens includes the identification of appropriate species and varieties of vegetation to ensure that there is adequate visual screening throughout the year.

[2] The landscaping plantings shall be designed for enhancing the quality of the soil and the ability of the land to absorb rainwater.

[3] Landscaping shall be limited to the extent possible of native species of deciduous and coniferous trees and shrubs that are indigenous to the area, and shall not include invasive species. Such plantings shall be depicted on a plan prepared by a licensed professional. The applicant shall rely upon existing vegetation, including existing hedgerows or windbreaks that provide screening, to the maximum extent practical. The appropriate height or caliper of the vegetation to be planted shall ensure that there is a seventy-five-percent screening of the solar energy generation facilities within five years of completing the installation of the facilities. A photo-simulated exhibit depicting screening at key locations at the projected five year-period shall be required.

[4] A barrier shall be installed behind the required screen which shall:

[a] Secure the facility at all times.

[b] Restrict access to all electrical wiring that may be readily accessible.

- [c] All electrical control equipment shall be labeled and secured to prevent unauthorized access.
 - [d] Conform to the Uniform Construction Code and applicable electrical, fire and other construction standards.
 - [e] One or more access gates to the facility shall be provided. Each access gate shall include a sign identifying the property owner as well as responsible parties for operation of the major solar and photovoltaic energy facilities and structures; for maintenance of the facility; and for maintenance of the visual screen, landscaping and security fence. Contact information for all of the above responsible parties shall be provided on each access gate sign.
 - [f] No signs shall be posted on a solar facility or any associated building, structures, or fencing with the exception of access gate signs, appropriate warning signs, and manufacturer's or installer's identification.
 - [g] All transformers and high-voltage equipment shall be situated within a compound, which shall be enclosed within a security fence and access gate, which shall remain locked at all times. If appropriate, the entire facility shall be enclosed within a security fence and access gate.
 - [h] The height of security fences and access gates shall not exceed eight feet. Barbed wire fences are not permitted.
- (11) A maintenance plan shall be submitted by the applicant for the continuing maintenance of all required plantings, including a schedule of specific maintenance activities to be conducted. A maintenance plan narrative shall also be included on the site plans in note form. Maintenance of the required landscaping and fencing shall be a continuing condition of any approval that may be granted. A cost estimate for required plantings shall be presented as part of any application, and a five-year maintenance bond approved by the Township Engineer shall be a condition of approval. The maintenance plan shall be environmentally responsible.
- (12) All ground areas occupied by a major solar or photovoltaic energy facility or structure installation that are not utilized for access to operate and maintain the installation shall be planted and maintained with shade-tolerant grasses for the purpose of soil erosion control and soil stabilization:

- (a) A seed mixture of native, noninvasive, shade-tolerant grasses shall be utilized and specified in a landscaping plan that shall be provided.
 - (b) If it can be demonstrated by the applicant that an alternative vegetative ground cover consisting of a seed mix of native, noninvasive plant species and nonnative, noninvasive, shade-tolerant species shall be accepted for soil erosion control and soil stabilization, and the alternative can be better sustained over the life of the facility, the reviewing Board may approve such an alternative to the requirement for native, noninvasive, shade-tolerant grasses or mix of grasses.
 - (c) To the extent possible, roadways within the site shall not be constructed of impervious materials in order to minimize the amount of soil compaction. Roadways shall be constructed to the minimal extent possible.
 - (d) The bed and banks of existing drainage ditches, brooks, streams and drainage swales shall be maintained in their natural condition, except that where soil erosion is evident in these features due to a lack of suitable stabilized vegetation. The Board of jurisdiction may require such areas to be planted and stabilized in accordance with the recommendations found in Chapter 8, Restoration Design, of the publication entitled "Stream Corridor Restoration, Principles, Processes and Practices," 10/98 published version, revised 8/2001, prepared by the Natural Resource Conservation Service and available at www.nrcs.usda.gov/technical/stream_restoration/newtofc.htm. The components of this plan may be combined with the requirements of the grading and drainage plan. (See § 245-86.2B(13) below).
- (13) The required landscaping plan shall include the provision of adequate and appropriate drainage features, which shall be designed such that site grading and construction maximizes the natural drainage patterns of stormwater originating within the property boundaries and beyond property boundaries. If grading is proposed, then a grading and drainage plan shall be submitted, which shall demonstrate that the project is in compliance with the stormwater regulations in § 245-83 and other applicable state standards.
- (a) A grading and drainage plan, including a soil erosion, a soil stabilization and a soil grading plan shall be submitted under the seal of a licensed professional engineer prior to any permits being issued. The plan shall adequately demonstrate to the board of jurisdiction's engineer that no stormwater runoff or natural water shall be diverted as to overload existing drainage systems or create flooding. Such plan shall also

address the need for additional drainage structures on other private properties or public lands.

- (b) The grading and drainage plan shall show, among other things:
 - [1] All existing and proposed natural and artificial drainage courses and other features for the control of drainage, erosion, and water generally;
 - [2] The calculated volume of water runoff from the slope and from the lot in question, as proposed to be improved; the existence of all natural and artificial drainage courses and facilities within 500 feet of the lot, which are or will be used to carry or contain the runoff from the slope and the lot; and
 - [3] The effect of any increased water runoff on all adjacent properties and any other property which will be materially affected by increased water runoff.
- (c) Calculations shall be provided to adequately demonstrate that existing preconstruction stormwater drainage velocities shall not be exceeded in the post-development condition.
- (d) The use of stone shall not be permitted for soil erosion control and soil stabilization unless as part of an overall plan approved by the board of jurisdiction.
- (14) An as-built plan shall be provided to the Township Construction Official prior to activation.
- (15) The use of lead-acid batteries shall not be permitted in major solar energy systems and facilities except as standby power supplies for control systems.
- (16) Solar energy generation facilities shall be designed to comply with either of the following standards for sound emission:
 - (a) The sound level shall not exceed 40 dBA when measured at any point on the property line of the solar facility; or
 - (b) The sound level shall not exceed the ambient sound levels measured at locations at the property line of the solar facility that reasonably represent current or potential off-site sensitive receptors in accordance with the following requirements:
 - [1] Ambient sound level measurements shall be made with an octave band sound level meter during daylight hours for periods of at least 1/2 hour and on three separate occasions, a minimum of four hours apart, representing morning, midday and evening, at least one of which shall be during a non-rush hour. The meter shall be set for slow response with a one-second sampling interval; and

- [2] The data reported for each occasion shall be the octave band values (31.5 Hz to 8,000 Hz) from the one second sample that represents the L90 or Lmin broadband value ("unweighted" or "flat" response, e.g., dBZ).

(17) All applications for a major solar facility shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of solar energy systems. The decommissioning plan shall be submitted in accordance with the requirements of this section. The decommissioning plan shall also be documented on the site plans in note form. Prior to removal of solar energy systems, a demolition permit for removal activities shall be obtained from the Manchester Construction Official. Disconnection of solar energy systems shall be supervised by an electrician licensed in the State of New Jersey. The Zoning Officer shall be responsible for compliance with the decommissioning plan.

- (a) Solar and photovoltaic energy facilities and structures which have not been in active and continuous service for a period of 18 months shall be removed from the property to a place of safe and legal disposal in accordance with a decommissioning plan.

- (b) If the applicant ceases operation of the energy project for 18 months; or begins, but does not complete, construction of the project within 18 months of receipt of final site plan approval, the applicant shall restore the site according to a decommissioning plan prepared by the applicant and approved by the Board. The applicant shall submit a decommissioning plan that ensures that the site will be restored to a useful, nonhazardous condition without significant delay, including but not limited to the following:

- [1] Removal of aboveground and underground equipment, structures and foundations. The plan shall describe the means by which all equipment and components of the system(s) shall be disposed of in an environmentally responsible manner and in accordance with prevailing federal, state and local regulations.

- [2] Restoration of the surface grade and soil after removal of aboveground structures and equipment.

- [3] Revegetation of restored soil areas with native seed mixes, plant species suitable to the area, which shall not include any invasive species. In farmland areas, the revegetation component of the decommissioning plan may include provisions to resume agricultural use of the site.

- [4] The plan must provide for the protection of public health and safety and for protection of the environment and

natural resources during site restoration. The decommissioning of all solar energy generation facilities shall be done in accordance with a conservation plan designed to address the impacts of the decommissioning process.

[5] The plan must include a timeline for completion of site restoration work.

- (c) Upon cessation of activity for a cumulative period of 18 months of construction or installation activities of an approved major solar or photovoltaic energy system, the Township may notify the owner and/or the operator of the facility to complete construction and installation of the facility. If the owner and/or operator fail to complete construction and installation activities within 180 additional days, the Township may order the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the owner and/or operator shall substantially complete all activities in the decommissioning plan.
- (d) Upon cessation of activity of a fully constructed major solar or photovoltaic energy system for a cumulative period of one year, the Township may notify the owner and/or the operator of the facility to implement the decommissioning plan. The Township Zoning Officer shall be responsible for enforcement.
- (e) If the operator fails to fully implement the decommissioning plan subject to the procedures and timelines set forth in Subsections B(17)(a) through (d) above, or is otherwise unable to restore the site as required within 180 days of the Township's service of notice in accordance with this section, the Township may, at its own expense, provide for the restoration of the site in accordance with the decommissioning plan and may in accordance with the law recover all expenses incurred for such activities from the defaulted operator and/or the property owner. The costs incurred by the municipality shall be assessed against the property, shall become a lien and tax upon the said property, shall be added to and be a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officers and in the same manner as other taxes.

ARTICLE X

Performance and Maintenance Guarantees

[Amended 2-22-1999 by Ord. No. 99-001; 10-23-2000 by Ord. No. 00-031; 10-22-2001 by Ord. No. 01-031; 11-28-2005 by Ord. No. 05-053]

§ 245-87. Short title.

This article shall be known and may be cited as the "Performance and Maintenance Guarantees Article of the Township of Manchester Municipal Land Use and Development Regulations Chapter."

§ 245-88. Improvement guarantees.

Improvement guarantees shall be provided prior to the recording of final subdivision plats or as a condition of final site plan approval to ensure the Township of the proper installation and maintenance of on-site and on-tract improvements.

- A. Estimation of costs. The cost of the installation of improvements for the purposes of N.J.S.A. 40:55D-53 shall be estimated by the Township Engineer based on documented construction costs for public improvements prevailing in the general area of the Township. The developer may appeal the Township Engineer's estimate to the Township Council. The Township Council shall decide the appeal within 45 days of receipt of the appeal in writing by the Township Clerk. After the developer posts a guarantee with the Township based on the costs of the installation of improvements as determined by the Township Council, he may institute legal action within one year of the posting in order to preserve the right to a judicial determination as to the fairness and reasonableness of the amount of the guarantee.

§ 245-89. Performance guarantees.

- A. Performance guarantees required. Before the signing and recording of final subdivision plats or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to N.J.S.A. 40:55D-65, the applicant shall have installed, under the inspection of the Township Engineer, all improvements required unless the applicant has posted and the Township Council has accepted a performance guarantee providing for such installation. In addition to the performance guarantee, all required improvements as specified in Article IX shall be completed after 85% occupancy of the project has been reached as determined by the Township Engineer. No certificates of occupancy shall be issued for the remaining 15% until all required improvements are completed and deemed to be satisfactory to the Township Engineer. Should the 15% figure amount to less than one dwelling unit, a minimum of one dwelling unit shall apply. The amount of the guarantee shall be determined by the Township Engineer, not to exceed 120% of the estimated cost of constructing the improvement

including: streets, curbs, grading, pavement, gutters, sidewalks, streetlighting, shade trees, surveyors' monuments, as shown on the final map and required by the Map Filing Law, N.J.S.A. 46:23-9.9 et seq., water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping. The Township Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

B. Posting of performance guarantee. Performance guarantees shall be submitted in accordance with the standardized form adopted by the New Jersey Department of Community Affairs pursuant to N.J.S.A. 40 55D-53a.

- (1) Ten percent of the performance guarantee must be posted in cash in accordance with N.J.S.A. 40:55D-53.3 or an irrevocable letter of credit in accordance with N.J.S.A. 40:55D-53.5.
- (2) The remaining 90% of the performance guarantee amount may be posted in cash, certified check, irrevocable letter of credit or surety bond in accordance with N.J.S.A. 40:55D-53.5 in the favor of the Township.
- (3) The Township Council, by resolution, shall either approve the improvements determined to be complete and satisfactory by the Township Engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to Subsection A above. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Township Engineer. Upon adoption of the resolution by the Township Council, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee posted may be retained to ensure completion and acceptability of all improvements.
- (4) For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee

pursuant to Subsection B(1) of this section, including any contingency factor applied to the cost of installation. If the sum of the approved improvements would exceed 70% of the total amount of the performance guarantee, then the Township may retain 30% of the amount of the total performance guarantee to ensure completion and acceptability of all improvements, as provided above.

- (5) If the applicant elects to post a surety bond, it shall be issued by an insurance or bonding company licensed to do business in New Jersey and acceptable to the Township Attorney.
- (6) All guarantees shall provide for construction of the required improvements within two years of the date of their posting or such other time as determined by the municipal agency. This time period may be extended by the Township Council, in the form of a resolution granting such extension, provided the municipal agency has, if necessary, extended the period of protection pursuant to N.J.S.A. 40:55D-52a. As a condition of this extension, the guarantee amount shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation determined by the Township Engineer as of the time of the passage of the resolution.
- (7) All performance guarantees shall remain in effect until formally released by the Township Council by a resolution and receipt of an approved maintenance guarantee as required.
- (8) All guarantees, sureties, and lending institutions are subject to the approval of the Township Attorney and the Township Council.

C. Release of guarantees.

- (1) List of all uncompleted or unsatisfactorily completed improvements.
 - (a) Upon substantial completion of required street improvements (except for the top course) and appurtenant utility improvements and the connection of same to the public system, the obligor may request of the Township Council, in writing, by certified mail addressed in care of the Township Clerk, that the Township Engineer prepare, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to § 245-89 above, a list of all uncompleted or unsatisfactorily completed improvements. If such a request is made, the obligor shall send a copy of the request to the Township Engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obligor. Concurrent with this request, the obligor shall forward a set of as-built plans for the following:

- [1] Roads (plans and profiles).
 - [2] Surface and stormwater drainage (plans and profiles) for facilities in roads and easements.
 - [3] Sanitary sewers, including individual lot connections and cleanouts (plans and profiles) for facilities in roads and easements.
 - [4] Water mains, in roads and easements.
 - [5] Septic system invert (plans and profiles reflecting its elevation and its relationship to the final grade) and setback requirements as outlined in N.J.A.C. 7:9A-4.3.
- (b) Thereupon the Township Engineer shall inspect all improvements covered by the obligor's request and shall file a detailed list and report, in writing, with the Township Council, and shall simultaneously send a copy thereof to the obligor not later than 45 days after the receipt of the obligor's request.
- (2) The list prepared by the Township Engineer shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the Township Engineer shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to Subsection A above.
- (3) The Township Council, by resolution, shall either approve the improvements determined to be complete and satisfactory by the Township Engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to Subsection A above. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Township Engineer. Upon adoption of the resolution by the Township Council, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the

performance guarantee posted may be retained to ensure completion and acceptability of all improvements.

- (4) If the Township Engineer fails to send or provide the list and report as requested by the obligor pursuant to Subsection C(1) and (2) above within 45 days from the receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the Township Engineer to provide the list and report within a stated period of time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party. If the Township Council fails to approve or reject the improvements determined by the Township Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Township Engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to Subsection A, and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
- (5) In the event that the obligor has made a cash deposit with the Township or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this section shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.
- (6) If any portion of the required improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification as set forth above shall be followed.

D. Maintenance guarantees.

- (1) Any release of performance guarantees will be conditioned upon the provision of a maintenance guarantee to be posted with the Township Council, in an amount equal to 15% of the cost of the improvement, which cost shall be determined by the Township Engineer in accordance with N.J.S.A. 40:55D-53.4 and in a form approved by the Township Attorney. In the event that other governmental agencies or public utilities will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Township for such utilities or improvements.

- (2) The maintenance guarantee shall be for a period of two years after acceptance of the improvement.

E. Inspections.

- (1) All site improvements shall be inspected during the time of their installation under the supervision of the Township Engineer. Prior to the start of construction of any improvements, the applicant shall deposit by cash or certified check with the Township Clerk the applicable inspection fee required in this section.
- (2) In no case shall installation of underground facilities or any paving work be conducted without permission from the Township Engineer.
- (3) The Township Engineer's office shall be notified two working days prior to commencement of each of the following phases of construction so that the Township Engineer or a qualified representative may be present to inspect the work:
 - (a) Clearing and grading.
 - (b) Road subgrade.
 - (c) Curb and gutter forms.
 - (d) Curbs and gutters.
 - (e) Road paving.
 - (f) Sidewalk and driveway apron forms.
 - (g) Sidewalks and driveway aprons.
 - (h) Drainage pipes and other drainage construction.
 - (i) Street name signs and traffic signage and striping.
 - (j) Monuments.
 - (k) Sanitary sewers.
 - (l) Water distribution.
 - (m) Detention and/or retention basins.
 - (n) Topsoil, seeding, planting, shade trees.
 - (o) Driveways and parking lots.
- (4) Any improvement installed contrary to the plan or plat approval by the Township or Township design standards shall constitute just cause to void the municipal approval.
- (5) Any improvements installed without notice for inspection shall constitute just cause for:

- (a) The issuance of a stop-work order by the Township Engineer pending the resolution of any dispute.
 - (b) Removal of the uninspected improvements.
 - (c) The payment by the developer of any costs of material testing.
 - (d) The restoration by the developer of improvements disturbed by any material testing.
- (6) Inspection by the Township of the installation of improvements and utilities shall not operate to subject the Township to liability for claims, suits or liability of any kind that may at any time arise because of defects or negligence during construction or at any time thereafter; it being recognized that the responsibility to maintain safe conditions at all times during construction and to provide proper utilities and improvements is upon the owners and his contractor, if any.
- (7) Inspection fees. The obligor shall reimburse the Township for all reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements; provided that the Township may require of the developer a deposit for the inspection fees.
- (a) The amount of money deposited by the applicant shall not exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of the improvements, which cost shall be determined by N.J.S.A. 40:55D-53.4. For those developments for which the inspection fees are less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited by the developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspection, the developer shall deposit the remaining 50% of the inspection fees. For those developments for which the inspection fees are \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees.
 - (b) The Township Engineer shall not perform any inspection if sufficient funds to pay for these inspections are not on deposit.
 - (c) Upon final acceptance or final approval of the improvements, any balance remaining for any deposit paid hereunder shall be returned to the applicant without any interest.

