

**MANNINGTON TOWNSHIP**

**ORDINANCE NO. 22-03**

**AN ORDINANCE AMENDING THE DEVELOPMENT REGULATIONS  
FOR CERTAIN PRE-EXISTING LOTS IN MANNINGTON TOWNSHIP'S  
A, RR AND CR ZONING DISTRICTS**

**WHEREAS**, the Mannington Township Committee has deemed it appropriate to amend the maximum/minimum building standards in the A, RR and CR zoning districts to accommodate reasonable and appropriate *new single-family residential development* of certain undeveloped lots that were lawfully created and are in conformance with the regulations for minimum lot size, minimum lot width, and minimum lot depth that were in effect as of November 1, 2007, the date of adoption of Ordinance No. 07-14, and to accommodate reasonable and appropriate *further single-family residential development* of certain developed single-family residential lots that lawfully exist as of the date of adoption of this Ordinance No. 22-03;

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Mannington, in the County of Salem, State of New Jersey, as follows:

1. Section 70-36.D. (“Area Regulations – Existing Lots”) of Mannington Township Code Chapter 70 (“Land Development”), Part 3, Article IX, is hereby deleted and replaced with the following new Section 70-36.D.:

D. Existing lots.

(1) Except as otherwise provided in subsections D.(2) through D.(6), below, a lot failing to meet the applicable district requirements for area, width and/or depth may only be developed or further developed for a permitted use upon the issuance of variance approval pursuant to *N.J.S.A. 40:55D-70.c*.

(2) **Single-Family Residential Development of Certain Pre-Existing Undeveloped Lots in A-Agricultural Districts.** Any lawfully created vacant undeveloped lot in an A district that was in existence in its current configuration on November 1, 2007 (the date of adoption of Ordinance No. 07-14), and which is at least sixty-thousand (60,000) square feet in size, shall be subject to the following requirements for minimum lot width, lot depth, yard dimensions, maximum height, and maximum building and impervious materials coverage that were in effect for such lot immediately prior to the adoption of the aforesaid ordinance if such lot is proposed for single-family residential development and use:

(a) Minimum lot width: 200 feet

(b) Minimum lot depth: 200 feet

(c) Minimum yard dimensions:

- [1] Front yard (principal and accessory uses and structures): 50 feet
  - [2] Side yard (principal and accessory uses and structures): 25 feet
  - [3] Rear yard (principal use/structure): 50 feet
  - [4] Rear yard (accessory uses and structures): 20 feet
- (d) Maximum height (principal use/structure): 35 feet
  - (e) Maximum height (accessory uses and structures): 45 feet
  - (f) Maximum lot coverage (buildings): 15%
  - (g) Maximum lot coverage (impervious materials): 15%

The purpose of this subsection D.(2) is to permit the construction and use of single-family residential dwellings and lawful residential accessory structures on lawfully created preexisting isolated undeveloped A district lots of at least sixty-thousand square feet without the need for variances or other approvals from the Mannington Township Planning Board, as long as such proposed single-family development and use complies with the above requirements.

- (3) **Single-Family Residential Development of Certain Pre-Existing Undeveloped Lots in CR-Conditional Residential Districts.** Any lawfully created vacant undeveloped lot in a CR district that was in existence in its current configuration on November 1, 2007 (the date of adoption of Ordinance No. 07-14), and which is at least sixty-thousand (60,000) square feet in size, shall be subject to the following requirements for minimum lot width, lot depth, yard dimensions, maximum principal structure height, and maximum building coverage that were in effect for such lot immediately prior to the adoption of the aforesaid ordinance, and the following more tolerant requirements that were established by Ordinance No. 07-14 for CR district maximum accessory structure height and maximum impervious materials coverage, if such lot is proposed for single-family residential development and use:

- (a) Minimum lot width: 200 feet
- (b) Minimum lot depth: 200 feet
- (c) Minimum yard dimensions:

- [1] Front yard (principal and accessory uses and structures): 50 feet
- [2] Side yard (principal and accessory uses and structures): 25 feet

[3] Rear yard (principal use/structure): 50 feet

[4] Rear yard (accessory uses and structures): 20 feet

(d) Maximum height (principal uses and structures): 35 feet

(e) Maximum height (accessory uses and structures): 45 feet

(f) Maximum lot coverage (buildings): 10%

(g) Maximum lot coverage (impervious materials): 15%

The purpose of this subsection D.(3) is to permit the construction and use of single-family residential dwellings and lawful residential accessory structures on lawfully created preexisting isolated undeveloped CR district lots of at least sixty-thousand square feet without the need for variances or other approvals from the Mannington Township Planning Board, as long as such proposed single-family development and use complies with the above requirements.

