

TOWNSHIP OF MANALAPAN

ORDINANCE NO. 2023-16

AN ORDINANCE OF THE TOWNSHIP OF MANALAPAN,  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY,  
AMENDING AND SUPPLEMENTING CHAPTER 95,  
“DEVELOPMENT REGULATIONS,” OF THE CODE OF THE  
TOWNSHIP OF MANALAPAN, SECTION 95-3.4E,  
“CERTIFICATE OF CONTINUED OCCUPANCY”.

BE IT ORDAINED by the Township Committee of the Township of Manalapan,  
County of Monmouth, State of New Jersey, as follows:

SECTION ONE: Chapter 95, “Development Regulations”, of the Code of the  
Township of Manalapan, Section 95-3.4E, Certificate of continued occupancy”, subsection  
95-3.4E.2., “Change of residential ownership,” be and the same is hereby amended and  
supplemented to read, in full, as follows (additions underlined):

- “(2) Change of residential ownership. An application for a certificate of continued occupancy pertaining to the transfer of ownership of a residential structure shall be accompanied by a survey, prepared by a New Jersey licensed engineer or surveyor, which includes all easements of record, certified to the property owner and dated within six months of the date of application. The survey shall be drawn to a scale no smaller than one-inch equals 50 feet and shall show the setbacks to all existing structures and improvements, sight triangles, parking areas, wetlands, floodplains and yard distances in exact location to street and lot lines. The property owner shall also provide a certification that no changes have been made to the property since the date of the survey or detailing any changes to the property since the date of the survey.
- (a) The zoning certificate of continued occupancy shall contain sufficient information as to the extent and kind of use or uses, including all accessory uses and structures, such that any future investigation of the premises would disclose the

extent to which a use or structure was altered. It shall also indicate whether such use is a permitted or nonconforming use and the extent to which the property does not conform to the provisions of this chapter.

- (b) In the event that a noncompliant feature exists, and the owner wishes to sell the property, if the owner can demonstrate that said noncompliance has existed for least 10 years and the purchaser submits a written statement acknowledging the noncompliance and certifies that it will not be expanded, a certificate of continued occupancy may be issued by the Zoning Officer. In the event that the noncompliant feature is later modified, it shall be brought into compliance with the applicable provisions of this chapter.
- (c) A certificate of continued occupancy does not constitute a certification of a preexisting nonconforming use which can only be obtained in accordance with the provisions of N.J.S.A. 40:55D-68."

**SECTION TWO:** All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION THREE:** If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

**SECTION FOUR:** This Ordinance shall take effect immediately upon its passage and publication according to law and upon filing with the Monmouth County Planning Board.

#### NOTICE OF PUBLIC HEARING

The Ordinance published herewith was introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on [August 9, 2023](#) and will be

further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on [September 13, 2023](#) at the Municipal Complex, 120 Route 522 and Taylors Mill Road, Manalapan, New Jersey at 7:30 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site [www.mtnj.org](http://www.mtnj.org) by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of [September 13, 2023](#).

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SHARI ROSE, RMC  
Municipal Clerk