- (d) The foregoing deposits shall be a condition of preliminary approval where the developer intends to post performance guarantees and construct the improvements after final approval.
- F. Developer's agreement. Prior to the signing and recording of final major subdivision plats and as a condition of final site plan approval in the case of a site plan, the developer shall enter into an agreement with the Township Council if so required by the municipal agency. This agreement shall be of a form that is acceptable to the Township Attorney and one in which the developer agrees to abide by the terms and conditions of approval, construct the required improvements in accordance with the approved plans, agree to maintain the constructed improvements, including but not limited to payment of streetlighting charges, snow removal, maintenance of storm drainage, sewer and water facilities. The developer also shall agree that in the event the improvements are not maintained, the Township can utilize the cash portions of the performance guarantees to immediately attend to items presenting a safety hazard.
- G. Development by stages. In the event that final approval is by stages or sections of the development pursuant to N.J.S.A. 40:55D-38, the provisions of Article X shall be applied by stage or section.
- H. Acceptance of streets and dedicated improvements. To the extent that any of the improvements have been dedicated to the Township on the subdivision plat or site plan, the Township Council shall be deemed, upon the release of any performance guarantee required pursuant to Subsection A above, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the Township Engineer.

ARTICLE XI
Affordable Housing

§ 245-90. Short title.

This article shall be known and may be cited as the "Affordable Housing Regulations Article of the Township of Manchester Municipal Land Use and Development Regulations Chapter."

§ 245-91. Intent and purpose.

It is the intent and purpose of this article to implement the Housing Plan Element and Fair Share Plan in accordance with affordable housing regulations established and, from time to time, amended by the New Jersey Council on Affordable Housing in accordance with the Fair Housing Law, N.J.S.A. 52:27D-301, and New Jersey Council on Affordable Housing Procedural and Substantive Regulations contained in N.J.A.C. 5:91, 5:92 and 5:93 et seq.

§ 245-92. Definitions.

The following words and terms, when used in this article, shall have the meanings established in N.J.A.C. 5:93-1.3, Definitions, unless the context clearly indicates otherwise.

AFFORDABLE — A sales price or rent within the means of a low or moderate-income households as defined in N.J.A.C. 5:93-7.4.

AFFORDABLE HOUSING DEVELOPMENT — A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent-affordable development. **[Added 11-10-2014 by Ord. No. 15-004; amended 4-27-2015 by Ord. No. 15-004]**

COAH — The New Jersey Council on Affordable Housing established under the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state. **[Amended 11-10-2014 by Ord. No. 15-004; 4-27-2015 by Ord. No. 15-004]**

DEVELOPER — The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land. **[Added 11-10-2014 by Ord. No. 15-004; amended 4-27-2015 by Ord. No. 15-004]**

DEVELOPMENT FEE — Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3. **[Added 11-10-2014 by Ord. No. 15-004; amended 4-27-2015 by Ord. No. 15-004]**

EQUALIZED ASSESSED VALUE — The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with N.J.S.A.

54:1-35a through 54:1-35c.[Added 11-10-2014 by Ord. No. 15-004; amended 4-27-2015 by Ord. No. 15-004]

GREEN BUILDING STRATEGIES — Those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.[Added 11-10-2014 by Ord. No. 15-004; amended 4-27-2015 by Ord. No. 15-004]

§ 245-93. Purpose.

The purpose of these provisions is to provide a realistic opportunity for the construction of affordable housing for households with low and moderate incomes as required by the New Jersey Supreme Court in Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983) (Mount Laurel II) and the Fair Housing Law (N.J.S.A. 52:27D-301).

§ 245-94. Designation of administrative authority.

For the purposes of administering these affordable housing provisions, the Mayor, or person designated by the Mayor, shall be the responsible agent of the Township for the purpose of monitoring the occupancy, resale and rental restrictions of low and moderate-income housing units and shall be referred to as "the Authority."

§ 245-95. Development approvals.

All development approvals shall provide for affordable housing opportunities.

- A. Applicability and exemptions. These requirements shall apply to approvals granted by the Planning Board or Zoning Board of Adjustment as follows:
- (1) All approvals of use variances, site plans, or subdivisions, including extensions and substantial revisions, shall be made subject to mandatory provision of affordable housing except for classes of uses contained in Subsection A(2) and (3) below. A "substantial revision" to a development approval shall, for the purposes of these affordable housing regulations, be any revision which increases or decreases the number of residential units or amount of nonresidential floor space by more than 15%.
 - (2) Exempted from these provisions shall be approvals for the following classes of development, which occur on lands deemed unsuitable for inclusionary residential development: residential uses in accordance with Pinelands Commission special provisions for cultural housing as provided for in Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-5.32) and § 245-32 of this chapter, and lands designated PPA Pinelands Preservation Area; PFA-S

Pinelands Forest Area - Sending; PFA-R Pinelands Forest Area - Receiving; and MI Military Installation, on the Zoning Map; and

- (3) Exempted from these provisions shall be approvals for the following classes of development which do not constitute a portion of the state or housing region's tax ratable wealth:

- (a) Utility facilities;
- (b) Educational, cultural and outdoor recreational facilities;
- (c) Quasi-public uses, including churches, clubs, lodges and similar uses;
- (d) Public uses; and
- (e) Hospital uses.

- (4) All final approvals not included in Subsection A(1), (2) or (3) above shall provide for the payment of any affordable housing development fee.

- B. Mandatory provision of affordable housing. All development, other than exempted development, shall provide for affordable housing through actual construction, through an affordable housing development fee or a combination of both.

- (1) Any proposed development for five or more new residential units occurring as a result of an increase in density from a use variance, change in zoning or conditional use for residential development shall provide that a percentage of the total units constructed shall be affordable to low- and moderate-income households in accordance with the approved Fair Share Plan of the Township. If the proposed development of five or more residential lots is not included in the Fair Share Plan, the following percentages shall be applied:

Multifamily housing:

Sales	20%
Rentals	15%

Single-family housing:

4 dwelling units or greater	15%
Less than 4 units	10% for 3 or less units per acre plus 0.50% for each additional 0.10 of a unit between 3 units and 4 units per acre

Example: a density of 3.5 dwelling units per acre would require 12.5% as follows:

$$3.5 - 3.0 = 0.5\%$$

$$0.5 \div 0.1 \times 0.5 = 2.5\%$$

$$10\% + 2.5\% = 12.5\%$$

Where two or more affordable units are to be provided, not less than 50% of the affordable units constructed shall be affordable to low-income households.

- (2) Affordable housing units may be constructed on a site which is not contiguous and may be incorporated with other development subject to the applicable zoning district requirements.
 - (3) In lieu of actual construction, an affordable housing development fee may be paid where approved by the Township Council pursuant to inclusion in the Township's adopted Fair Share Plan as approved by COAH or the courts.
- C. Requirements for affordable housing. Developments which include affordable housing units shall be subject to the following provisions:
- (1) Low-income housing. Low-income housing shall be affordable, according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income equal to 50% or less of the median gross household income for households of the same size within the housing region in which the housing is located, and subject to affordability controls.
 - (2) Moderate-income housing. Moderate-income housing shall be affordable, according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income in excess of 50% but less than 80% of the median gross household income for households of the same size within the housing region in which the housing is located, and subject to affordability controls.
 - (3) Age restriction. The sales and rentals of not more than 25% of the affordable housing units constructed within the Township may be age restricted to senior citizens age 62 or older as defined by and in accordance with the Federal Fair Housing Act and N.J.A.C. 5:93-5.1 and as regulated by N.J.A.C. 5:93-5.12. A request to age-restrict housing units may only be granted after the Planning Board or Board of Adjustment has received the consent of the Township Council. In designing its project, the applicant may propose

constructing the senior citizen-restricted affordable units in the same building or buildings in order to maximize the potential of preserving a more tranquil lifestyle for the senior citizen residents; and to the foregoing extent, the requirement of integration of the affordable units with conventional units is modified.

- (4) Bedroom distribution. Inclusionary developments that are not age-restricted to senior citizens shall be structured in accordance with realistic market demands so that:
 - (a) The combination of efficiency and one-bedroom units is at least 10% and no greater than 20% of the total low- and moderate-income units.
 - (b) At least 30% of all low- and moderate-income units are two-bedroom units; and
 - (c) At least 20% of all low- and moderate-income units are three-bedroom units.
 - (d) Low- and moderate-income units restricted to senior citizens may utilize a modified bedroom distribution in accordance with N.J.A.C. 5:93-7.3, Bedroom Distribution.
 - (e) In the event the Rules of the Council on Affordable Housing shall provide for a bedroom mix different than the foregoing, the requirements of COAH shall control and the foregoing shall be deemed modified for all projects which have not received final site plan or subdivision approval.
- (5) Location and design. Low- and moderate-income inclusionary housing shall be designed in accordance with the following provisions:
 - (a) The low- and moderate-income housing units shall be sited on the tract in locations at least as accessible to common open space and community facilities as market-priced dwelling units. Rental units may be concentrated for ownership and management unit reasons.
 - (b) The exterior design of the low- and moderate-income housing units shall be harmonious in scale, texture, and materials with the market-priced units on the tract.
- (6) Deed restrictions. Developers of housing units for low and moderate-income households shall enter into a written agreement, binding on all successors-in-interest, in accordance with N.J.A.C. 5:93-9.3 et. seq., Resale/Rental Control, at the time of sale, resale, rental or re-rental, regardless of the availability of federal, state, county or Township subsidy programs.
- (7) Low- and moderate-income units shall utilize the same heating source as market units within inclusionary developments.

§ 245-96. Certificates of occupancy.

Certificates of occupancy for developments which include affordable housing units shall be subject to the following additional provisions:

- A. Phasing of affordable units. Affordable housing units shall be built, occupied and receive certificates of occupancy in accordance with the following schedule:

Percentage of Low- and Moderate-Income Units Completed	Percentage of Market Housing Units Completed
0%	25%
10%	25% + 1 unit
50%	50%
75%	75%
100%	90%
100%	

- B. No initial occupancy of a low- or moderate-income housing sales unit shall be permitted prior to issuance of a certificate of occupancy and no certificate of occupancy for initial occupancy of a low- or moderate-income housing sales unit shall issue unless there is a written determination by the Authority that the unit is to be controlled by a deed restriction and mortgage lien as adopted by COAH.
- C. A certificate of reoccupancy for any occupancy of a low- or moderate-income housing sales unit resulting from a resale shall be required, and the Township shall not issue such certificate unless there is a written determination by the Authority that the unit is to be controlled by the deed restriction and mortgage lien required by the COAH.
- D. The certificate of reoccupancy shall not be required where there is a written determination by the Authority that controls are allowed to expire or in that the repayment option is being exercised pursuant to N.J.A.C. 5:93-9.4.

§ 245-97. Resale/re-rental controls. [Amended 7-23-2007 by Ord. No. 07-035]

A developer of an affordable inclusionary housing development shall incorporate deed restrictions on all dwelling units sold as units affordable to low- and moderate-income households pursuant to N.J.A.C. 5:93-9.2, Council on Affordable Housing Substantive Rules. Affordability controls shall remain in force for 30 years in accordance with N.J.A.C. 5:93-9.2, shall run with the land and shall place limitations upon the resale/re-rental of affordable units in accordance with N.J.A.C. 5:93-9.4 through 5:93-9.16 and by means of any deed restrictions and/or lien documents promulgated by the Council on Affordable Housing.

- A. Exempt sales. Sales exempted from resale/re-rental controls shall include: the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a Class A beneficiary; and the transfer of ownership by court order.
- B. Deed restrictions, notice of sale. All deed restrictions governing low- and moderate-income housing units shall require the owner to notify the Authority and COAH by certified mail of any intent to sell the unit at least 90 days prior to entering into an agreement for the first nonexempt sale after controls have been in effect on the housing unit for the period specified in N.J.A.C. 5:93-9.2.
- C. Deed restrictions, sales options. The deed restrictions governing the deeds of low- and moderate-income housing units shall include an option permitting purchase of the affordable housing unit at the maximum allowable restricted sales price at the time of the first nonexempt sale after controls on affordability have been in effect on the unit for the period specified in N.J.A.C. 5:93-9.2. The option to buy shall be first available to Manchester Township, then the New Jersey Department of Community Affairs, Housing and Mortgage Finance Agency, or a qualified nonprofit agency as determined by COAH.
- D. Options. Rights shall be held and exercised in accordance with the following provisions:
 - (1) Upon receipt of notice, the option to buy the unit at the maximum allowable restricted sales price shall be available for 90 days. The Authority shall first notify Manchester Township, then the New Jersey Department of Community Affairs, Housing and Mortgage Finance Agency, and COAH that the unit is for sale. If Manchester Township exercises this option, it may enter into a contract of sale. If Manchester Township fails to exercise this option within 90 days, the first of the other entities giving notice to the seller of its intent to purchase during the ninety-day period shall be entitled to purchase the unit. If the option to purchase the unit at the maximum allowable restricted sales price is not exercised by a written offer to purchase the housing unit within 90 days of receipt of the intent to sell, the owner may proceed to sell the housing unit (pursuant to N.J.A.C. 5:93-9.8). If the owner does not sell the unit within one year of the date of the delivery of notice of intent to sell, the option to buy the unit shall be restored and the owner shall be required to submit a new notice of intent to sell at least 90 days prior to any future proposed date of sale.
 - (2) Any option to buy a housing unit at the maximum allowable restricted sales price shall be exercised by certified mail and shall be deemed exercised upon mailing.

- (3) An eligible seller of a low- or moderate-income unit which has been controlled for the period established in N.J.A.C. 5:93-9.2, and who has provided notice of an intent to sell may proceed with the sale if no eligible entity as outlined in N.J.A.C. 5:93-9.4(c) and 9.7 exercises its option to purchase within 90 days. Subject to N.J.A.C. 5:93-9.9, the seller may elect the affordable resale option or the repayment option.
- (a) Affordable resale option. The seller may sell to a qualified low- and moderate-income household at the maximum allowable restricted sales price in accordance with existing COAH regulations, providing the unit is regulated by the deed restriction and lien adopted by COAH for a period of up to 20 years.
 - (b) Repayment option. Provided that the Township has not suspended the repayment option, the seller may sell to any purchaser at market price, providing that 95% of the price differential is paid to the Authority, as an instrument of Manchester Township, at closing. Such sale shall be approved by the Authority.
- (4) Municipal option. Manchester Township may elect to purchase a low- or moderate-income unit provided for in N.J.A.C. 5:93-9.4, and may:
- (a) Convey or rent the housing unit to a low- or moderate-income household purchaser or tenant at a price or rent not to exceed the maximum allowable restricted sales price or rental, provided the unit is controlled by a deed restriction in accordance with Technical Appendix E of N.J.A.C. 5:93-1 et seq. or an alternative approved by COAH; or
 - (b) Convey the unit at fair market value subject to the provisions of the following subsection.
 - (c) Upon purchase, Manchester Township may maintain the unit as an affordable housing unit or convey it at fair market value in accordance with the following:
 - [1] Notify COAH of any proposed sale and sales price 90 days before closing;
 - [2] Notify COAH of the price differential as defined in COAH regulations;
 - [3] Deposit the price differential in the Manchester Township Affordable Housing Trust Fund; and
- (5) State option. When the Department of Community Affairs or Housing and Mortgage Finance Agency elects to purchase a low- or moderate-income unit pursuant to N.J.A.C. 5:93-9.4, it may:

- (a) Convey or rent the housing unit to a low- or moderate-income household purchaser or tenant at a price or rent not to exceed the allowable restricted sales price or rental; or
 - (b) Convey the unit at fair market value and utilize the price differential to subsidize the construction, rehabilitation or maintenance of low- and moderate-income housing within the housing region.
- (6) Nonprofit option. Nonprofit agencies may apply to COAH at any time for the right to purchase low- or moderate-income housing units subsequent to the period of controls on affordability, provided the unit remains controlled by a deed restriction in accordance with Technical Appendix E in N.J.A.C. 5:93-1 et seq., or an alternative approved by COAH. Nonprofit agencies that have been designated by COAH shall be eligible to purchase low- or moderate-income housing units pursuant to N.J.A.C. 5:93-9.4 for the sole purpose of conveying or renting the housing unit to a low- or moderate-income household purchaser or tenant at a price or rent not to exceed the allowable restricted sales price or rental. Low-income housing units shall be made available to low-income household purchasers or tenants and the housing unit shall be regulated by the deed restriction and lien adopted by COAH. The terms and length of the controls on affordability shall be the same as those required by N.J.A.C. 5:93-9.2.

§ 245-98. Administration.

The affordable housing regulations shall be administered in accordance with the following provisions:

- A. Determination of affordable price/rent. The affordability of a low- or moderate-income unit shall be a function of the rent or sales price which shall be established so as to ensure that occupants do not pay a sum for shelter costs greater than approximately 30% of gross annual income for rental units or approximately 28% of gross annual income for sales units in accordance with Council on Affordable Housing regulations, as follows:
- (1) Shelter costs for rental units shall include gross rent, including an allowance for utilities consistent with the utility allowance approved by the U.S. Department of Housing and Urban Development in New Jersey. Those tenant-paid utilities that are included in the utility allowance shall be so stated in the lease;
 - (2) Shelter costs for sales units shall be established so that after a down payment of 5%, the monthly principal, interest, property taxes (property taxes shall be based on the restricted value of low- and moderate-income units), condominium or homeowners fees, homeowner and private mortgage insurances shall not exceed 28% of the eligible gross income. Master deeds of inclusionary

developments regulate condominium or homeowner association fees or special assessments of low- and moderate-income purchasers at a specific percentage of those paid by market purchasers. The percentage that shall be paid by low- and moderate-income purchasers shall be at least 1/3 of the condominium or homeowner association fees paid by market purchasers. Once established within the master deed, the percentage shall not be amended without prior approval from the COAH or the court;

- (3) Sales costs of a unit shall be based on a presumed 5% down payment;
 - (4) Rental and sales costs shall be fixed for a unit depending on bedroom number calculated on the following basis as to household size:
 - (a) Efficiency units: one person.
 - (b) One bedroom shall be affordable to 1.5-person households.
 - (c) Two bedrooms shall be affordable to three-person households.
 - (d) Three bedrooms shall be affordable to 4.5-person households.
 - (5) In the case of owner-occupied housing rehabilitation assistance, affordability shall be based on unit occupancy by a low- or moderate-income household.
- B. Pricing of rental units. The maximum average rent and price of low- and moderate-income housing units shall be affordable to households earning 57.5% of median income as contained in N.J.A.C. 5:93-7.4, Establishing Rents and Prices of Units. In averaging the 57.5%, developers and/or municipal sponsors of rental units may establish one rent for a low-income unit and one for a moderate-income unit for each bedroom distribution.
- C. Pricing of sales units. Moderate-income sales units are available for at least three different prices and low-income sales units are available for at least two different prices.
- D. Determination of sales values. Values of sales units shall be determined in accordance with the following provisions:
- (1) Fair market value. Fair market value shall be established on the basis of the unrestricted price of a low- or moderate-income housing unit if sold at a current real estate market rate.
 - (2) Maximum allowable restricted sales price. The maximum allowable restricted sales price shall be determined in accordance with COAH regulations at the date of a proposed contract of sale.