- (4) **Single-Family Residential Development of Certain Pre-Existing Undeveloped Lots in RR-Rural Residential Districts.** Any lawfully created vacant undeveloped lot in an RR district that was in existence in its current configuration on November 1, 2007 (the date of adoption of Ordinance No. 07-14), and which is at least two (2) acres in size, shall be subject to the following requirements for minimum lot width, lot depth, yard dimensions, maximum principal structure height, and maximum building coverage that were in effect for such lot immediately prior to the adoption of the aforesaid ordinance; the following more tolerant requirements that were established by Ordinance No. 07-14 for RR district maximum accessory structure height and maximum impervious materials lot coverage; and the following more tolerant requirement that was enacted in Ordinance No. 16-06, adopted October 6, 2016, for RR district minimum accessory side yard dimensions, if such lot is proposed for single-family residential development and use:

(a) Minimum lot width: 200 feet

(b) Minimum lot depth: 200 feet

(c) Minimum yard dimensions:

[1] Front yard (principal and accessory uses and structures): 50 feet

[2] Side yard (principal uses and structures): 25 feet

[3] Side yard (accessory uses and structures): 10 feet

[4] Rear yard (principal use/structure): 50 feet

- [5] Rear yard (accessory uses and structures): 20 feet
- (d) Maximum height (principal uses and structures): 35 feet
- (e) Maximum height (accessory uses and structures): 45 feet
- (f) Maximum lot coverage (buildings): 10%
- (g) Maximum lot coverage (impervious materials): 15%

The purpose of this subsection D.(4) is to permit the construction and use of single-family residential dwellings and lawful residential accessory structures on lawfully created preexisting isolated undeveloped RR district lots of at least two acres without the need for variances or other approvals from the Mannington Township Planning Board, as long as such proposed single-family development and use complies with the above requirements.

- (5) **Further Single-Family Residential Development of Certain Developed Single-Family Residential Lots in A-Agricultural Districts.** Any lawfully created lot in an A district that existed in its current configuration on April 7, 2022 (the date of adoption of Ordinance No. 22-03), and on which existed, as of such date, a lawfully constructed single-family residential dwelling, shall not be subject to any minimum *lot area*, *lot width*, or *lot depth* requirements in connection with: any proposed enlargement or other modification of the single-family residential structure; any enlargement, modification, or replacement of any existing lawfully constructed or developed accessory structure or use; or any construction or development of new accessory structures or uses, provided that any such enlarged, modified, replaced, or new structure or development must comply with the following minimum yard dimension requirements, and maximum height and maximum building and impervious materials coverage requirements, and further provided that the lot must continue to be used only for lawful single-family residential purposes:

- (a) Minimum yard dimensions:
  - [1] Front yard (principal and accessory uses and structures): 50 feet
  - [2] Side yard (principal and accessory uses and structures): 25 feet
  - [3] Rear yard (principal use/structure): 50 feet
  - [4] Rear yard (accessory uses and structures): 20 feet
- (b) Maximum height (principal use/structure): 35 feet
- (c) Maximum height (accessory uses and structures): 45 feet

(d) Maximum lot coverage (buildings): 15%

(e) Maximum lot coverage (impervious materials): 15%

This subsection D.(5) shall be applicable only to isolated lots in A districts that were lawfully created, and lawfully developed and used for single-family residential purposes as of April 7, 2022 (the date of adoption of Ordinance No. 22-03), and which have remained unchanged as to shape, size and dimension, and not subdivided or otherwise reduced, enlarged, or altered since such date. The purpose of this subsection is to permit the enlargement or modification of lawfully existing single-family dwellings, and the construction, development, enlargement, modification, and replacement of lawful residential accessory structures and uses on such isolated A district lots, as long as such structures and uses comply with the aforesaid minimum yard dimension requirements, and maximum height and maximum building and impervious materials coverage requirements.

(6) **Further Single-Family Residential Development of Certain Developed Single-Family Residential Lots in CR-Conditional Residential Districts.** Any lawfully created lot in a CR district that existed in its current configuration on April 7, 2022 (the date of adoption of Ordinance No. 22-03), and on which existed, as of such date, a lawfully constructed single-family residential dwelling, shall not be subject to any minimum *lot area*, *lot width*, or *lot depth* requirements in connection with: any proposed enlargement or other modification of the single-family residential structure; any enlargement, modification, or replacement of any existing lawfully constructed or developed accessory structure or use; or any construction or development of new accessory structures or uses, provided that any such enlarged, modified, replaced, or new structure or development must comply with the following minimum yard dimension requirements, and maximum height and maximum building and impervious materials coverage requirements, and further provided that the lot must continue to be used only for lawful single-family residential purposes:

(a) Minimum yard dimensions:

[1] Front yard (principal and accessory uses and structures): 50 feet

[2] Side yard (principal and accessory uses and structures): 25 feet

[3] Rear yard (principal use/structure): 50 feet

[4] Rear yard (accessory uses and structures): 20 feet

(b) Maximum height (principal uses and structures): 35 feet

(c) Maximum height (accessory uses and structures): 45 feet

(d) Maximum lot coverage (buildings): 10%

(e) Maximum lot coverage (impervious materials): 15%

This subsection D.(6) shall be applicable only to isolated lots in CR districts that were lawfully created, and lawfully developed and used for single-family residential purposes as of April 7, 2022 (the date of adoption of Ordinance No. 22-03), and which have remained unchanged as to shape, size and dimension, and not subdivided or otherwise reduced, enlarged, or altered since such date. The purpose of this subsection is to permit the enlargement or modification of lawfully existing single-family dwellings, and the construction, development, enlargement, modification, and replacement of lawful residential accessory structures and uses on such isolated CR district lots, as long as such structures and uses comply with the aforesaid minimum yard dimension requirements, and maximum height and maximum building and impervious materials coverage requirements.