- (3) Price differential. Price differential shall be established as the difference between the maximum allowable restricted sales price and the fair market value, as determined at the date of a proposed contract of sale, after deducting reasonable real estate broker fees.
- E. Approval required to exercise repayment option. If the sale will be to a qualified low- and moderate-income household, the Authority shall certify the income qualifications of the purchaser and shall ensure the housing unit is regulated by the restrictive covenant and lien required by COAH.
- (1) The Authority shall examine any contract of sale containing a repayment option to determine if the proposed sales price bears a reasonable relationship to the housing unit's fair market value. In making this determination, the Authority may rely on comparable sales data or an appraisal. The Authority shall not approve any contract of sale where there is a determination that the sales price does not bear a reasonable relationship to fair market value. The Authority shall make a determination within 20 days of receipt of the contract of sale and shall calculate the repayment option payment.
 - (2) The Authority shall adopt an appeal procedure by which a seller may submit written documentation requesting the Authority to:
 - (a) Recompute the repayment obligation if the seller believes an error has been made; or
 - (b) Reconsider a determination that a sales price does not bear a reasonable relationship to fair market value. A repayment obligation determination made as a result of an owner's appeal shall be a final administrative determination of the Authority.
 - (3) The repayment shall occur at the date of closing and transfer of title for the first nonexempt transaction after the expiration of controls on affordability.
 - (4) Repayment proceeds shall be deposited in the Manchester Township Affordable Housing Trust Fund. Money deposited in the Manchester Township Affordable Housing Trust Fund trust account from such sale may not be expended until Manchester Township submits and COAH approves a repayment housing plan. COAH may approve the repayment housing plan if it determines that it provides a realistic opportunity for the creation, rehabilitation or maintenance of low- and moderate-income housing.
- F. Township rejection of repayment option. Manchester Township shall have the right to determine that the most desirable means of promoting an adequate supply of low- and moderate-income housing is to prohibit the exercise of the repayment option and maintain controls on lower-income housing units sold within the Township beyond the period required by N.J.A.C. 5:93-9.2. Such determination shall be made by

resolution of the Township Council and shall be effective upon filing with COAH and the Authority. The resolution shall specify the time period for which the repayment option shall not be applicable. During such period, no seller in Manchester Township may utilize the repayment option permitted by N.J.A.C. 5:93-9.8. If the Township exercises the rejection of repayment option outlined above, it shall:

- (1) Provide public notice in a newspaper of general circulation; and
 - (2) Notify the Authority and COAH of the Township Council's action. The Authority shall ensure that the deed restriction on all affected housing units reflects the extended period of controls.
- G. Continued application of options to create, rehabilitate or maintain low- and moderate-income housing units. When a housing unit has been maintained as a low- or moderate-income unit after controls have been in effect for the period specified in N.J.A.C. 5:93-9.2, the deed restriction governing the housing units shall allow the Township, the state, nonprofit agencies and sellers of low- and moderate-income housing units to again exercise all the same options as provided in this article.
- H. Affirmative marketing plan. Manchester Township shall provide for the marketing of all low- and moderate-income housing units developed pursuant to the provisions of this article in accordance with the provisions of an affirmative marketing plan as described below:
- (1) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of sex, age or number of children, to housing units which are being marketed by a developer or sponsor of affordable housing. It is a continuing program and covers the period of deed restriction.
 - (2) Information. The affirmative marketing plan shall include the information provided in N.J.A.C. 5:93-11.1(b).
 - (3) Marketing program. The advertising program shall be designed to reach all segments of the eligible population within the housing region. It shall be used in advertising and publicizing the availability of housing in accordance with the marketing program requirements of N.J.A.C. 5:93-11.3.
 - (a) The marketing process for low- and moderate-income units shall begin at least four months prior to expected occupancy.
 - (b) In implementing the marketing program, there shall be at least one paid advertisement in a newspaper of general circulation within the housing region during the first week of the marketing program. Such advertisement shall include the items specified in N.J.A.C. 5:93-11.3(c).

- (c) Applications for low- and moderate-income housing shall be available in several locations, including, at a minimum, the municipal administrative building(s), the municipal library and at the developer's sales office. Applications shall be mailed to prospective applicants upon request.
 - (d) If the cost of advertising low- and moderate-income units are to be a developer's responsibility, the requirement shall be a condition of the Township Planning Board's approval.
- (4) Marketing for initial sales and/or rental; composition of marketing pool.
 - (a) Households that apply for low- and moderate-income housing shall be screened for preliminary income eligibility by comparing their total income to the low- and moderate-income limits adopted by COAH. Applicants shall be notified as to their eligibility status.
 - (b) Having screened applicants for preliminary income eligibility, the Authority may analyze the income and household sizes of applicants to determine which applicants have the assets and/or income necessary to purchase or rent each available low- or moderate-income unit.
 - (c) The Authority shall interview each applicant and utilize the procedures outlined in N.J.A.C. 5:93-9.1 to verify the applicant's income and household size; determine the applicant's asset availability; and review the applicant's credit history. Applicants shall be required to submit income verification for each household member 18 years or older. This process shall be utilized in establishing the final certified applicant group.
 - (d) The process described in Subsection H(4)(a) through (c) above may begin no sooner than one month after the advertising program outlined in N.J.A.C. 5:93-11.3 begins. Households shall be selected to proceed through the process described in Subsection H(4)(a) through (c) above through a method of random selection. Households shall be certified for low- and moderate-income units using the procedures outlined in N.J.A.C. 5:93-9.1. The process described in Subsection H(4)(a) through (c) shall be continued until all the low- and moderate-income units are occupied.
- (5) Continuing marketing activities.
 - (a) The types of activities to be undertaken after the completion of initial occupancy of sales and rental units in order to fill vacancies resulting from normal turnover shall include:

- [1] Ensuring a sufficient supply of income eligible applicants by continuing to implement the marketing plan throughout the housing region, as outlined in N.J.A.C. 5:93-11.3. At a minimum, the Township shall maintain a current pool of at least five income-eligible applicants for each low- and moderate-income unit.
 - [2] Contacting each income-eligible applicant annually to request updated information regarding income and family size.
 - (b) As units become available, the Authority shall select eligible applicants for the units, as described in N.J.A.C. 5:93-11.4(b) through (d) until the units are occupied by low- and moderate-income households.
- (6) Monitoring and reporting requirements.
 - (a) The Township shall collect information on each applicant for low and moderate-income housing on forms approved by COAH.
 - (b) The Township shall evaluate the results of their affirmative marketing activities and file a report with COAH by August 30 of each year. Such report shall include:
 - [1] Monitoring forms approved by COAH.
 - [2] An evaluation of the income and demographic characteristics of each applicant of low- and moderate-income housing, as well as the occupants of the units; and
 - [3] An evaluation of any necessary adjustments in the affirmative marketing program as a result of the evaluation in Subsection H(6)(a) above.
 - (c) COAH shall review and assess the effectiveness of the Township affirmative marketing program. If it is deemed that the affirmative marketing program is not effective, the Township shall be required to amend the program.
- I. Residency preference.
 - (1) An occupancy preference for low- and moderate-income units created within the Township shall be given to the municipal rehabilitation component.
 - (2) An occupancy preference shall be given to low- and moderate-income households that reside or work in the housing region consisting of Ocean, Monmouth and Mercer Counties. This preference shall apply to all low- and moderate-income units created within the Township.

- J. General provisions concerning new construction of sales units. In developing its Housing Plan Element, COAH requires that Manchester Township shall adopt measures to assure that low- and moderate-income housing units remain affordable to low- and moderate-income households for a period of not less than 30 years. The Authority shall do so by requiring all conveyances of newly constructed low- and moderate-income housing units subject to this chapter to contain the deed restriction and mortgage lien adopted by the Council as contained in Appendix E of N.J.A.C. 5:93-1 et seq. (See 27 N.J. 3341, 9-5-1995.)
- K. General provisions concerning enforcement through certificates of occupancy or reoccupancy of sales units.
- (1) The Authority shall issue written determinations for the purpose of issuing certificates of occupancy for initial occupancy or certificates of reoccupancy for low- or moderate-income housing sales units where the Authority finds that the unit is to be controlled by a deed restriction and mortgage lien as adopted by COAH. The Authority shall make such determination within 10 days of receipt of a proposed deed restriction and mortgage lien. Amendments to the deed restriction and lien shall be permitted only if they have been approved by COAH. A request for an amendment to the deed restriction and lien may be made by the Authority, the Township or a developer.
 - (2) The Authority shall not permit the initial occupancy of a low- or moderate-income sales unit prior to issuance of certificate of occupancy in accordance with Subsection K(1) above.
 - (3) The Authority shall issue written determinations for the purpose of issuing certificates of reoccupancy for low- or moderate-income housing sales units where the authority finds that the unit is to be controlled by a deed restriction and mortgage lien as adopted by COAH. Purchasers of low- and moderate-income housing sales units shall execute the deed restriction and mortgage lien prior to issuance of a certificate of occupancy regardless of whether the sellers had executed the deed restriction and mortgage lien adopted by COAH upon acquisition of the property. The Authority shall make such determination within 10 days of receipt of a proposed deed restriction and mortgage lien.
 - (4) The Authority shall issue written determinations for the purpose of issuing certificates of reoccupancy for low- or moderate-income housing sales units where the authority finds that the unit is to sold and controls are allowed to expire or in which the repayment option is being exercised pursuant to N.J.A.C. 5:93-9.4.
 - (5) The mortgage lien and the deed restriction shall be filed with the Clerk of Ocean County. The lien and deed restriction shall be adopted by COAH unless amendments have been approved by COAH.

- (6) The deed restriction, including the repayment clause, and the mortgage lien shall have priority over all mortgages on the property except for a first mortgage placed on the property by the mortgagee prior to the expiration of resale controls.

§ 245-99. Affordable housing development fees. [Amended 4-9-2007 by Ord. No. 07-011; 9-8-2008 by Ord. No. 08-036; 11-10-2014 by Ord. No. 15-004; 4-27-2015 by Ord. No. 15-004]

Affordable housing development fees shall be paid by all developers other than developers of exempt developments and affordable inclusionary housing developments and shall consist of monies paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules. Affordable housing development fees collected shall be used for the sole purpose of providing low- and moderate-income housing. In *Holmdel Builder's Assn. v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution subject to the New Jersey Council on Affordable Housing Rules. The purpose of these provisions is to establish standards for the collection, maintenance and expenditure of development fees pursuant to COAH Rules. This section shall be interpreted within the framework of the COAH Rules on development fees.

- A. Fee calculations. Fees shall be based on the equalized assessed value, which shall be the value of a property determined by the Township Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained by the Township Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Township Tax Assessor.

- (1) Residential development fees.

- (a) For all residential development within the Township of Manchester, developers shall pay a development fee of 1.5% of the equalized assessed value of the residential development, provided no increase in density is permitted. When an increase in density is permitted pursuant to N.J.S.A. 40:55D-70d(5), known as a "d" variance, developers shall be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

- (b) Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and 6% of the equalized assessed value for the two additional units, provided that zoning on the site has not changed during the two-year period preceding the filing of such a variance application.
- (2) Residential development fee exemptions.
 - (a) The following development shall be exempt from residential development fees:
 - [1] Affordable housing developments;
 - [2] Single family dwelling units in the RA, R-40, R-15, R-14, R-10, R-10A, TC, FA-RAF, FA-S, PR-A, PR-40, PR-15, PPA, PFA, PFA-S, PPA-R, PRA, BVR-40, WTRA and WTR-40 Zones;
 - [3] Mobile and manufactured homes in the MP and PMP Zones;
 - [4] Developments where the developer is providing for the construction of affordable units elsewhere in the Township;
 - [5] Developments where the developer has made a payment in lieu of on-site construction of affordable units.
 - (b) Developments that received preliminary or final site plan approval prior to the date of the first adoption of the Manchester Township development fee requirements in Ordinance No. 94-235 on October 27, 1994, shall be exempt from development fees under this article, unless the developer seeks a substantial change in the approval resulting in an increase in the total number of residential dwelling units. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
 - (c) All residential dwellings destroyed due to fire, flood, or other natural disaster and rebuilt by their owners shall be exempt from paying a development fee.
- (3) Nonresidential development fees. (NOTE: Pursuant to P.L. 2009, c. 90, and P.L. 2011, c. 122, the nonresidential statewide development fee of 2.5% for nonresidential development was suspended for all nonresidential projects that received preliminary or final site plan approval subsequent to July 17, 2008, until July 1, 2013, provided that a permit for the construction of the building has been issued

prior to January 1, 2015. As of July 1, 2013, the suspension of the Non-Residential Development Fee Act fee of 2.5% of the equalized assessed value on developments expired, and the nonresidential development fee of 2.5% seeking approval subsequent to July 1, 2013, will be imposed. The fee is not collected from nonresidential developments that received site plan approval prior to that date, provided that the construction permit is issued by January 1, 2015.)

- (a) For all nonresidential development within the Township of Manchester, developers shall pay a fee equal to 2.5% of the equalized assessed value of the nonresidential land and improvements, for all new nonresidential construction on an unimproved lot or lots and for development resulting from any additions to existing structures or other improvements to be used for nonresidential purposes.
 - (b) Nonresidential development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved development including land and improvements, at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.
 - (c) All developers of nonresidential development must complete Form N-RDF prior to applying for a construction permit or requesting a certificate of occupancy. A certificate of occupancy will not be issued without proof of payment of a nonresidential development fee or proof of exemption. Form N-RDF is available at: http://www.state.nj.us/dca/divisions/codes/forms/pdf_forms/form_NRDF_%207_1_10.pdf.
- (4) Eligible exactions, ineligible exactions and exemptions for nonresidential development.
- (a) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the development fee of 2.5%, unless otherwise exempted below.
 - (b) The fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within an existing footprint, reconstruction, renovations and repairs.
 - (c) Nonresidential development shall be substantiated in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption Form." Nonresidential development exempt from the development fee shall include nonresidential development that

is an amenity made available to the public, including but not limited to, recreational facilities, community centers, and senior centers, which are developed in conjunction with or funded by a nonresidential developer; and

- (d) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46 approved July 17, 2008, (N.J.S.A. 52:27D-329.2) shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate for occupancy of the nonresidential development, whichever is later.
- (e) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Township of Manchester as a lien against the real property of the owner.

B. Collection procedures.

- (1) Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a construction permit.
- (2) For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption Form" to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Township Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- (3) The construction official responsible for the issuance of a building permit shall notify the Township Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- (4) Within 90 days of receipt of that notice, the Township Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

- (5) The construction official responsible for the issuance of a final certificate of occupancy shall notify the Township Tax Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- (6) Within 10 business days of a request for the scheduling of a final inspection, the Township Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements in the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- (7) Should the Township of Manchester fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in N.J.S.A. 40:55D-8.6.
- (8) Fifty percent of the total estimated development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the issuance of the building permit and that determined at the issuance of the certificate of occupancy.

C. Appeal of development fee procedures.

- (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Township of Manchester. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- (2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Township of Manchester. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

D. Manchester Township Affordable Housing Trust Fund.

- (1) Establishment of trust fund. The Manchester Township Affordable Housing Trust Fund was authorized by Ordinance No. 94-235 on October 27, 1994, and formally established on March 27, 2002, as a separate, interest-bearing affordable housing trust fund to be maintained by the Chief Financial Officer of the Township of Manchester for the purpose of depositing affordable housing development fees collected from residential and nonresidential developers and from the sale of affordable housing units with extinguished controls.
- (2) General provisions.
 - (a) The following funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount as follows:
 - [1] Payments in lieu of on-site construction of affordable units;
 - [2] Developer contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - [3] Rental income from municipally operated units;
 - [4] Repayments from affordable housing program loans;
 - [5] Recapture funds;
 - [6] Proceeds from the sale of affordable units; and
 - [7] Any other funds collected in connection with the Manchester Township affordable housing program.
 - (b) The Mayor and Council, in the name of the trust fund, shall have the right to apply for and receive grants from any source to further the purposes of the fund.
 - (c) Within seven days of a change to a different bank, the Township of Manchester shall provide COAH with written authorization, in the form of a three-party escrow agreement between the Township, the bank, and COAH to direct the disbursement of the funds as provided for in COAH Rules at N.J.A.C. 5:97-8.13(b).
 - (d) All interest accrued in the Affordable Housing Trust Fund shall only be used on eligible affordable housing activities approved by the COAH.
- (3) Use of funds.
 - (a) The expenditure of all affordable housing funds shall conform to a spending plan approved by COAH and, if applicable, by the court. Funds deposited in the Manchester Township Affordable Housing Trust Fund may be used for any activity approved

as part of the spending plan to address the Township's fair share obligation of affordable housing and may be set up as a grant or revolving loan program. Such activities may include, but are not limited to providing for affordable housing through preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; rehabilitation and new construction of affordable housing units and related costs; accessory apartments for affordable households; market to affordable housing units; regional affordable housing partnership programs; conversion of existing nonresidential buildings to create new affordable housing units; green affordable building strategies designed to be cost saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan and Spending Plan; and any other activity as permitted pursuant to COAH rules at N.J.A.C. 5:97-8.7 through 8.9 and as otherwise specified in the approved spending plan.

- (b) Affordability assistance. At least 30% of all affordable housing development fees collected and interest earned thereon shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the Township Housing and Fair Share Plan. One-third of the affordability assistance portion of the affordable housing development fees collected shall be used to provide affordability assistance to those households earning 30% or less of the median income of the housing region in which Manchester is located (Region 4: Ocean, Monmouth and Mercer Counties).
 - [1] Affordability assistance programs may include down-payment assistance, security-deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.
 - [2] Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
 - [3] Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

- (c) Manchester Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
 - (d) Administrative expenditures. No more than 20% of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the Manchester Township Affordable Housing Trust Fund.
- (4) Monitoring requirements. Manchester Township shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Manchester Township Affordable Housing Program, as well as to the expenditure of revenues and implementation of the plan approved by the court. All monitoring reports shall be completed on forms designed by COAH.
- (5) Collection coterminous with certification. The ability for the Township of Manchester to impose, collect and expend development fees shall expire with its substantive certification or judgment of repose unless the Township of Manchester has filed an adopted Housing Element and Fair Share Plan with COAH or the court, has petitioned for substantive certification or judgment of repose, and has received COAH approval of its affordable housing development fee ordinance. If the Township of Manchester fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to N.J.S.A. 52:27D-320. The Township of Manchester shall not impose a residential development fee on a development that

receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Township of Manchester retroactively impose a development fee on such a development. The Township of Manchester shall not expend development fees after the expiration of its substantive certification or judgment of repose.

- E. The Township of Manchester may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with COAH Rules at N.J.A.C. 5:96-18.

LAND USE AND DEVELOPMENT

245 Attachment 1

Township of Manchester

Appendix 1

Ordinance No. 75-67

Applicable to Senior Citizen Projects Approved Between 11-6-1975 and 12-19-1979 [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

PREAMBLE: Recognizing that the senior citizen projects are necessary and desirable to the general welfare of the Township and recognizing that the location of such accommodations within certain zones may be inimical to the general health, safety and welfare if improperly designed and regulated, such senior citizen projects are hereby permitted in certain residential and rural zones throughout the Township, subject to the following conditions and the issuance of a building permit or permits by the Building Inspector upon final approval by the Township Council.

2-3(a) Senior citizen projects (SCP). Any other provisions of this chapter to the contrary notwithstanding, there is hereby permitted and authorized in RC and WTRC Zones, certain residential zones in the Township of Manchester, County of Ocean, State of New Jersey, the establishment of a senior citizens project as hereinafter defined, in accordance with the standards, terms, conditions and provisions of this chapter and all amendments thereto.

Definition of a senior citizen project: One or more parcels of land having a contiguous total area of at least 50 acres forming said senior citizen project and in which the residential property therein shall be owned by a corporation, established pursuant to the laws of New Jersey and the bylaws of which corporation shall contain, provisions establishing and controlling the following:

Age of residents. The permanent residents of said senior citizen projects will be restricted by covenant to residents who: (i) are at least 55 years of age or over; or (ii) in the case of married couples, at least one of whom is 55 years of age or over, provided, however, that one child 19 years of age or over may reside with a parent or parents.

Uses required and permitted. No building, structures or land shall be used and no building or structure shall be erected structurally altered, enlarged, or maintained except for a senior citizen project as defined in this chapter built in accordance with a site development plan approved by the Township Council as prescribed in the amendment. Specifically, such a senior citizen project may include the following:

- A. Dwellings.
- B. Recreation and cultural facilities for the sole use of residents of the community and their guests, including at least one of each of the following: clubhouse and/or recreation building.
- C. Shuffleboard court.

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The following uses may be permitted but are not required:

- A. Limited commercial facilities and services such as cafeterias, newspapers, pharmaceutical suppliers, and such other service building and/or structures may be constructed within and/or contiguous to the boundaries of said senior citizen projects for the sole use and benefit of such senior citizen residents and/or their guests in their communities.
- B. Doctors, dentists, opticians, medical clinics and first aid facilities.
- C. Master TV antenna system and/or cable TV system with mast or mast(s) limited to 85 feet in height for the use of residents in the senior citizen community. Master TV antenna system and/or cable TV system must be installed and constructed in an area or areas approved by the Township Council upon the recommendation from the Planning Board with access roads for the purpose of egress and ingress; however, in the event such access roads lead into or from any private road or roads, alleyway or alleyways, patios and places, etc., within a senior citizen development, then, in that event, the person or persons, corporation or partnership installing or constructing said master TV antenna system and/or cable TV system must procure written easement agreement from the owner or owners of such private road or roads, alleyways, patios and lands, etc. for access to and from said master TV antenna system and/or cable TV system. All of the above are subordinate to residential character.
- D. There may be permitted trailer court parks or camps which are presently limited to and shall not exceed four for which there are existing licenses granted by the Township, where a natural buffer strip at least 100 feet wide is provided, as measured from the nearest existing building(s) or structure(s), subject to the age restrictions contained in Paragraph 2-3(a) of this appendix, site development plan approval and to all of the provisions of an ordinance, entitled "An ordinance to license, regulate, and tax trailers, trailer courts and parks, and court and park sites within the Township of Manchester in the County of Ocean and to provide penalties for the violation thereof," as currently amended.¹

2-3(b) Development standards. No building permits shall be issued or constructed commenced within the area except in accordance with a site development plan approved by the Township Council upon the recommendation of the Planning Board. Such a site development plan shall meet at least the following minimum requirements:

Minimum area. The minimum area of a senior citizen project shall be 50 acres; provided, however, that any contiguous additions to such project may be developed in sections with a minimum area of five acres each.

Residential density. There shall be no more than 10 dwelling units per residential acre of single-floor structures. There shall be no more than 16 dwelling units per residential acre of multistory structures.

¹ Editor's Note: See Ch. 267, Mobile Homes and Trailers.

LAND USE AND DEVELOPMENT

Residential building coverage. Not more than 20% of the gross area shall be covered by residential buildings.

Green area. Not less than 50% of the gross area shall be devoted to green area, which is herewith defined to include areas not covered by residential buildings, community structures, the paved areas of streets and parking areas.

Buildings. Single-story buildings are permissible providing they shall not contain more than eight dwelling units per structure.

Multifamily buildings are permissible, providing they shall not contain more than eight dwelling units per structure on one floor level. Multistory units are permissible only in a cluster-type development which meets the standards set forth in the second subparagraph of "Distance between buildings," below, and provided that they shall not contain more than 16 dwelling units per structure and are no more than two stories in height.

Minimum gross floor area. The minimum gross floor area for one-bedroom units shall be 600 square feet. The minimum gross floor area for two-bedroom units shall be 750 square feet.

Setbacks. No building or structure, other than entrance gate houses, walls, fences or carports, shall be located within 30 feet of any exterior boundary line of the tract.

Distance between buildings. There shall be a minimum distance of 40 feet between principal buildings such as duplex and quads and 35 feet for single-unit buildings with a garage. On culs-de-sac, the distance between the principal buildings such as duplex and quads shall be 36 feet and single-unit buildings with a garage, 32 feet.

In order to promote larger open space parcels and the preservation of more land in its natural state, the minimum average distance required between buildings may be reduced or eliminated to permit cluster-type developments which meet the following standards:

Detached units shall have horizontal separation so as to permit walkways, driveways, and proper grading in accordance with good engineering practice.

There shall be no minimum distance between buildings which are connected permanently by a party wall or other architectural feature.

Units so clustered shall provide meaningful open spaces to be left in its natural state insofar as possible which shall be accessible to all residents of the cluster.

In no case shall any attached buildings contain in the aggregate more than eight dwelling units for one-story structures nor more than 16 dwelling units for two-story structures.

No increase in the maximum building coverage or gross density in units per acre shall be allowed or inferred by the use of the cluster option.

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All other development standards not specifically modified herein shall remain unchanged when applied to cluster-type site development.

Roads. Interior roads not dedicated to public use shall have a minimum paved width of 22 feet and shall be paved and maintained in good repair.

Off-street parking. Average 1.5 spaces for each dwelling unit.

Utilities. The senior citizen project shall be serviced by electric power, water system and sewage system approved by the Manchester Township Council. Utilities must receive approval by the Board of Health and conform to Township standards.

Artificial lighting. Shall be provided on the premises in accordance with § 245-86.

LAND USE AND DEVELOPMENT

245 Attachment 2

Township of Manchester

Appendix 2

List of Senior Citizen Projects

**Approved Under Ordinance No. 75-67 Between 11-6-1975 and 12-19-1979
with Applicable Setback Standards for Decks, Porches, Patio Covers, etc.**

1. Leisure Knoll.

- a. Minimum distance between homes: 16 feet, any combination.
- b. Rear setback: 20 feet.
- c. Front setback: 20 feet.

2. Leisure Village West.

No setbacks.

3. Cedar Glen, Cedar Glen West, Cedar Glen Lakes.

No distance to property lines required.

4. Crestwood Village 5, 6, and 7.

Distance to retirement community boundary line: minimum of 30.0 feet. No distances required for other property lines.

5. Crestwood CO-OPs 1, 2, 3, and 4.

- a. **Singles.** Minimum of 35.0 feet between buildings, except for cul-de-sac, where a minimum of 32.0 feet is required.
- b. **Duplex and quads.** Minimum of 40.0 feet between buildings, except for culs-de-sac, where a minimum of 36.0 feet is required.
- c. **CO-OPs 3 and 4, patios and screens.** Variances were granted for the distance between buildings only on existing patios and screens.

6. Pine Ridge.

- a. Minimum distance between coaches: 15.0 feet.
- b. Minimum distance from roads: 20.0 feet.
- c. If any structure is less than 6.0 feet to a property line, the Construction Official must approve a firewall.

7. Pulte.¹

¹ Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

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- a. Front setback: 20 feet.
- b. Side setback: 10 feet.
- c. Rear setback: 20 feet.
- d. Driveway: 25 feet.
- e. Distance to any exterior boundary line: 30 feet.

8. Renaissance.²

- a. Front setback: 20 feet.
- b. Rear setback: none.
- c. Driveway: 25 feet.
- d. Distance between homes: 16 feet.

9. Retreat @ Manchester.³

- a. Front setback: 20 feet.
- b. Driveway: 25 feet front yard.
- c. Side setback: 10 feet.
- d. Rear setback: 20 feet.
- e. Building height: no more than 35 feet.

10. Trailer Parks.⁴

- a. Distance between all structures: 15 feet.
- b. Front setback: 20 feet.

11. Reserve at Lake Ridge.⁵

- a. Front setback: 20 feet.
- b. Side setback: 10 feet.
- c. Rear setback: 20 feet.

² Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

³ Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

⁴ Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

⁵ Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

LAND USE AND DEVELOPMENT

245 Attachment 3

Township of Manchester

Appendix 3

Application Checklist and Documents Required to be Submitted

[Amended 11-27-2000 by Ord. No. 00-040; 11-28-2005 by Ord. No. 05-053; 2-22-2010 by Ord. No. 10-006; 6-24-2013 by Ord. No. 13-005]

No.	Description	Variance	Informal Sketch Plat	Minor Application		Major Application				Submitted	
						Subdivision		Site Plan		☐ X	☐ N/A
				Subdivision	Site Plan	Preliminary	Final	Preliminary	Final		
A.	Application Form (20 copies for review)	X	X	X	X	X	X	X	X	☐	☐
B.	Project Plat Information (20 copies for review)										
1.	Name, telephone number and address of owner and applicant	X	X	X	X	X	X	X	X	☐	☐
2.	Notarized signature/affidavit of ownership. If applicant is not the owner, state applicant's interest in plan. (Final Plat prior to filing)	X	X	X	X	X	X	X	X	☐	☐
3.	Name, signature, license number, seal, address, telephone number, e-mail and Fax number of professional engineer, land surveyor, architect, planner and certified landscape architect, as applicable, involved in preparation of plat.	X	X	X	X	X	X	X	X	☐	☐
4.	Title block denoting type of application, Tax Map sheet, county, name of municipality, block and lot, and street location.	X	X	X	X	X	X	X	X	☐	☐

MANCHESTER CODE

No.	Description	Variance	Informal Sketch Plat	Minor Application		Major Application				Submitted	
						Subdivision		Site Plan		☐ X	☐ N/A
				Subdivision	Site Plan	Preliminary	Final	Preliminary	Final		
5.	Key map at specified scale showing location to surrounding properties, streets, easements, municipal boundaries, etc., within 500 feet of property.	X	X	X	X	X	X	X	X	☐	☐
6.	North arrow and scale for key map and plat. Scale to include bar graph depicting feet.	X	X	X	X	X	X	X	X	☐	☐
7.	Schedule of required zoning district requirements including lot area, density, FAR, width, depth, yard setbacks, building coverage, open space, parking, etc.	X	X	X	X	X	X	X	X	☐	☐
8.	Signature and date blocks for Board Chairman, Secretary and Engineer.			X	X	X	X	X	X	☐	☐
9.	Proof that taxes are current.	X	X	X	X	X	X	X	X	☐	☐
10.	Certification blocks required by Map Filing Law.			X			X			☐	☐
11.	Monumentation as specified by Map Filing Law and required by Township Engineer.			X			X			☐	☐
12.	Date of current property survey, name of reference plat and name and license number of New Jersey Professional Land Surveyor.			X	X	X	X	X	X	☐	☐

LAND USE AND DEVELOPMENT

No.	Description	Variance	Informal Sketch Plat	Minor Application		Major Application				Submitted	
						Subdivision		Site Plan		☐ X	☐ N/A
				Subdivision	Site Plan	Preliminary	Final	Preliminary	Final		
13.	Plans to a scale of not less than 1 inch = 50 feet (except that 40 acres or larger may be 1 inch = 10 feet) and not larger than 1 inch = 10 feet on one of four of the following standard sheet sizes: 8 1/2" x 13" 15" x 21" 24" x 36" 30" x 42"			X	X	X	X	X	X	☐	☐
14.	Metes and bounds description showing dimensions, bearings of original and proposed lots.			X	X	X	X	X	X	☐	☐
15.	Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords, and central angles for all centerlines and rights-of-way and centerline curves on streets.			X	X	X	X	X	X	☐	☐
16.	Acreage of tract to the nearest tenth of an acre (for GDP to nearest acre).	X	X	X	X	X	X	X	X	☐	☐
17.	Date and number of original preparation and of each subsequent revision. Include brief narrative of each revision.	X		X	X	X	X	X	X	☐	☐
18.	Size and location of any existing and proposed structures with all setbacks and length measurement of perimeter building walls dimensioned.	X	X	X	X	X	X	X	X	☐	☐

MANCHESTER CODE

No.	Description	Variance	Informal Sketch Plat	Minor Application		Major Application				Submitted	
						Subdivision		Site Plan		☐ X ☐	☐ N/A ☐
				Subdivision	Site Plan	Preliminary	Final	Preliminary	Final		
19.	Size and location of all existing structures within 200 feet of the site boundaries. (General use for sketch plat.)		X	X	X	X	X	X	X	☐	☐
20.	Tax lot and block numbers of existing lots. The final plat shall show block and lot numbers, street names and addresses (numbers) approved by the Tax Assessor.			X	X	X	X	X	X	☐	☐
21.	Proposed lot lines and area of proposed lots in square feet.		X	X		X	X				
22.	Any existing or proposed easement or land reserved for or dedicated to public use.	X	X	X	X	X	X	X	X	☐	☐
23.	Property owners within 200 feet of subject property. (Most recent municipal tax records.)	X	X	X	X	X	X	X	X	☐	☐
24.	Location of natural slopes of 15% or greater, streams, floodplains, wetlands and other environmentally sensitive area on or within 200 feet of the project site. "Natural slopes," for checklist purposes, shall not include areas previously cleared and/or graded in gravel and mineral mining areas. (Note: Applications for bulk variances need only show these features on-site.)	X		X	X	X	X	X	X	☐	☐
25.	List of variances required or requested.	X		X	X	X	X	X	X	☐	☐
26.	List of requested design exceptions.	X	X	X	X	X	X	X	X	☐	☐

LAND USE AND DEVELOPMENT

No.	Description	Variance	Informal Sketch Plat	Minor Application		Major Application				Submitted	
						Subdivision		Site Plan		☒	☐ N/A
				Subdivision	Site Plan	Preliminary	Final	Preliminary	Final		
27.	Phasing plan as applicable to include:					X	X	X	X	☐	☐
	a. Circulation plan, including signage, separating construction traffic from traffic generated by intended use of site.										
	b. Phasing sequence.										
28.	Preliminary architectural plans and elevations.	X	X		X			X	X	☐	☐
29.	Site identification signs, traffic control signs, and identification signs.				X	X	X	X	X	☐	☐
30.	Sight triangles.			X	X		X	X	X	☐	☐
31.	Proposed street names when new street is proposed.					X	X	X	X	☐	☐
32.	Parking plan showing spaces, size and type, side width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions, the number of spaces required by ordinance, and the number of spaces provided.				X			X	X	☐	☐
32.1.	Number of employees, total and maximum per shift.				X			X	X	☐	☐
33.	Solid waste management and recycling plan showing dumpster and holding location and provisions for waste and recyclables.				X	X	X	X	X	☐	☐
34.	Size and location of any existing or proposed streets (general location for sketch plat).	X	X	X	X	X	X	X	X	☐	☐

MANCHESTER CODE

No.	Description	Variance	Informal Sketch Plat	Minor Application		Major Application				Submitted	
						Subdivision		Site Plan		☐ X	☐ N/A
				Subdivision	Site Plan	Preliminary	Final	Preliminary	Final		
35.	Topographical features of subject property from USC and GS map.		X	X	X					☐	☐
36.	Boundary, limit, nature and extent of wooded areas, specimen trees, and other significant physical features (details may vary).	X	X	X	X	X	X	X	X	☐	☐
37.	Existing system of drainage of subject site and of any larger tract or basin of which it is a part.					X	X	X	X	☐	☐
38.	Drainage area map.					X	X	X	X	☐	☐
39.	Drainage calculations.					X	X	X	X	☐	☐
40.	Percolation and soil lots (where septic system, retention basin, or groundwater recharge is proposed).			X	X	X	X	X	X	☐	☐
41.	Existing rights-of-way and easements within 200 feet of the tract.		X	X	X	X	X	X	X	☐	☐
42.	Number of lots following subdivision and acreage if over one acre, square feet if one acre or less.	X	X	X	X	X	X	X	X	☐	☐
43.	Identification and calculation of critical areas.		X	X	X	X	X	X	X	☐	☐
44.	Overall concept plan for all phased development parks and planned office industrial parks.		X			X	X	X	X	☐	☐

LAND USE AND DEVELOPMENT

No.	Description	Variance	Informal Sketch Plat	Minor Application		Major Application				Submitted	
						Subdivision		Site Plan		☐ X	☐ N/A
				Subdivision	Site Plan	Preliminary	Final	Preliminary	Final		
	45. Lot yield map showing the number of lots possible under conventional zoning and the number of lots proposed, notation of any variances or design exceptions or waivers necessary to achieve the yield under conventional zoning and all environmental constraints affecting the tract proposed for development.					X				☐	☐
	46. Indication of existing utilities.		X							☐	☐
	47. Copy of plat and plans on a CD in a .dxf file format if the plat or plans are drawn with the aid of a computer in AutoCAD or GIS format.						X		X	☐	☐
	48. Two copies of the final map as filed with the Ocean County Clerk shall be filed with the Township Tax Assessor and Engineer.						X		X	☐	☐
C.	Construction Plans										
	1. Site layout showing all roadways, circulation patterns, curbs, sidewalks, buffers, structures, open space, recreation, etc., as applicable.				X	X	X	X	X	☐	☐

MANCHESTER CODE

No.	Description	Variance	Informal Sketch Plat	Minor Application		Major Application				Submitted	
						Subdivision		Site Plan		☐ X ☐ N/A	
				Subdivision	Site Plan	Preliminary	Final	Preliminary	Final		
2.	Grading and utility plan to include, as applicable:				X	X	X	X	X	☐	☐
	a. Existing and proposed contours at one-foot intervals for grades 3% or less and at two-foot intervals for grades more than 3% (at a distance of 50 feet beyond limits of major subdivision).										
	b. Elevations of existing and proposed structures.										
	c. Location and invert elevation of existing and proposed drainage structures.										
	d. Location of all streams, ponds, lakes, wetland areas.										
	e. Locations of existing and proposed utilities, including depth of structures, locations of manholes, valves, services, etc.										
3. a.	Typical cross-sections and center-line profiles of all proposed streets, including utilities and stormwater facilities.					X		X		☐	☐

LAND USE AND DEVELOPMENT

No.	Description	Variance	Informal Sketch Plat	Minor Application		Major Application				Submitted	
						Subdivision		Site Plan		☐ X ☐ N/A	
				Subdivision	Site Plan	Preliminary	Final	Preliminary	Final		
3.	b. Final center-line profiles for all new streets. Show existing grade, proposed grade, stationing and proposed elevations of all proposed vertical curves, stationing and proposed elevations and intersection of all utility and stormwater lines.						X		X	☐	☐
4.	Landscaping plan to include:				X	X	X	X	X	☐	☐
	a. Location of existing vegetation, including all shade trees 10 inches in caliper or greater at 5 feet above ground level and all ornamental trees 4 inches in caliper or greater at one foot above ground limits and clearing limits.										
	b. Proposed buffer areas and method of protection during construction.										
	c. Proposed landscaped areas.										
	d. Number, size, species and location of proposed plantings including street trees.										
	e. Details for method of planting, including optimum planting season.										
5.	Soil Erosion and Sediment Control Plan prepared in accordance with the standards for soil erosion and sediment control in New Jersey and the requirements of Chapter 188, Soil and Land Conservation.				X	X	X	X	X	☐	☐