(7) **Further Single-Family Residential Development of Certain Developed Single-Family Residential Lots in RR-Rural Residential Districts.** Any lawfully created lot in an RR district that existed in its current configuration on April 7, 2022 (the date of adoption of Ordinance No. 22-03), and on which existed, as of such date, a lawfully constructed single-family residential dwelling, shall not be subject to any minimum *lot area*, *lot width*, or *lot depth* requirements in connection with: any proposed enlargement or other modification of the single-family residential structure; any enlargement, modification, or replacement of any existing lawfully constructed or developed accessory structure or use; or any construction or development of new accessory structures or uses, provided that any such enlarged, modified, replaced, or new structure or development must comply with the following minimum yard dimension requirements, and maximum height and maximum building and impervious materials coverage requirements, and further provided that the lot must continue to be used only for lawful single-family residential purposes:

(a) Minimum yard dimensions:

[1] Front yard (principal and accessory uses and structures): 50 feet

[2] Side yard (principal uses and structures): 25 feet

[3] Side yard (accessory uses and structures): 10 feet

[4] Rear yard (principal use/structure): 50 feet

[5] Rear yard (accessory uses and structures): 20 feet

(b) Maximum height (principal uses and structures): 35 feet

(c) Maximum height (accessory uses and structures): 45 feet

(d) Maximum lot coverage (buildings): 10%

(e) Maximum lot coverage (impervious materials): 15%

This subsection D.(7) shall be applicable only to isolated lots in RR districts that were lawfully created, and lawfully developed and used for single-family residential purposes as of April 7, 2022 (the date of adoption of Ordinance No. 22-03), and which have remained unchanged as to shape, size and dimension, and not subdivided or otherwise reduced, enlarged, or altered since such date. The purpose of this subsection is to permit the enlargement or modification of lawfully existing single-family dwellings, and the construction, development, enlargement, modification, and replacement of lawful residential accessory structures and uses on such isolated RR district lots, as long as such structures and uses comply with the aforesaid minimum yard dimension requirements, and maximum height and maximum building and impervious materials coverage requirements.

2. The incorrect RR-Residential district minimum lot depth of “2000” feet that is set forth in the table entitled “Mannington Township Land Development Schedule of District Regulations Maximum/Minimum Building Standards for Exception Areas in A Agricultural, CR Conditional Residential, and RR Rural Residential Zoning Districts” (designated as “Land Development 70 Attachment 1.1” on page 70 Attachment 1:1.1 of the Mannington Township Code) is hereby deleted and replaced with the correct RR district minimum lot depth of **200** feet.
3. The Mannington Township Clerk is directed to give notice of this Ordinance pursuant to *N.J.S.A. 40:55D-15* to the Clerks of all municipalities adjoining Mannington Township and to the Salem County Planning Board at least ten (10) days prior to the date scheduled for hearing on the adoption of this Ordinance.
4. After second reading and final passage of this Ordinance, and before filing this Ordinance with the Salem County Planning Board as provided below, the Mannington Township Clerk is directed to complete the above blanks with the number and date of adoption (i.e., the date of second reading and final passage) of this Ordinance.
5. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall apply only to the section, paragraph subsection, clause or provision so adjudged, and the remainder of the Ordinance shall be deemed valid and effective.
6. Any article, section, paragraph, subsection, clause, or other provision of the Mannington Township Code that is inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

7. This Ordinance shall, following adoption and publication in accordance with the laws of the State of New Jersey, take effect immediately upon its filing with the Salem County Planning Board pursuant to *N.J.S.A. 40:55D-16*.

### **NOTICE**

Notice is hereby given that the foregoing proposed Ordinance No. 22-03 was introduced and passed on first reading by the Township Committee of the Township of Mannington, County of Salem, State of New Jersey, at a regularly scheduled meeting held on March 3, 2022. A second reading and public hearing on the foregoing Ordinance will be conducted by the Township Committee at a regularly scheduled meeting to be held on April 7, 2022 at 7:00 p.m., in the Mannington Town Hall, 491 Route 45, Mannington Township, New Jersey, after which the Ordinance will be considered for final passage

ATTEST:

/s/Esther A. Mitchell, Township Clerk

/s/Donald C. Asay, Mayor

### **CERTIFICATION**

I hereby certify the above to be a true copy of an Ordinance introduced and passed by the Mannington Township Committee on second reading following a public hearing at a regular meeting held on April 7, 2022.

/s/Esther A. Mitchell, Township Clerk

ADOPTED: April 7, 2022