MANCHESTER CODE

No.	Description	Variance	Informal Sketch Plat	Minor Application		Major Application				Submitted	
						Subdivision		Site Plan		☐ X ☐ N/A	
				Subdivision	Site Plan	Preliminary	Final	Preliminary	Final		
6.	Lighting plan to include:				X	X	X	X	X	☐	☐
	1. Location and height of proposed fixtures.										
	2. Detail for construction of fixture.										
7.	All required standard Township construction details for all improvements, including: 1. Roadways 2. Curb 3. Sidewalk 4. Driveway aprons 5. Drainage inlets 6. Pipe backing 7. Outfalls 8. Manholes 9. Gutters 10. Plantings 11. Soil erosion and sediment control structures 12. Parking lots 13. Water services, fire hydrants, and valves				X	X	X	X	X	☐	☐
D.	Supplementary Documents										
	1. List of all federal, state, county regional and/or municipal approvals or permits required.	X		X	X	X	X	X	X	☐	☐
	2. Copies of any existing or proposed deed restrictions or covenants.	X		X	X	X	X	X	X	☐	☐
	3. Freshwater wetlands letter of interpretation for the project area.			X	X	X	X	X	X	☐	☐
	4. Disclosure statement. (See N.J.S.A. 40:55D-48.1 et seq.)	X	X	X		X	X	X	X	☐	☐

LAND USE AND DEVELOPMENT

No.	Description	Variance	Informal Sketch Plat	Minor Application		Major Application				Submitted	
						Subdivision		Site Plan		☒	☐ N/A
				Subdivision	Site Plan	Preliminary	Final	Preliminary	Final		
5.	Statement from utility companies as to serviceability of the site.			X	X	X	X	X	X	☐	☐
6.	Stormwater management calculations.					X	X	X	X	☐	☐
7.	Payment of all applicable fees.	X	X	X	X	X	X	X	X	☐	☐
8.	Statement of Environmental Impact and Assessment (SEIA).					X		X		☐	☐
9.	Number of witnesses and their expertise, if any.	X	X	X	X	X	X	X	X	☐	☐

LAND USE AND DEVELOPMENT

245 Attachment 4

Township of Manchester

Appendix 4

Letter of Credit Forms for Performance and Maintenance Bonds

**IRREVOCABLE STANDBY LETTER OF CREDIT
(Performance)**

LETTER OF CREDIT NUMBER: _____

DATE: _____, 20____

BENEFICIARY: TOWNSHIP OF MANCHESTER, NJ (from now on referred to as
"Township")

AMOUNT: \$ _____

INITIAL EXPIRATION DATE: _____, 20____

DEVELOPER: _____ (from now on referred to as "Developer")

ADDRESS: _____

ISSUING FINANCIAL INSTITUTION: _____ (from now
on referred to as "Bank")

ADDRESS: _____

The Bank submits to the Township this Irrevocable Standby Letter of Credit (from now on referred to as "Letter of Credit") in the amount of \$_____, representing the cash performance guarantee required under the provisions of the Land Use and Development Ordinance of the Township of Manchester, NJ, to guarantee installation and completion of the improvements required by the Township Planning Board or Zoning Board of Adjustment (from now on referred to in either case as the "Board") in connection with the following development:

Block(s) _____ Lot(s): _____

Block: _____ Lot(s): _____

Manchester Township Development Application No. _____

The improvements required to be completed are set forth in the Township Engineer's estimates dated _____, 20____ attached to this Letter of Credit and incorporated herein.

MANCHESTER CODE

The Bank hereby agrees with respect to this Letter of Credit as follows:

1. If:

- a) The improvements required by the Board have not been installed in accordance with the development approval and the attached Engineer's estimates, and
- b) The improvements have not been accepted by the Township by a duly adopted resolution releasing this Letter of Credit, or
- c) The Developer has failed to perform as required by the Developer's Agreement entered into between the Developer and the Township, which Agreement shall be deemed incorporated herein and a part of this Letter of Credit;

Then, the Bank shall release funds under this Letter of Credit to the Township, pursuant to Paragraph 3 hereafter, for:

- 1) All costs of having the improvements installed, and upon receipt of the proceeds under this Letter of Credit, the Township shall install or have such improvements installed as may be required, and/or
- 2) All costs and/or damages resulting from the Developer not having complied with the Developer's Agreement, and/or
- 3) All Township costs (including reasonable attorney's fees and expert witness' fees) of any litigation brought as a result of the Developer's failure to have the improvements installed and approved or as a result of Developer having failed to perform pursuant to the Developer's Agreement.

It is expressly understood that the liability of the Bank is limited to the drawdown requirements as explained in this Letter of Credit hereafter.

2. This Letter of Credit shall be valid for a period commencing on the date set forth above and expiring on the initial expiration date set forth above, except as that initial expiration date may be extended as explained hereafter. If the required improvements have not been completed, approved and accepted at least 60 days before the initial expiration date set forth above, then the Township shall have the right to draw any amount which is then due up to the full amount of this Letter of Credit. This Letter of Credit shall be automatically extended, without amendment, for periods of one year each from the initial, or any future expiration date, unless 60 days prior to the expiration date, the Bank notifies the Township Clerk and the Township Attorney by certified mail, return receipt requested, that the Bank elects not to extend. Upon receipt of such notice, the Township may draw under this Letter of Credit by stating in writing that the Letter has not been renewed or extended and by the Township complying with the provisions of Paragraph 3 hereafter.

The Developer, until a replacement Irrevocable Standby Letter of Credit in this form has been deposited with the Township, will cease and desist any and all work on the development, unless the required improvements under the approval, this Letter of Credit and the Developer's Agreement have been completed and approved by the Township Engineer and Township Council. In the event any occupancy is taking place in any improvements in the development, such occupancy shall then be deemed illegal, shall cease and desist. The provisions of this paragraph apply only to the Developer.

LAND USE AND DEVELOPMENT

3. In all circumstances, the release of money to the Township under this Letter of Credit (sometimes referred to as a “draw” or “drawdown”) shall be accomplished by a written demand authorized by written resolution of the Township Council and setting forth the Developer’s failure to perform.

In addition to the written demand, the Township shall present:

- a) This original Letter of Credit if demand is made for the full amount, or a copy of this Letter of Credit if the demand is for less than the full amount, and
- b) A certified true copy of the appointing resolution if the demand is executed by a Township official other than the Township Engineer, Township Clerk or Township Administrator.

The written demand and any required accompanying documents shall be served on the Bank by either of the following two methods:

- a) Certified Mail, Return Receipt Requested, to the Bank at the address indicated on this Letter of Credit by depositing the documents in the United States mails, postage prepaid, no later than three days before the expiration date, either initial or as extended, of this Letter of Credit; or
 - b) Personal presentation of the documents by any Township representative at the Bank at the address indicated on this Letter of Credit on or before the expiration date, either initial or as extended.
4. The Bank and Developer hereby irrevocably bind themselves, their heirs, successors, assigns and representatives to the full and faithful performance of the obligations contained in this Letter of Credit until all conditions for release as provided in this Letter of Credit are complied with. It is expressly understood that the obligation of the Bank shall terminate upon full release of this Letter of Credit by the Township.
5. The use, i.e., drawdown, of all or part of this Letter of Credit shall in no way be deemed to constitute a waiver of any other right the Township may have under law or other documents delivered to the Township by the undersigned Developer. It is expressly understood that the provisions of this paragraph shall not apply to the Bank.

DEVELOPER:

ATTEST: (Affix Seal)

_____ Secretary	BY: _____ President
--------------------	------------------------

DATED:

DATED:

FINANCIAL INSTITUTION:

ATTEST: (Affix Seal)

_____ Secretary	BY: _____ President
--------------------	------------------------

DATED:

DATED:

MANCHESTER CODE

STATE OF NEW JERSEY:

:ss

COUNTY OF:

I certify that on _____, 20____, _____ personally came before me and this person acknowledge under oath, to my satisfaction, that:

- (a) This person is the secretary of the financial institution in the attached documents;
- (b) This person is the attesting witness to the signing of this document by the proper corporate officer who is _____, the President of the financial institutions;
- (c) This document was signed and delivered by the corporation as its voluntary act duly authorized by a proper Resolution of its Board of Directors;
- (d) This person knows the proper seal of the corporation which was affixed to this document; and
- (e) This person signed this proof to attest to the truth of these facts.

Secretary

Sworn and subscribed to before me
this _____ day of _____, 20_____.

NOTE: ATTACH APPLICABLE INDIVIDUAL DEVELOPER CERTIFICATION
(Form P-1A) OR CORPORATE DEVELOPER CERTIFICATION (Form P-1B)

LAND USE AND DEVELOPMENT

INDIVIDUAL DEVELOPER CERTIFICATION
(Performance)

STATE OF NEW JERSEY:

:SS

COUNTY OF:

I certify that on _____, 20____, _____ personally came
before me and this person acknowledged under oath, to my satisfaction, that:

- (a) This person is named in and personally signed this document; and
- (b) This person signed, sealed and delivered this document as his act and deed.

Sworn and subscribed to before me
this _____ day of _____, 20_____.

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires on

(Impress Seal)

MANCHESTER CODE

**CORPORATE DEVELOPER CERTIFICATION
(Performance)**

STATE OF NEW JERSEY:

:SS

COUNTY OF:

I certify that on _____, 20____, _____ personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) This person is the secretary of the Developer named in the attached document;
- (b) This person is the attesting witness to the signing of this document by the proper corporate officer who is _____ the President of the Developer;
- (c) This document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (d) This person knows the proper seal of the corporation which was affixed to this document; and
- (e) This person signed this proof to attest to the truth of these facts.

Secretary

Sworn and subscribed to before me
this _____ day of _____, 20_____.

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires on

(Impress Seal)

Manchester Township Letter of Credit Form P-1B

LAND USE AND DEVELOPMENT

**IRREVOCABLE STANDBY LETTER OF CREDIT
(Maintenance)**

LETTER OF CREDIT NUMBER: _____

DATE: _____, 20 ____

BENEFICIARY: TOWNSHIP OF MANCHESTER, NJ (from now on referred to as
"Township")

AMOUNT: \$ _____

EXPIRATION DATE: _____, 20 ____

DEVELOPER: _____ (from now on referred to as "Developer")

ADDRESS: _____

ISSUING BANK: _____ (from now on referred to as "Bank")

ADDRESS: _____

The Bank submits to Manchester Township this Irrevocable Standby Letter of Credit (from now on referred to as "Letter of Credit") in the amount of \$ _____, representing the maintenance guarantee required under the provisions of the Land Use Ordinances of the Township of Manchester, to guarantee maintenance of the improvements required by the Manchester Township Planning Board in connection with the following development:

The improvements which were completed are as set forth in the Manchester Township Engineer's estimates dated _____, 20 ____ (from now on referred to as the "improvements").

The Bank hereby agrees with respect to this Letter of Credit as follows:

1. If the developer shall not, for a period of two years (from now on referred to as the "period") indemnify and save the Beneficiary harmless from any pecuniary loss which it might sustain by reason of any defective work or materials in the construction of improvements and/or shall not on due notice repair or replace any defects of workmanship or materials which shall appear during the period;

Then, the Bank shall release funds under this Letter of Credit to Manchester Township for:

- (1) All costs of replacing or repairing the improvements, and upon receipt of the proceeds under this Letter of Credit, the Township shall repair or replace such improvements as may be required, and/or
- (2) All costs and/or damages resulting from the Developer not having complied with its obligation to repair or replace the improvements and/or to hold the Beneficiary harmless from any pecuniary loss which it might sustain by reason of any defective work or materials in the construction of the improvements, and/or

MANCHESTER CODE

- (3) All Township costs (including reasonable attorney's fees and expert witness fees) of any litigation brought as a result of the Developer's failure to have repaired or replaced the improvements. It is expressly understood that the liability of the Bank is limited to the drawdown requirements as explained in this Letter of Credit hereafter.
 2. This Letter of Credit shall be valid for a period of 24 months commencing on the date set forth above and expiring on the expiration date set forth above. **[Amended 11-28-2005 by Ord. No. 05-053]**
 3. The release of money to the Township under this Letter of Credit (sometimes referred to as a "draw" or "drawdown") shall be accomplished by a written demand setting forth: (1) the Developer's failure to perform, (2) and/or that the Letter of Credit is to expire within the next 30 days and the performance of the Developer has not been completed or the damages to the Beneficiary are not, at that time, subject to quantification, and signed by one of the following:
 - a) Manchester Township Engineer.
 - b) Manchester Township Clerk.
 - c) Township official authorized by written resolution, duly adopted by the Manchester Township Council, to act in the place of the Manchester Township Engineer, Manchester Township Clerk or Township Administrator.
- In addition to written demand, the Township shall present:
- a) The original Letter of Credit if demand is made for the full amount, or a copy of the Letter of Credit if the demand is for less than the full amount, and
 - b) A certified true copy of the appointing RESOLUTION if the demand is executed by a Township official other than the Township Engineer, Township Clerk or Township Administrator.
- The written demand and any required accompanying documents shall be served on the Bank by either of the following two methods:
- a) Certified mail, return receipt requested, to the Bank at the address indicated by depositing the documents in the United States mails, postage prepaid, no later than three days before the expiration date, either initial or as extended, of this Letter of Credit.
 - b) Personal presentation of the documents by any Township representative at the Bank at the address indicated on or before the expiration date of this Letter of Credit.
4. The Bank and Developer hereby irrevocably bind themselves, their heirs, successors, assigns and representatives to the full and faithful performance of the obligations contained in this Letter of Credit.
 5. The use, i.e., drawdown, of all or part of this Letter of Credit shall in no way be deemed to constitute a waiver of any other right the Township may have under law or other documents delivered to the Township by the undersigned Developer. It is expressly understood that the provisions of this paragraph shall not apply to the Bank.

LAND USE AND DEVELOPMENT

ATTEST: (Affix Seal)

Secretary BY: _____
President

DATED:

DATED:

BANK:

ATTEST: (Affix Seal)

Secretary BY: _____
President

DATED:

DATED:

STATE OF NEW JERSEY:

:ss

COUNTY OF:

I certify that on _____, 20____, _____ personally came before me and this person acknowledge under oath, to my satisfaction, that:

- (a) This person is the secretary of the Bank in the attached documents;
- (b) This person is the attesting witness to the signing of this document by the proper corporate officer, who is the President of the Bank;
- (c) This document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (d) This person knows the proper seal of the corporation which was affixed to this document; and
- (e) This person signed this proof to attest to the truth of these facts.

Secretary

Sworn and subscribed to before me
this _____ day of _____, 20_____.

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires on _____, 20____
(Impress Seal)

Manchester Township Letter of Credit Form M-1A

MANCHESTER CODE

**INDIVIDUAL DEVELOPER CERTIFICATION
(Maintenance)**

STATE OF NEW JERSEY:

:SS

COUNTY OF:

I certify that on _____, 20____, personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) This person is the secretary of the Developer named in the attached document;
- (b) This person is the attesting witness to the signing of this document by the proper corporate officer, who is the President of the Developer;

Secretary

Sworn and subscribed to before me
this _____ day of _____, 20_____.

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires on _____, 20_____

(Impress Seal)

LAND USE AND DEVELOPMENT

CORPORATE DEVELOPER CERTIFICATION
(Maintenance)

STATE OF NEW JERSEY:

:SS

COUNTY OF:

I certify that on _____, 20____, personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) This person is the secretary of the Developer named in the attached document;
- (b) This person is the attesting witness to the signing of this document by the proper corporate officer, who is the President of the Developer;
- (c) This document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (d) This person knows the proper seal of the corporation which was affixed to this document; and
- (e) This person signed this proof to attest to the truth of these facts.

Secretary

Sworn and subscribed to before me
this _____ day of _____, 20_____.

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires on _____, 20 _____

(Impress Seal)

LAND USE AND DEVELOPMENT

245 Attachment 5

Township of Manchester

Appendix 5
Environmental Impact Statement Applicability Checklist
§ 245-50
[Amended 2-22-1999 by Ord. No. 99-001]

EIS Applicability		Single-Family Units		10 or More Units	Planned Development
		1 and 2 Units	3 to 9 Units		
1	Proposed project			X	X
2	Existing conditions § 245-50B(2).		X ¹	X	X
3	Wastewater management	X	X	X	X
4	Water supply		X	X	X
5	Surface drainage	X	X	X	X
6	Stream encroachments	X	X	X	X
7	Solid waste disposal			X	X
8	Air quality			X	X
9	Noise quality			X	X
10	Environmental protective measures	X	X	X	X
11	Impacts not avoided		X	X	X
12	Summary environmental assessment		X	X	X

NOTE:

- ¹ Specific or certain items may be exempted by the Planning Board or Board of Adjustment upon recommendation from the Manchester Township Environmental Commission.

245 Attachment 6

Township of Manchester

Appendix 6
Zoning Schedules A through G

Schedule A

CAFRA Area and Pinelands National Reserve Area Zoning Districts Schedule

[Amended 11-27-2000 by Ord. No. 00-041; 3-25-2002 by Ord. No. 02-004; 9-27-2004 by Ord. No. 04-025; 11-28-2005 by Ord. No. 05-053; 2-27-2006 by Ord. No. 06-002; 6-24-2013 by Ord. No. 13-005; 9-8-2014 by Ord. No. 14-015; 7-13-2015 by Ord. No. 15-010; 11-14-2016 by Ord. No. 16-036; 2-13-2017 by Ord. No. 17-002]

Schedule A – CAFRA Area and Pinelands National Reserve Area Zoning Districts Schedule															
Zone	Notes	Minimum Lot Requirements				Minimum Yard Requirements					Maximum Site Improvement Ratio	Maximum Building Coverage (%)	Maximum Lot Coverage (%)	Maximum Building Height (feet) ⁷	Minimum Floor Area (square feet) ³
						Principal Building			Accessory Building ²						
		Area (square feet)	Lot Frontage (feet) ¹	Lot Width (feet)	Improvable Lot Area (square feet)	Front (feet)	Rear (feet)	Each Side (feet)	Rear (feet)	Side (feet)					
RA		1 acre	150	150	27,000	50	30	25	10	15	N/A	25%	25%	35	³
R-40		40,000	200	200	18,700	50	50	25	25	25	N/A	25%	25%	35	³
R-20	12	20,000	100	100	11,000	30	30	15	15	10	NA	25%	25%	35	
R-15	⁹	15,000	100	100	9,600	30	26	12	10	6	N/A	25%	30%	35	³
R-14	⁹	14,000	100	100	8,800	30	26	12	10	6	N/A	25%	30%	35	³
R-10	^{9,10}	10,000	100	100	5,800	30	26	10	5	5	N/A	25%	35%	35	³
R-10A	⁹	10,000	75	75	6,300	30	26	10	5	5	N/A	25%	35%	35	³
RC		Same as R-40 (Also see § 245-67, Planned retirement communities; § 245-73, Senior citizen light care; and § 245-75, Continuing care for elderly)													
RC-2		See § 245-31H, RC-2 Planned Retirement Community-2													
MF		Same as R-40 (Also see § 245-74, Townhouse developments)													
MF-6	11	See § 245-31S.													
MF-AF		See § 245-31I, MF-AF Multifamily - Affordable Housing													
MP		Same as R-40 (Also see Chapter 267, Mobile Homes and Trailers)													
OR-LI		3 acres	200	200	40,000	75	50	50	20	20	0.20	20%	65%	35	4,000
O-P	⁴	40,000	200	200	18,750	50 ⁴	50 ⁴	50	50	50	0.20	20%	65%	38	2,000
B-1		1 acre	150	150	20,000	50	25	20	10	10	0.20	20%	65%	35	1,500
HD-3	^{4,11}	3 acres	300	300	40,000	100	50 ⁴	50 ⁴	50	50	0.18	18%	65%	40	15,000

Schedule A – CAFRA Area and Pinelands National Reserve Area Zoning Districts Schedule															
Zone	Notes	Minimum Lot Requirements				Minimum Yard Requirements					Maximum Site Improvement Ratio	Maximum Building Coverage (%)	Maximum Lot Coverage (%)	Maximum Building Height (feet) ⁷	Minimum Floor Area (square feet) ³
						Principal Building			Accessory Building ²						
		Area (square feet)	Lot Frontage (feet) ¹	Lot Width (feet)	Improvable Lot Area (square feet)	Front (feet)	Rear (feet)	Each Side (feet)	Rear (feet)	Side (feet)					
HD-3A	⁵	3 acres	300	300	40,000	100	100	⁵	100	⁵	0.18	18%	65%	40	15,000
HD-10	⁶	10 acres	500	500	200,000	400	75	75	50	50	0.15	15%	80%	40	60,000
TC		10 acres	500	500	200,000	100	75	75	50	50	0.15	15%	60%	35	60,000
LI		3 acres	250	250	107,400	100	50	50	50	50	0.20	20%	65%	35	15,000
FA-R		20 acres	200	200	1 acre	50	50	40	20	20	N/A	10%	N/A	35	³
FA-S		20 acres	300	300	1 acre	100	50	40	20	20	N/A	10%	N/A	35	³

NOTES:

¹ See definition of "lot frontage" for allowable reductions.

² In all zones, barns, animal shelters and pens shall maintain a minimum fifty-foot setback from all property lines.

³ (Reserved)

⁴ Minimum rear and/or side yard shall be 60 feet when yard is adjacent to residential zoning districts.

⁵ Minimum side yard setback of HD-3A District are 100 feet along western and northern property lines and 15 feet along eastern property line.

⁶ Planned commercial development option permitted on a minimum forty-acre tract area. Planned commercial lots must comply with the HD-3 Zoning District regulations.

⁷ Maximum building height for an accessory garage shall be 16 feet. All other accessory buildings shall have a maximum height of 12 feet.

⁸ Maximum building height for a single-family residence shall be 35 feet measured from average grade plane.

⁹ The first floor elevation shall not be less than 24 inches, nor more than 48 inches above the average elevation of the crown of the road in front of the property in question in the R-10, R-10A, R-15, and R-14 Zones.

¹⁰ Undersized lots shall be subject to the building limitations set forth in § 245-31E(6)(b).

¹¹ The HD-3/MF-6 Overlay shall be subject to the regulations of § 245-31T.

¹² For development of 10 lots or more, bulk requirement is average of 20,000 square feet.

Schedule B
Pinelands Area Zoning Districts Schedule (§ 245-33A)
[Amended 2-22-1999 by Ord. No. 99-001; 6-14-2010 by Ord. No. 10-012; 12-12-2011 by Ord. No. 11-025; 9-8-2014 by Ord. No. 14-016;
7-13-2015 by Ord. No. 15-009]

Zone	Notes	Minimum Lot Requirements				Minimum Yard Requirements					Maximum Site Improvement Ratio	Maximum Building Coverage (%)	Maximum Lot Coverage (%)	Maximum Building Height (feet) ⁹	Minimum Floor Area (square feet) ³
						Principal Building			Accessory Building ²						
		Area (square feet)	Lot Frontage (feet) ¹	Lot Width (feet)	Improvable Lot Area (square feet)	Front (feet)	Rear (feet)	Each Side (feet)	Rear (feet)	Side (feet)					
PPA	^{4, 6}	3.2 acres	200	200	1 acre	100	50	40	20	20	N/A	10	N/A	35	³
PFA-R	^{6, 8}	20 acres	200	200	1 acre	50	50	40	20	20	N/A	10	N/A	35	³
PFA-S	^{6, 7}	20 acres	300	300	1 acre	100	50	40	20	20	N/A	10	N/A	35	³
PMP	(See Chapter 267, Mobile Homes and Trailers)														
PRC	(See § 245-67, Planned retirement communities; § 245-73, Senior citizen light care; and § 245-75, Continuing care for elderly)														
PRC-1	See § 245-33W, Pinelands Retirement Community														
PED-1	See § 245-33V, Pinelands Retirement Community														
PED-9	See § 245-33V, Pinelands Retirement Community														
PRA	⁴	1 acre	150	150	27,000	50	30	25	10	15	N/A	25	N/A	35	³
PR-15	⁵	15,000	100	100	9,600	30	15	12	10	6	N/A	25	N/A	35	³
PRC/ RCL	(See § 245-67, Planned retirement communities; § 245-73, Senior citizen light care; and § 245-75, Continuing care for elderly)														
PB-1		20,000	125	125	13,500	50	25	20	10	10	0.20	20	65	35	1,500
POR-LI		3 acres	200	200	40,000	75	50	50	20	20	0.20	20	65	35	4,000
MI	Military installation requirements as required in Pinelands Comprehensive Management Plan														

NOTES:

¹ See definition of "lot frontage" for allowable reductions.

² In all zones, barns, animal shelters and animal pens shall maintain a minimum fifty-foot setback from all property lines.

³ The minimum floor area for single-family detached residential structures shall be as follows: one bedroom: 1,150 square feet; two bedrooms: 1,250 square feet; three bedrooms: 1,350 square feet; four bedrooms: 1,450 square feet; for each additional bedroom, add 100 square feet. Number of rooms exclusive of main living room, enclosed porch, kitchen, bathrooms, closets and storage space. The minimum first floor area in any two-story house shall not be less than 900 square feet. Accessory uses and other structures shall not exceed 1,000 square feet.

⁴ Minimum lot area in PPA is 3.2 acres in accordance with § 245-32A(4) and one acre in accordance with § 245-32A(6).

⁵ Minimum lot area for a residence with an on-site conventional septic system shall be 3.2 acres and with an alternative or innovative system may be one acre in accordance with § 245-32A(9).

⁶ In accordance with § 245-32M, Scenic, Subsection M(2), a two-hundred-foot setback to be measured from center line of the street.

⁷ The lot size area requirement for existing lots of record in the PFA-S Zone: Minimum lot area may be reduced to 3.2 acres in accordance with § 245-32A(4) and to one acre in accordance with § 245-32A(6). Developments of two or more units in the PFA-S Zone must be clustered on one-acre lots in accordance with § 245-33C(1)(b) and meet the lot width, yard and coverage requirements of the PRA Zone.

⁸ The lot area requirement for existing lots of record in the PFA-R Zone: Minimum lot area may be reduced to 3.2 acres in accordance with § 245-32A(4) and to one acre in accordance with § 245-32A(6) or § 245-33D(4). Developments of two or more units in the PFA-R Zone must be clustered on forty-thousand-square-foot lots in accordance with § 245-33D(1)(b) and meet the lot width, yard and coverage requirements of the PRA Zone.

⁹ Maximum building height for an accessory garage shall be 16 feet. All other accessory buildings shall have a maximum height of 12 feet.

Schedule C
Beckerville Village and Whiting Town Zoning Districts Schedule
(§ 245-33A)

[Amended 11-25-2013 by Ord. No. 13-013; 9-8-2014 by Ord. No. 14-016; 7-13-2015 by Ord. No. 15-009]

Zone	Notes	Minimum Lot Requirements				Minimum Yard Requirements					Maximum Site Improvement Ratio	Maximum Building Coverage (%)	Maximum Lot Coverage (%)	Maximum Building Height (feet) ⁷	Minimum Floor Area (square feet) ³
						Principal Building			Accessory Building ²						
		Area (square feet)	Lot Frontage (feet) ¹	Lot Width (feet)	Improvable Lot Area (square feet)	Front (feet)	Rear (feet)	Each Side (feet)	Rear (feet)	Side (feet)					
BVR-40	⁴	40,000	200	200	18,700	50	50	25	25	25	N/A	25	N/A	35	³
WTR-A	⁴	1 acre	150	150	27,000	50	30	25	10	15	N/A	25	N/A	35	³
(Nonresidential)	⁵	5 acres	300	300	151,000	75	40	40	20	30	0.10	10	20	35	³
WTR-40	⁶	40,000	195	195	14,400	50	50	25	25	25	N/A	25	N/A	35	³
WTRC	(See § 245-67, Planned retirement communities; § 245-73, Senior citizen light care; and § 245-75, Continuing care for elderly)														
WTHD		40,000	200	200	18,750	50	30	20	10	20	0.20	20	65	35	2,500
WTB-1		20,000	125	125	13,500	50	25	20	20	20	0.20	20	65	35	1,500
WTO-P		40,000	200	200	18,750	50	50	50	50	50	0.20	20	65	38	2,000

NOTES:

¹ See definition of "lot frontage" for allowable reductions.

² In all zones, barns, animal shelters and animal pens shall maintain a minimum fifty-foot setback from all property lines.

³ The minimum floor area for single-family detached residential structures shall be as follows: one bedroom: 1,150 square feet; two bedrooms: 1,250 square feet; three bedrooms: 1,350 square feet; four bedrooms: 1,450 square feet; for each additional bedroom add 100 square feet. Number of rooms exclusive of main living room, enclosed porch, kitchen, bathrooms, closets and storage space. The minimum first floor area in any two-story house shall not be less than 900 square feet. Accessory uses and other structures shall not exceed 1,000 square feet.

⁴ Minimum lot area for a residence with an on-site conventional septic system shall be 3.2 acres and with an alternative or innovative system may be one acre in accordance with § 245-32A(9).

⁵ Minimum requirements for a nonresidential use.

⁶ Minimum lot area for a residence with an on-site conventional septic system shall be 3.2 acres and with an alternative or innovative system may be 40,000 square feet in accordance with § 245-32A(9).

⁷ Maximum building height for an accessory garage shall be 16 feet. All other accessory buildings shall have a maximum height of 12 feet.

Schedule D

CAFRA Area and Pinelands National Reserve Area Residential Zoning Districts – Permitted and Conditional Uses [Amended 11-28-2005 by Ord. No. 05-053; 6-14-2010 by Ord. No. 10-012; 9-8-2014 by Ord. No. 14-015; 7-13-2015 by Ord. No. 15-010; 11-14-2016 by Ord. No. 16-036; 2-13-2017 by Ord. No. 17-002]

KEY:

P = Permitted use.

C = Conditional use.

SIC Code ¹	Use	Schedule D – CAFRA Area and Pinelands National Reserve Area Residential Zoning Districts – Permitted and Conditional Uses													
		FA-R	FA-S	RA	R-40	R-15	R-14	R-10	R-10A	RC-2	MF-AF	RC	MF-6	MF	MP
Residential															
²	Single-family detached dwellings	P	P	P	P	P	P	P	P	P	P	P	P	P	P
²	Single-family attached dwellings	P									P	P	P	P	
²	Multifamily dwellings	P									P			P	
²	Planned retirement community											C			
²	Mobile homes ³														
²	Home professionals		P												
Agriculture, forestry and hunting															
721211	Recreational campgrounds			C											
54190	Veterinary services		P	P											
561730	Landscape and horticultural services		P	P											
115310	Forestry	P	P	P											
Services/educational/other															
623	Nursing homes		C	C											
622	Hospitals			C											
611	Vocational schools	P													
624410	Child day-care services	P													
712110	Museums and art galleries	P	P												
813	Membership organizations (exc. 813110)	P	P												
813110	Religious organizations ⁸	P	P	P						P	P	P	P	P	
0	Federal, state, county, municipal government/public administration	P	P	P	P							P	P	P	
²	Utilities		C	C											

NOTES:

¹ The North American Industry Classification System (NAICS, pronounced Nakes) was developed as the standard for use by Federal statistical agencies in classifying business establishments for the collection, analysis, and publication of statistical data related to the business economy of the U.S.

² Uses not classified by NAICS Code.

³ Manufactured housing is permitted in all residential zones subject to the Uniform Construction Code.

Schedule E

CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts – Permitted and Conditional Uses
[Amended 3-23-1998 by Ord. No. 98-007; 8-14-2000 by Ord. No. 00-019; 7-25-2005 by Ord. No. 05-043;¹ 5-29-2007 by Ord. No. 07-019; 2-22-2010 by Ord. No. 10-006; 6-14-2010 by Ord. No. 10-012; 2-27-2012 by Ord. No. 12-008; 9-8-2014 by Ord. No. 14-017; 7-13-2015 by Ord. No. 15-008; 11-14-2016 by Ord. No. 16-036; 2-13-2017 by Ord. No. 17-002]

KEY:

P = Permitted use.

C = Conditional use.

		CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts – Permitted and Conditional Uses							
NAICS Code	2012 NAICS Title (1)	OR-LI	O-P	B-1	HD-3	HD-3A	HD-10	TC	LI
11	Agriculture, Forestry, Fishing and Hunting								
111	Crop production	P	P						P
113	Forestry and logging	P	P				P	P	P
23	Construction								
236	Construction of buildings	P							P
237	Heavy and civil engineering construction	P							P
238	Specialty trade contractors								
238110	Poured concrete foundation and structure contractors	P							P
238	Structural steel and precast concrete contractors	P							P
238130	Framing contractors	P		P	P	P			P
238140	Masonry contractors	P		P	P	P			P
238150	Glass and glazing contractors	P							P
238160	Roofing contractors	P		P	P	P			P
238170	Siding contractors	P		P	P	P			P
238190	Other foundation, structure, and building exterior contractors	P							P
238210	Electrical contractors	P		P	P	P			P
238220	Plumbing, heating, and air-conditioning contractors	P		P	P	P			P
238290	Other building equipment contractors			P	P	P			
238310	Drywall and insulation contractors	P		P	P	P			P
238320	Paint and wall covering contractors	P		P	P	P			P
238330	Flooring contractors	P		P	P	P			P
238340	Tile and terrazzo contractors	P		P	P	P			P
238350	Finish carpentry contractors	P		P	P	P			P
238390	Other building finishing contractors	P		P	P	P			P

¹ Editor's Note: Ordinance No. 05-043 was declared void by court order pursuant to Docket No. OCN-L-4565-10.

		CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts – Permitted and Conditional Uses							
NAICS Code	2012 NAICS Title (1)	OR-LI	O-P	B-1	HD-3	HD-3A	HD-10	TC	LI
238910	Site preparation contractors	P		P	P	P	P	P	P
238990	All other specialty trade contractors	P		P	P	P	P	P	P
31-33 Manufacturing									
311	Food Manufacturing								
311330	Confectionery manufacturing from purchased chocolate			P	P	P		P	
311340	Nonchocolate confectionery manufacturing			P	P	P		P	
311811	Retail bakeries			P	P	P		P	
311812	Commercial bakeries	P							P
311813	Frozen cakes, pies, and other pastries manufacturing	P							P
311821	Cookie and cracker manufacturing	P							P
311919	Other snack food manufacturing	P							P
313-314	Textile and Products Mills								
313222	Schiffli machine embroidery	P							P
313311	Broadwoven fabric finishing mills	P					P		P
313312	Textile and fabric finishing (except broadwoven fabric) mills	P					P		P
314121	Curtain and drapery mills	P		P	P	P	P		P
314129	Other household textile product mills	P		P	P	P	P		P
314911	Textile bag mills	P							P
314912	Canvas and related product mills	P							P
314999	All other miscellaneous textile product mills	P		P	P	P	P	P	P
315-316 Apparel Manufacturing									
315211	Men's and boys' cut and sew apparel contractors			P	P	P			
315222	Men's and boys' cut and sew suit, coat, and overcoat manufacturing			P	P	P	P	P	
315223	Men's and boys' cut and sew shirt (except work shirt) manufacturing			P	P	P	P	P	
315233	Women's and girls' cut and sew dress manufacturing			P	P	P	P	P	
321	Wood product manufacturing	P							P
322	Paper manufacturing (except 3221 - pulp, paper and paperboard mills)	P							P
323	Printing and related support activities (except 323111 - commercial printing)	P							P
323114	Commercial printing	P	P	P	P	P	P	P	P
325992	Photographic film, paper, plate, and chemical manufacturing	P							P

		CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts – Permitted and Conditional Uses							
NAICS Code	2012 NAICS Title (1)	OR-LI	O-P	B-1	HD-3	HD-3A	HD-10	TC	LI
325998	All other miscellaneous chemical product and preparation manufacturing	P							P
326111	Plastics bag manufacturing	P							P
326112	Plastics packaging film and sheet (including laminated) manufacturing	P							P
326199	All other plastics product manufacturing	P							P
327112	Vitreous china, fine earthenware, and other pottery product manufacturing			P	P	P	P		
332	Fabricated metal product manufacturing	P							P
333	Machinery manufacturing	P							P
334	Computer and electronic product manufacturing except 334611 software reproducing	P							P
3346	Manufacturing and reproducing magnetic and optical media	P	P	P	P	P	P	P	
335 Electrical Equipment, Appliance, and Component Manufacturing									
335110	Electric lamp bulb and part manufacturing	P							P
335121	Residential electric lighting fixture manufacturing	P							P
335211	Electric housewares and household fan manufacturing	P							P
335312	Motor and generator manufacturing			P	P	P			
336	Transportation equipment manufacturing	P							P
337	Furniture and related product manufacturing (except as otherwise specified)	P							P
337121	Upholstered household furniture manufacturing	P		P	P	P	P		P
337122	Nonupholstered wood household furniture manufacturing	P		P	P	P	P		P
339	Miscellaneous manufacturing (except as otherwise specified)	P							P
339113	Surgical appliance and supplies manufacturing	P		P	P	P	P		P
339115	Ophthalmic goods manufacturing			P	P	P	P		
339116	Dental laboratories	P	P	P	P	P			P
42 Wholesale Trade									
423	Merchant wholesalers, durable goods	P					P		P
424	Merchant wholesalers, non-durable goods (except as otherwise specified)	P					P		P
424310	Piece goods, notions, and other dry goods merchant wholesalers	P							P
424340	Footwear merchant wholesalers	P							P

		CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts – Permitted and Conditional Uses							
NAICS Code	2012 NAICS Title (1)	OR-LI	O-P	B-1	HD-3	HD-3A	HD-10	TC	LI
424610	Plastics materials and basic forms and shapes merchant wholesalers	P							P
424940	Tobacco and tobacco product merchant wholesalers	P							P
424990	Other miscellaneous nondurable goods merchant wholesalers	P							P
425 Wholesale Electronic Markets and Agents and Brokers									
425110	Business to business electronic markets	P					P		P
425120	Wholesale trade agents and brokers	P	P	P	P	P	P	P	P
424320	Men's and boys' clothing and furnishings merchant wholesalers	P					P		P
424330	Women's, children's, and infants' clothing and accessories merchant wholesalers	P					P		P
44-45 Retail Trade									
(2)	Shopping plaza			P	P	P	P	P	
(2)	Shopping center			P	P	P	P	P	
(2)	Neighborhood shopping center			P	P	P	P	P	
441 Motor Vehicle and Parts Dealers									
441110	New car dealers				P	P	P		
441120	Used car dealers								
441210	Recreational vehicle dealers				P	P			
441221	Motorcycle, ATV, and personal watercraft dealers				P	P			
441222	Boat dealers				P	P			
441229	All other motor vehicle dealers								
441310	Automotive parts and accessories stores			P	P	P	P	P	
441320	Tire dealers			P	P	P	P	P	
442 Furniture and Home Furnishings Stores									
442110	Furniture stores	P		P	P	P	P		
442210	Floor covering stores	P		P	P	P	P		
442291	Window treatment stores	P		P	P	P	P		
442299	All other home furnishings stores	P		P	P	P	P		
443 Electronics and Appliance Stores									
443111	Household appliance stores	P		P	P	P	P		P
443112	Radio, television, and other electronics stores			P	P	P	P		
443120	Computer and software stores	P	P	P	P	P	P	P	
443130	Camera and photographic supplies stores			P	P	P			

		CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts – Permitted and Conditional Uses							
NAICS Code	2012 NAICS Title (1)	OR-LI	O-P	B-1	HD-3	HD-3A	HD-10	TC	LI
444	Building Material and Garden Equipment and Supplies Dealers								
444110	Home centers	P			P	P	P		P
444120	Paint and wallpaper stores	P			P	P	P		P
444130	Hardware stores			P	P	P	P		P
444190	Other building material dealers	P			P	P	P		P
444210	Outdoor power equipment stores			P	P	P	P		P
444220	Nurseries, garden centers, and farm supply stores			P	P	P	P		P
445	Food and Beverage Stores								
445110	Supermarkets and other grocery (except convenience) stores			P	P	P		P	
445120	Convenience stores			P	P	P		P	
445210	Meat markets			P	P	P		P	
445220	Fish and seafood markets			P	P	P		P	
445230	Fruit and vegetable markets			P	P	P		P	
445291	Baked goods stores			P	P	P		P	
445292	Confectionery and nut stores			P	P	P	P	P	
445299	All other specialty food stores			P	P	P	P	P	
445310	Beer, wine, and liquor stores			P	P	P	P		
446	Health and Personal Care Stores								
446110	Pharmacies and drug stores			P	P	P	P		
46120	Cosmetics, beauty supplies, and perfume stores	P		P	P	P	P		P
46130	Optical goods stores	P		P	P	P	P		P
446191	Food (health) supplement stores			P	P	P		P	
446199	All other health and personal care stores			P	P	P	P		
447	Gasoline Stations								
447110	Gasoline stations with convenience stores			C	C	C		C	
447190	Other gasoline stations			C	C	C		C	
448	Clothing and Clothing Accessories Stores								
448110	Men's clothing stores			P	P	P	P	P	P
448120	Women's clothing stores			P	P	P	P	P	
448130	Children's and infants' clothing stores			P	P	P	P	P	
448140	Family clothing stores	P		P	P	P	P	P	P
448150	Clothing accessories stores	P		P	P	P	P	P	P
448190	Other clothing stores	P		P	P	P	P	P	P

		CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts – Permitted and Conditional Uses							
NAICS Code	2012 NAICS Title (1)	OR-LI	O-P	B-1	HD-3	HD-3A	HD-10	TC	LI
448210	Shoe stores			P	P	P	P	P	
448310	Jewelry stores	P		P	P	P	P		P
448320	Luggage and leather goods stores	P		P	P	P	P		P
451 Sporting Goods, Hobby, Musical Instrument, and Bookstores									
451110	Sporting goods stores	P		P	P	P	P		P
451120	Hobby, toy, and game stores			P	P	P	P		
451130	Sewing, needlework, and piece goods stores	P		P	P	P	P		P
451140	Musical instrument and supplies stores			P	P	P	P		
451211	Bookstores			P	P	P	P		
451212	News dealers and newsstands			P	P	P	P		
451220	Prerecorded tape, compact disc, and record stores			P	P	P	P		
452 General Merchandise Stores									
452111	Department stores (except discount department stores)			P	P	P	P	P	
452112	Discount department stores			P	P	P	P	P	
452910	Warehouse clubs and supercenters			P	P	P	P	P	
452990	All other general merchandise stores			P	P	P	P	P	
453 Miscellaneous Retail Stores									
4531	Florists	P		P	P	P	P		P
4532	Office supplies, stationery, and gift stores								
453210	Office supplies and stationery stores			P	P	P	P		
453220	Gift, novelty, and souvenir stores			P	P	P	P		
4533	Used merchandise stores			P	P	P	P		
4539	Other miscellaneous store retailers								
453910	Pet and pet supplies stores			P	P	P	P		
453920	Art dealers	P		P	P	P	P		P
453930	Manufactured (mobile) home dealers	P			P	P	P		P
453991	Tobacco stores			P	P	P	P		
453998	All other miscellaneous store retailers (except tobacco stores)			P	P	P	P		
4541	Electronic shopping and mail-order houses								
4542	Vending machine operators								
454390	Other direct selling establishments			P	P	P		P	
48-49 Transportation and Warehousing									
484110	General freight trucking, local								

		CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts – Permitted and Conditional Uses							
NAICS Code	2012 NAICS Title (1)	OR-LI	O-P	B-1	HD-3	HD-3A	HD-10	TC	LI
484220	Specialized freight (except used goods) trucking, local								
484210	Used household and office goods moving								
485310	Taxi service	P					P		P
487110	Scenic and sightseeing transportation, land	P							P
488210	Support activities for rail transportation	P							P
488390	Other support activities for water transportation								
488490	Other support activities for road transportation								
488510	Freight transportation arrangement								
488991	Packing and crating								
488999	All other support activities for transportation								
491110	Postal service	P							P
493110	General warehousing and storage	P							P
493120	Refrigerated warehousing and storage	P	P						P
51	Information								
511110	Newspaper publishers	P							P
511120	Periodical publishers	P							P
511130	Book publishers								
511140	Directory and mailing list publishers	P	P	P	P	P	P	P	
51210	Software publishers	P	P	P	P	P	P	P	
512131	Motion-picture theaters (except drive-ins)								
512191	Teleproduction and other postproduction services	P	P	P	P	P	P	P	P
515111	Radio networks	P	P	P	P	P	P	P	P
515112	Radio stations	P	P	P	P	P	P	P	P
515120	Television broadcasting	P	P	P	P	P	P	P	P
515210	Cable and other subscription programming	P	P	P	P	P	P	P	P
517110	Wired telecommunications carriers	P	P	P	P	P	P	P	P
517210	Wireless telecommunications carriers (except satellite)								C
517211	Paging	P	P	P	P	P	P	P	P
517212	Cellular and other wireless telecommunications								C
517310	Telecommunications resellers	P	P	P	P	P	P	P	P
517410	Satellite telecommunications	P	P	P	P	P	P	P	P
517510	Cable and other program distribution								
517910	Other telecommunications								
518111	Internet service providers	P	P	P	P	P	P	P	

		CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts – Permitted and Conditional Uses							
NAICS Code	2012 NAICS Title (1)	OR-LI	O-P	B-1	HD-3	HD-3A	HD-10	TC	LI
518210	Data processing, hosting, and related services								
519110	News syndicates	P	P	P	P	P	P	P	
519120	Libraries and archives								
519130	Internet publishing and broadcasting and web search portals								
519190	All other information services								
52	Finance and Insurance	P	P	P	P	P	P	P	
53	Real estate and rental and leasing								
531	Real estate								
5311	Lessors of real estate								
532	Rental and leasing services								
533	Lessors of nonfinancial intangible assets (except copyrighted works)								
531110	Lessors of residential buildings and dwellings	P	P	P	P	P	P	P	
531120	Lessors of nonresidential buildings (except miniwarehouses)	P	P	P	P	P	P	P	
531130	Lessors of miniwarehouses and self-storage units	P					P		P
531190	Lessors of other real estate property	P	P	P	P	P	P	P	
531210	Offices of real estate agents and brokers	P	P	P	P	P	P	P	
531311	Residential property managers	P	P	P	P	P	P	P	
531312	Nonresidential property managers	P	P	P	P	P	P	P	
531320	Offices of real estate appraisers	P	P	P	P	P	P	P	
531390	Other activities related to real estate	P	P	P	P	P	P	P	
532111	Passenger car rental			P	P	P	P		
532112	Passenger car leasing			P	P	P	P		
532120	Truck, utility trailer, and RV (recreational vehicle) rental and leasing	P		P	P	P	P		P
532210	Consumer electronics and appliances rental			P	P	P	P	P	P
532220	Formal wear and costume rental			P	P	P	P	P	
532230	Video tape and disc rental								
532291	Home health equipment rental	P		P	P	P	P	P	P
532292	Recreational goods rental								
532299	All other consumer goods rental			P	P	P	P	P	
532310	General rental centers			P	P	P	P	P	P
532411	Commercial air, rail, and water transportation equipment rental and leasing			P	P	P	P	P	P

		CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts – Permitted and Conditional Uses							
NAICS Code	2012 NAICS Title (1)	OR-LI	O-P	B-1	HD-3	HD-3A	HD-10	TC	LI
532412	Construction, mining, and forestry machinery and equipment rental and leasing			P	P	P	P	P	P
532420	Office machinery and equipment rental and leasing			P	P	P	P	P	P
532490	Other commercial and industrial machinery and equipment rental and leasing			P	P	P	P	P	P
533110	Lessors of nonfinancial intangible assets (except copyrighted works)	P	P	P	P	P	P	P	
541191	Title abstract and settlement offices	P	P	P	P	P	P	P	
551111	Offices of bank holding companies	P	P	P	P	P	P	P	
551112	Offices of other holding companies	P	P	P	P	P	P	P	
54	Professional, Scientific, and Technical Services								
541614	Process, physical distribution, and logistics consulting services								
541711	Research and development in biotechnology								
541712	Research and development in the physical, engineering, and life sciences (except biotechnology)								
541720	Research and development in the social sciences and humanities								
541810	Advertising agencies								
541820	Public relations agencies								
541830	Media buying agencies								
541840	Media representatives								
541850	Display advertising								
541860	Direct mail advertising	P							P
541870	Advertising material distribution services								
541890	Other services related to advertising								
541910	Marketing research and public opinion polling	P	P	P	P	P			P
541921	Photography studios, portrait			P	P	P	P	P	
541922	Commercial photography								
541930	Translation and interpretation services								
541940	Veterinary services			P	P	P	P		
541213	Tax preparation services			P	P	P	P	P	
541990	All other professional, scientific, and technical services			P	P	P	P	P	
541110	Offices of lawyers		P	P	P	P		P	

		CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts – Permitted and Conditional Uses							
NAICS Code	2012 NAICS Title (1)	OR-LI	O-P	B-1	HD-3	HD-3A	HD-10	TC	LI
541380	Testing laboratories	P	P	P	P	P			P
541710	Research and development in the physical, engineering, and life sciences	P	P	P	P	P			P
541720	Research and development in the social sciences and humanities	P	P	P	P	P			P
541211	Offices of certified public accountants	P	P	P	P	P		P	P
541214	Payroll services	P	P	P	P	P		P	P
541219	Other accounting services	P	P	P	P	P		P	P
541310	Architectural services	P	P	P	P	P		P	P
541320	Landscape architectural services	P	P	P	P	P		P	P
541330	Engineering services	P	P	P	P	P		P	P
541360	Geophysical surveying and mapping services	P	P	P	P	P		P	P
541370	Surveying and mapping (except geophysical) services	P	P	P	P	P		P	P
541380	Testing laboratories	P	P	P	P	P		P	P
541611	Administrative management and general management consulting services	P	P	P	P	P		P	P
541612	Human resources and executive search consulting services	P	P	P	P	P		P	P
541613	Marketing consulting services	P	P	P	P	P		P	P
541614	Process, physical distribution, and logistics consulting services	P	P	P	P	P		P	P
541618	Other management consulting services	P	P	P	P	P		P	P
55	Management of Companies and Enterprises								
551111	Offices of bank holding companies	P	P	P	P	P	P	P	
551112	Offices of other holding companies	P	P	P	P	P	P	P	
561	Administrative and Support Services								
562	Waste management and remediation services								
561110	Office administrative services								
561210	Facilities support services								
561310	Employment placement agencies			P	P	P	P	P	
561311	Employment placement agencies								
561312	Executive search services								
561320	Temporary help services								
561330	Professional employer organizations								
561410	Document preparation services								

		CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts – Permitted and Conditional Uses							
NAICS Code	2012 NAICS Title (1)	OR-LI	O-P	B-1	HD-3	HD-3A	HD-10	TC	LI
561421	Telephone answering services								
561422	Telemarketing bureaus and other contact centers								
561431	Private mail centers	P		P	P	P	P		P
561439	Other business service centers (including copy shops)								
561440	Collection agencies								
561450	Credit bureaus								
561491	Repossession services								
561492	Court reporting and stenotype services	P	P	P	P	P	P	P	P
561499	All other business support services								
561510	Travel agencies	P	P	P	P	P	P	P	P
561591	Convention and visitors bureaus								
561599	All other travel arrangement and reservation services			P	P	P	P		
561611	Investigation services								
561612	Security guards and patrol services								
561613	Armored car services								
561621	Security systems services (except locksmiths)	P		P	P	P	P		P
561622	Locksmiths			P	P	P			
561710	Exterminating and pest control services	P					P		P
561720	Janitorial services	P					P		P
561730	Landscaping services								P
561740	Carpet and upholstery cleaning services	P		P	P	P			P
561790	Other services to buildings and dwellings	P		P	P	P	P		P
561910	Packaging and labeling services	P		P	P	P			P
561920	Convention and trade show organizers								
561990	All other support services			P	P	P	P	P	
562111	Solid waste collection								
562112	Hazardous waste collection								
562119	Other waste collection								
562211	Hazardous waste treatment and disposal								P
562219	Other nonhazardous waste treatment and disposal								
562910	Remediation services	P							P
562920	Materials recovery facilities								
562991	Septic tank and related services	P					P		P
562998	All other miscellaneous waste management services			P	P	P			

		CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts – Permitted and Conditional Uses							
NAICS Code	2012 NAICS Title (1)	OR-LI	O-P	B-1	HD-3	HD-3A	HD-10	TC	LI
61	Educational Services								
611	Educational services								
611310	Colleges, universities, and professional schools								
611410	Business and secretarial schools	P	P	P	P	P			
611420	Computer training	P	P	P	P	P			
611430	Professional and management development training	P	P	P	P	P			
611511	Cosmetology and barber schools			P	P	P	P	P	
611513	Apprenticeship training	P	P	P	P	P			
611519	Other technical and trade schools	P	P	P	P	P			
611610	Fine arts schools	P	P	P	P	P		P	
611620	Sports and recreation instruction	P	P	P	P	P			
611630	Language schools	P	P	P	P	P			
611691	Exam preparation and tutoring	P	P	P	P	P			
611692	Automobile driving schools	P	P	P	P	P			
611699	All other miscellaneous schools and instruction	P	P	P	P	P			
611710	Educational support services	P	P	P	P	P			
62	Health Care and Social Assistance								
621	Ambulatory Health Care Services								
621111	Offices of physicians (except mental health specialists)		P	P	P	P		P	
621112	Offices of physicians, mental health specialists		P	P	P	P		P	
621210	Offices of dentists		P	P	P	P		P	
621310	Offices of chiropractors		P	P	P	P		P	
621320	Offices of optometrists		P	P	P	P		P	
621330	Offices of mental health practitioners (except physicians)		P	P	P	P		P	
621340	Offices of physical, occupational and speech therapists, and audiologists		P	P	P	P		P	
621391	Offices of podiatrists		P	P	P	P		P	
621399	Offices of all other miscellaneous health practitioners		P	P	P	P		P	
621410	Family planning centers								
621420	Outpatient mental health and substance abuse centers								
621491	HMO medical centers		P	P	P	P		P	
621492	Kidney dialysis centers								
621493	Freestanding ambulatory surgical and emergency centers	P	P	P	P	P		P	P
621498	All other outpatient care centers								

		CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts – Permitted and Conditional Uses							
NAICS Code	2012 NAICS Title (1)	OR-LI	O-P	B-1	HD-3	HD-3A	HD-10	TC	LI
621511	Medical laboratories	P	P		P	P			P
621512	Diagnostic imaging centers	P	P		P	P			P
621610	Home health care services	P	P	P	P	P			
621910	Ambulance services	P							P
621991	Blood and organ banks								
621999	All other miscellaneous ambulatory health care services								
622	Hospitals				C		C		
623	Nursing and Residential Care Facilities								
623110	Nursing care facilities				C	C	C		
623210	Residential mental retardation facilities								
624	Social Assistance								
623311	Continuing care retirement communities				C	C			
624310	Vocational rehabilitation services	P	P	P	P	P			P
624410	Child day-care services	C	C	C	C	C	C	C	C
71	Arts, Entertainment, and Recreation								
711110	Theater companies and dinner theaters	P	P	P	P	P	P	P	
711120	Dance companies								
711130	Musical groups and artists								
711190	Other performing arts companies								
711211	Sports teams and clubs								
711212	Racetracks								
711310	Promoters of performing arts, sports, and similar events with facilities								
711320	Promoters of Performing Arts, Sports, and Similar Events without Facilities	P	P	P	P	P	P	P	P
711510	Independent artists, writers, and performers			P	P	P			
712110	Museums		P	P	P	P		P	
713120	Amusement arcades								
713940	Fitness and recreational sports centers	P	P	P	P	P	P	P	P
713950	Bowling centers			P	P	P	P	P	
713990	All other amusement and recreation industries		X	P	P	P	P	P	
713910	Golf courses and country clubs	P	P	P	P	P	P	P	P
72	Accommodation and Food Services								
N/A(2)	Hotel - convention centers		P		P	P	P(3)	P(3)	

		CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts – Permitted and Conditional Uses							
NAICS Code	2012 NAICS Title (1)	OR-LI	O-P	B-1	HD-3	HD-3A	HD-10	TC	LI
721110	Hotels and motels				P	P	P(4)	P(4)	
721191	Bed-and-breakfast inns				P	P	P(4)	P(4)	
721199	All other traveler accommodation				P	P	P(4)	P(4)	
721211	RV (recreational vehicle) parks and campgrounds								
722511	Full-service restaurants		P	P	P	P	P	P	
722513	Limited-service restaurants		P	P	P	P	P	P	
722514	Cafeterias, grill buffets, and buffets		P	P	P	P	P	P	
722515	Snack and nonalcoholic beverage bars		P	P	P	P	P	P	
722310	Food service contractors		P	P	P	P	P	P	
722320	Caterers	P	P	P	P	P	P	P	
722410	Drinking places (alcoholic beverages)		P	P	P	P	P	P	
81	Other Services (Except Public Administration)								
811111	General automotive repair	C		C	C	C			C
811112	Automotive exhaust system repair	C		C	C	C			C
811113	Automotive transmission repair	C		C	C	C			C
811118	Other automotive mechanical and electrical repair and maintenance	C		C	C	C			C
811121	Automotive body, paint, and interior repair and maintenance	C		C	C	C			C
811122	Automotive glass replacement shops	C		C	C	C			C
811191	Automotive oil change and lubrication shops	C		C	C	C			C
811192	Car washes	C		C	C	C			
811198	All other automotive repair and maintenance	C		C	C	C			C
812199	Other personal care services (except escort services, massage parlors, steam baths, tattoo parlors, and turkish baths, which are prohibited)			P	P	P	P	P	
811211	Consumer electronics repair and maintenance			P	P	P			
811212	Computer and office machine repair and maintenance			P	P	P			
811213	Communication equipment repair and maintenance			P	P	P			
811219	Other electronic and precision equipment repair and maintenance								
811310	Commercial and industrial machinery and equipment (except automotive and electronic) repair and maintenance								
811411	Home and garden equipment repair and maintenance								
811412	Appliance repair and maintenance	P							

		CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts – Permitted and Conditional Uses							
NAICS Code	2012 NAICS Title (1)	OR-LI	O-P	B-1	HD-3	HD-3A	HD-10	TC	LI
811420	Reupholstery and furniture repair	P							
811430	Footwear and leather goods repair			P	P	P	P	P	
811490	Other personal and household goods repair and maintenance			P	P	P			
812111	Barbershops			P	P	P	P	P	
812112	Beauty salons			P	P	P	P	P	
812113	Nail salons			P	P	P	P	P	
812191	Diet and weight-reducing centers			P	P	P	P	P	
812199	Other personal care services			P	P	P	P	P	
812210	Funeral homes and funeral services			P	P	P	P		
812220	Cemeteries and crematories	P	P	P	P	P	P	P	
812310	Coin-operated laundries and dry-cleaners			P	P	P			
812320	Dry cleaning and laundry services (except coin-operated)			P	P	P	P	P	
812331	Linen supply			P	P	P			
812332	Industrial launderers								
812910	Pet care (except veterinary) services			P	P	P	P		
812910	Pet care (except veterinary) services limited to dog grooming			P	P	P	P		
812921	Photofinishing laboratories (except one-hour)								
812922	One-hour photofinishing	P	P	P	P	P	P	P	P
812930	Parking lots and garages			P	P	P	P	P	
812990	All other personal services			P	P	P	P	P	
813110	Religious organizations		C	C	C	C	C	C	
813211	Grant-making foundations	P	P	P	P	P	P	P	
813212	Voluntary health organizations			P	P	P	P		
813219	Other grant-making and giving services								
813311	Human rights organizations								
813312	Environment, conservation and wildlife organizations								
813319	Other social advocacy organizations			X	X	X	X		
813410	Civic and social organizations			P	P	P	P		
813910	Business associations			P	P	P	P		
813920	Professional organizations			P	P	P	P		
813930	Labor unions and similar labor organizations			P	P	P	P		
813940	Political organizations			P	P	P	P		
813990	Other Similar organizations (except business, professional, labor, and political organizations)								

		CAFRA Area and Pinelands National Reserve Area Nonresidential Zoning Districts – Permitted and Conditional Uses							
NAICS Code	2012 NAICS Title (1)	OR-LI	O-P	B-1	HD-3	HD-3A	HD-10	TC	LI
92	Public Administration Except 922150 Parole Offices and Probation Offices	P	P	P	P	P	P	P	P
922150	Parole offices and probation offices			P	P	P	P		
(2)	Public utilities	C		C	C	C	C	C	C

- (1) The 2012 NAICS Code is used by business and government to classify business establishments according to type of economic activity. The NAICS numbering system employs a six-digit code at the most detailed industry level. The first five digits are generally (although not always strictly) the same in all three countries. The last digit designates national industries. The first two digits designate the largest business sector, the third digit designates the subsector, the fourth digit designates the industry group, and the fifth digit designates particular industries.
- (2) Uses not classified by the NAICS Code. Permitted uses within shopping plazas, shopping centers and neighborhood shopping centers shall include uses permitted within the zoning district in which the shopping plaza, shopping center or neighborhood shopping center is located.
- (3) Hotel-convention centers shall contain a minimum of 100 hotel rooms as defined in § 245-8.
- (4) Hotels and motels shall contain a minimum of 25 hotel or motel rooms as defined in § 245-8.

Schedule F
Pinelands Area Residential Zoning Districts – Permitted and Conditional Uses
[Amended 2-22-1999 by Ord. No. 99-001; 6-14-2010 by Ord. No. 10-012; 9-8-2014 by Ord. No. 14-016; 7-13-2015 by Ord. No. 15-009]

KEY:

P = Permitted use.

C = Conditional use.

Schedule F – Pinelands Area Residential Zoning Districts – Permitted and Conditional Uses														
SIC Code ¹	Use	Pinelands Area									Beckersville	Whiting Town		
		PPA	PFA-R	PFA-S	PRC	PMP	PR-A	PR-40	PR-15	PRC/ RCL	BVR-40	WTR-A	WTR-40	WTRC
Residential														
²	Single-family detached dwellings	P	P	P	P	P	P	P	P	P	P	P	P	P
²	Single-family attached dwellings				P					P				P
²	Multifamily dwellings				P					P				P
²	Mobile homes ³					P								
²	Home professional offices											P		
Agriculture, forestry, fishing and hunting														
01	Agricultural productions crops			P	P		P	P	P	P	P	P	P	P
074	Veterinary services	P		P								P		
078	Landscape and horticultural services	P		P								P		
06	Forestry	P	P	P	P		P	P				P		
Services														
7033	Campgrounds			C								C		
824	Vocational schools													
835	Child day-care services													
841	Museums and art galleries		P	P								P		
86	Membership organizations (excluding 866)		P	P	P					P				P
866	Religious organizations ⁸		P	P	P					P				P
90-97	Federal state, county, municipal government/public administration		P	P						P		P		

NOTES:

¹ SIC Code refers to the use codes listed in the Standard Industrial Classification Manual, prepared by the Executive Office of the President, Office of Management and Budget, 1987 Edition. Two-digit codes refer to all categories under that Major Group. Three-digit codes refer to all categories under that Industry Group, unless otherwise specified by exceptions. Specific SIC Codes listed for a zone indicate the only permitted use within the applicable SIC classification.

² Uses not classified by SIC Code.

³ Manufactured housing is permitted in all residential zones subject to the Uniform Construction Code.

Schedule G

Pinelands Area Nonresidential Zoning Districts – Permitted and Conditional Uses

[Amended 3-23-1998 by Ord. No. 98-007; 8-14-2000 by Ord. No. 00-019; 7-25-2005 by Ord. No. 05-043;² 5-29-2007 by Ord. No. 07-019; 3-10-2008 by Ord. No. 08-006; 2-22-2010 by Ord. No. 10-006; 6-14-2010 by Ord. No. 10-012; 2-27-2012 by Ord. No. 12-008; 9-8-2014 by Ord. No. 14-017; 7-13-2015 by Ord. No. 15-008]

KEY:

P = Permitted use.

C = Conditional use.

Schedule G – Pinelands Area Nonresidential Zoning Districts – Permitted and Conditional Uses						
SIC Code ¹	Use	Pinelands Area		Whiting Town		
		PB-1	POR-LI	WTHD	WTB-1	WTO-P
Agriculture, forestry and fishing						
01	Agricultural production – crops	P	P	P	P	P
074	Veterinary services	P	P	P	P	
078	Landscape and horticultural services	P		P	P	
06	Forestry	P	P	P	P	P
Construction						
15	Building construction – general contractors and operative builders		C			
16	Heavy construction other than building construction-contractors		C			
171-176	Special trade contractors		P		P	
177-179	Special trade contractors		C			
Manufacturing						
205	Bakery products		P			
23	Apparel and other finished products made from fabrics and similar material		P			
24	Lumber and wood products, except furniture		P			
25	Furniture and fixtures		P			
265-267	Paper and allied products		P			
27	Printing, publishing and allied ind.		P			
342	Cutlery, handtools and gen. hardware		P			
343	Heating equipment, except electric and warm air; and plumbing fixtures		P			
344	Fabricated structural metal prod. (except 3443, boiler shops)		P			
357	Computer and office equipment		P			
3581	Automatic vending machines		P			
36	Electronic and other electrical equipment and components		P			
38	Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks		P			
39	Misc. manufacturing, jewelry, toys, musical inst. and others (except 3996)		P			

² Editor's Note: Ordinance No. 05-043 was declared void by court order pursuant to Docket No. OCN-L-4565-10.

Schedule G – Pinelands Area Nonresidential Zoning Districts – Permitted and Conditional Uses						
SIC Code ¹	Use	Pinelands Area		Whiting Town		
		PB-1	POR-LI	WTHD	WTB-1	WTO-P
Warehousing and distribution						
4214	Local trucking with storage		P			
4222	Refrigerated and general warehousing		P			
4225	General warehousing and storage (excluding mini-warehouses and self-storage)		P			P
4225	Mini-warehousing and self-storage		P			
Transportation, communication, electric, gas and sanitary services						
4724	Travel agencies	P	P	P	P	P
473	Arrangement of transportation of freight and cargo		P			
478	Misc. service incidental to transportation (except 4789, other specified)		P			
48	Communications (excluding wireless communication towers and antennas)*	P	P	P	P	P
*	Wireless communications towers and antennas associated with SIC 48**		C			
Wholesale trade and distribution						
50	Durable goods		P			
504	Professional and commercial equip.		P			
506	Electrical goods		P			
507	Hardware, heating and plumbing		P			
509	Misc., except 5093, 5099		P			
511	Paper and paper products		P			
512	Drugs, drug proprietaries, and druggists' sundries		P			
513	Apparel, piece goods and notions		P			
518	Beer, wine and distilled alcohol beverages		P			
5192	Books, periodicals and newspapers		P			
5193	Flowers, nursery stock and florists' sup.		P			
5194	Tobacco and tobacco products		P			
5199	Misc. nondurable goods (except animal and raw material classes)		P			
Retail trade						
²	Shopping plaza	P		P	P	
²	Shopping center	P		P	P	
²	Neighborhood shopping center	P		P	P	
52	Building materials, hardware, garden supply (except 527, mobile home dealers)			P		
525	Retail nurseries	P		P	P	
53	General merchandise stores	P		P	P	
54	Food stores	P		P	P	
561	Motor vehicle dealers (new and used)			C		
553	Auto and home supply stores	P		P	P	
554	Gasoline service stations	C		C	C	

Schedule G – Pinelands Area Nonresidential Zoning Districts – Permitted and Conditional Uses						
SIC Code ¹	Use	Pinelands Area		Whiting Town		
		PB-1	POR-LI	WTHD	WTB-1	WTO-P
555	Boat dealers			C		
556	Recreational vehicle dealers			C		
557	Motorcycle dealers			C		
56	Apparel and accessory stores	P		P	P	
57	Home furniture, furnishings and equipment stores	P		P	P	
5812	Eating places	C	C	C	C	C
5813	Eating places (with liquor license)	C	C	C	C	C
59	Miscellaneous retail (except 596)	P		P	P	
Finance, insurance and real estate						
60	Depository institutions	P	P	P	P	P
61	Nondepository credit institutions	P	P	P	P	P
62	Security and commodity brokers, dealers exchanges and services	P	P	P	P	P
63	Insurance carriers	P	P	P	P	P
64	Insurance agents, brokers and service	P	P	P	P	P
65	Real estate	P	P	P	P	P
67	Holding and other investment offices	P	P	P	P	P
Services						
0752	Animal services, except veterinary (limited only to dog grooming)	P	P	P	P	P
0752	Animal services, except veterinary (limited only to animal shelters, boarding kennels, dog grooming, dog pounds, training of pets and other animal specialties, vaccinating pets and other animal specialties, except by veterinarians)		P	P		
²	Hotel-convention centers				P	
701	Hotels and motels ⁴		P		P	
7033	Recreational campgrounds			C		
721	Laundry, cleaning and garment services (except 7217, carpet cleaners, 7218, industrial laundry)	P		P	P	
7217	Carpet cleaners			P		
722	Photographic studios, portrait	P		P	P	P
723	Beauty shops	P		P	P	
724	Barber shops	P		P	P	
725	Shoe repair shops and shoeshine parlors	P		P	P	
726	Funeral service (excl. crematories)	P		P	P	
729	Miscellaneous personal services, except escort services, massage parlors, steam baths, tattoo parlors, and Turkish baths, which are prohibited	P		P	P	
73	Business services (except 734, 735 and 736)	P	P	P	P	P
734	Services to dwellings and other buildings		P			

Schedule G – Pinelands Area Nonresidential Zoning Districts – Permitted and Conditional Uses						
SIC Code ¹	Use	Pinelands Area		Whiting Town		
		PB-1	POR-LI	WTHD	WTB-1	WTO-P
735	Misc. equipment rental and leasing			P		
7382	Security systems services	P	P	P	P	
751	Automotive rental and leasing without drivers	C		C	C	
753	Automotive repair shops (except 7352, body shops)	C		C	C	
7532	Top, body and upholstery repair shops and paint shops		P			
7542	Carwashes			C	C	
7549	Automotive services (limited to wrecker and towing services for automobiles and trucks)		P			
76	Misc. repair services	P	P	P	P	
7832	Motion picture theaters			P	P	
784	Video tape rental	P		P	P	
791	Dance studios and schools only (not dance halls, discos)	P		P	P	
793	Bowling centers	P		P	P	
7991	Physical fitness facilities	P	P	P	P	P
7997	Membership sports and recreation club	P	P	P	P	P
Health services						
²	Emergency care facilities	P	P	P	P	P
²	Offices for executive or administrative purposes	P	P	P	P	P
801	Offices and clinics of doctors of medicine		P	P	P	P
802	Offices and clinics of dentists	P	P	P	P	P
803	Offices and clinics of doctors of osteopathy	P	P	P	P	P
804	Offices and clinics of other health practitioners	P	P	P	P	P
805	Nursing and personal care facilities		P		P	P
806	Hospitals		P	C		
807	Medical and dental laboratories	P	P	P		P
808	Home healthcare services	P	P	P	P	P
811	Legal services	P	P	P	P	P
824	Vocational schools		P	P	P	
829	Schools and educational services (except truck-driving schools)		P	P	P	P
833	Job training and vocational rehabilitation services		P	P	P	P
835	Child day-care services	P	P	P	P	P
841	Museums and art galleries	P		P	P	P
86	Membership organizations (exc. 866)	P	P	P	P	P
866	Religious organization	P		C	C	C
87	Engineering, accounting, research, management and related services (except 873R and D and 8744, corrections facilities)	P	P	P	P	P

Schedule G – Pinelands Area Nonresidential Zoning Districts – Permitted and Conditional Uses						
SIC Code ¹	Use	Pinelands Area		Whiting Town		
		PB-1	POR-LI	WTHD	WTB-1	WTO-P
873	Research, development and testing services	P	P	P	P	P
90-97	Federal, state, county, municipal government/public/administration	P	P	P	P	P

NOTES:

* Permitted on Township-owned property with permission from the Township Council.

¹ SIC Code refers to the use codes listed in the Standard Industrial Classification Manual, prepared by the Executive Office of the President, Office of Management and Budget, 1987 Edition. Two-digit codes refer to all categories under that Major Group. Three-digit codes refer to all categories under that Industry Group, unless otherwise specified by exceptions. Specific SIC Codes listed for a zone indicate the only permitted use within the applicable SIC classification.

² Facilities not classified by SIC Code. Permitted uses within shopping plazas, shopping centers and neighborhood shopping centers shall include uses permitted within the zoning district in which the shopping plaza, shopping center or neighborhood shopping center is located.

³ Hotel-convention centers shall contain a minimum of 100 hotel rooms as defined in § 245-8.

⁴ Hotels and motels shall contain a minimum of 25 hotel or motel rooms as defined in § 245-8.

LAND USE AND DEVELOPMENT

245 Attachment 7

Township of Manchester

Appendix 7

**Application for Development Before Zoning Board of Adjustment and Planning Board
(§ 245-12B)**

1. Check Appropriate Request:
 - ☐ Variance Approval
 - ☐ Conditional Use Permit
 - ☐ Informal Review – Major Subdivision
 - ☐ Minor Subdivision Approval
 - ☐ Preliminary Major Subdivision Approval
 - ☐ Informal Review – Site Plan
 - ☐ Preliminary Site Plan Approval
 - ☐ Final Site Plan Approval
 - ☐ Permit Pursuant to N.J.S.A. 40:55D-34 and/or N.J.S.A. 40:55D-36
 - ☐ Other: Describe _____
2. Applicant's Name: (If a corporation – State of incorporation and registered agent)

3. Address: _____
4. Phone: _____ Fax: _____
5. Represented By: _____
6. Address: _____

7. Phone: _____ Fax: _____
8. Purpose of this Application: _____
9. Use of any Existing Building or Premises:
 - ☐ Single Family
 - ☐ Multifamily
 - ☐ Commercial
 - ☐ Conditional Use Project
 - ☐ Other _____
10. Use of Proposed Construction or Premises:
 - ☐ Single Family
 - ☐ Multifamily
 - ☐ Commercial
 - ☐ Conditional Use Project
 - ☐ Other _____
11. Number of Existing Lots: _____
12. Number of Proposed Lots: _____

MANCHESTER CODE

13. Location of Premises: _____
Tax Map Block _____ and Lot _____
Tax Map Sheet _____
Size of Tract: (Acres) _____ (Square Feet) _____
Zoning District _____
14. If there has been a previous appeal or application involving these premises, give details.

15. Give a brief statement of facts in support of this application.

16. If Application involves a variance, what section of the chapter is applicant seeking relief from:

17. If a variance is involved, state under what subsection of N.J.S.A. 40:55D-70:
(a) _____ (b) _____ (c) _____ (d) _____
18. Names and Addresses of Persons Preparing Submission:
Architect: _____ Phone: _____ Fax: _____
Engineer: _____ Phone: _____ Fax: _____
Other – Designate: _____ Phone: _____ Fax: _____
19. Names and addresses of all witnesses Applicant intends to call. This is not intended to limit the number of witnesses the Applicant intends to call.

20. In the event the Applicant is a corporation, set forth names and addresses of officers of the corporation and individuals owning 10% or more of the capital stock.

21. Environmental Impact Statement: For all major subdivisions and major site plans and in special cases as determined by the Approving Agency.

I (We) hereby depose and say that the foregoing statements contained in the papers submitted herewith are true and correct to the best of my (our) knowledge.

_____ (Applicant)

Sworn and subscribed to before me on this _____ day of _____ 20____

I (We) the Owners(s) hereby depose and say that the foregoing statements contained in the papers submitted herewith are true and correct to the best of my (our) knowledge. (Used if the Applicant is not the Owner).

Sworn and subscribed to before me on this _____ day of _____ 20____

Failure to complete this application in its entirety and submit the required documents will result in the determination that this application is incomplete, in which event the application will not be considered by the Board. The applicant is hereby informed that in addition to the documents set forth herein, he must present evidence that he has met the notification requirements as set forth in the municipal notice of application of development forms and Chapter 245 of the Manchester Township Code.

LAND USE AND DEVELOPMENT

245 Attachment 8

Appendix 8
Zoning Map

MANCHESTER TOWNSHIP
Ocean County, New Jersey
ZONING MAP

