

Township of Howell, NJ
Wednesday, June 3, 2015

Chapter 188. Land Use

Article X. Zones

§ 188-69. Agricultural Rural Estate Zones (ARE-1, ARE-3, ARE-4 and ARE-6).

[Amended 3-20-2007 by Ord. No. O-07-9;^[1] 10-16-2007 by Ord. No. O-07-36]

- A. Purpose. The purpose of the ARE-1, ARE-3, ARE-4 and ARE-6 Zones is to minimize the impacts of development in areas located outside of the centers identified in the Township's Master Plan. The goals include preservation of rural and agricultural uses and preservation of rural character. Many areas include significant environmental constraints, including wetlands, floodplains, rare and endangered species habitats, aquifer recharge areas and high-quality watersheds. (See **Schedule III**, Bulk and Dimensional Requirements, for the ARE-1, ARE-3, ARE-4 and ARE-6 Zones^[2])

[Amended 5-24-2011 by Ord. No. O-11-13]

[2] *Editor's Note: **Schedule III** is included at the end of this chapter.*

- B. Permitted uses.

(1) Principal uses.

- (a) Agricultural and horticulture.
- (b) Single-family residences.
- (c) Municipal buildings and other public-purpose buildings owned by the Township, as well as quasi-public uses limited to fire stations and first-aid buildings.
- (d) Community residences for the developmentally disabled and community shelters for victims of domestic violence that contain fewer than six occupants.

(2) Accessory uses.

- (a) Accessory uses customarily incidental and ancillary to a permitted use.
- (b) Home occupations as regulated in this chapter.

(3) Conditional uses.

- (a) Houses of worship.
- (b) Schools with state-approved curricula in accordance with § 188-93 and limited to ARE-4 and ARE-6.

[Amended 5-20-2014 by Ord. No. O-14-13]

(c)

Community residences for the developmentally disabled and community shelters for victims of domestic violence that contain more than six and fewer than 15 occupants.

- (d) Solar energy generation facility in ARE-3, ARE-4, and ARE-6 Zones only. See § 188-98.3 for conditional requirements, and see **Schedule III** for bulk and dimensional requirements.^[3]

[Added 5-24-2011 by Ord. No. O-11-13]

[3] *Editor's Note: **Schedule III** is included at the end of this chapter.*

C. Design standards for solar energy generation facilities.

[Added 5-24-2011 by Ord. No. O-11-13]^[4]

- (1) Ground-mounted systems shall provide emergency vehicle access to all components as per the New Jersey State Fire Code, Section 305, "Fire Apparatus Access Roads."
- (2) Except pursuant to a permit issued by the New Jersey Department of Environmental Protection ("NJDEP"), no portion of a solar energy generation facility 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. Except pursuant to a permit issued by NJDEP, a three-hundred-foot buffer shall be maintained between NJDEP-designated Category One waters, as defined in the existing Surface Water Quality Standards rules at N.J.A.C. 7:9B-1.4, and any portion of a proposed solar energy generation facility. Category One waters include, and may not be limited to, the Metedeconk River and the Manasquan Reservoir.
- (3) Solar energy generation facilities shall be screened from the public traveled way (public roads, trails, navigable waterways, scenic highways and byways), publicly owned properties, open space, preserved farmland and historic resources, including sites and buildings listed or eligible for listing on the State and National Registers of Historic Places.
 - (a) Installations shall be sited behind existing vegetation, which shall be supplemented with landscaping to shield the installation from public view.
 - (b) To the extent achievable, solar energy facilities shall be sited using the natural topography to screen the energy project from public view and the view of any adjoining residences.
- (4) Decommissioning plan. All applications for a solar energy generation 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 Subsection **D(4)**. Prior to removal of solar energy systems, a demolition permit for removal activities shall be obtained from the Howell Township construction official. Prior to issuance of a demolition permit, the owner or operator of the facility shall post a performance bond, cash or letter of credit to ensure removal of the facility or systems in accordance with the decommissioning plan. Removal of solar energy systems shall be conducted by an electrician licensed in the State of New Jersey.
 - (a) Solar and photovoltaic energy facilities and structures (roof or ground) which have not been in active and continuous service for a period of one year 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 one year, or begins, but does not complete, construction of the project within 180 days 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 to a depth of at least three feet below grade. Underground equipment, structures and foundations need not be removed if they are at least three feet below grade and do not constitute a hazard or interfere with agricultural use or other resource uses of the land. 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/or local regulations.
 - [2] Restoration of the surface grade and soil after removal of aboveground structures and equipment.
 - [3] Restoration of surface grade and soil.
 - [4] Revegetation of restored soil areas with native seed mixes and plant species suitable to the area, which shall not include any invasive species. In farmland areas, the revegetation component of the decommissioning plan should include provisions to resume agricultural use of the site.
 - [5] The plan may provide for the retention of access roads, fences, gates or buildings in place or regarding restoration of agricultural crops or forest resource land.
 - [6] The plan must provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration.
 - [7] The plan must include a schedule for completion of site restoration work.
- (c) A cost estimate shall be provided for the cost of fully implementing the decommissioning plan prior to the issuance of a demolition permit. The cost estimate shall be subject to review and approval by the Township Engineer.
 - (d) Before beginning any decommissioning activities, the applicant must submit a performance bond, cash or letter of credit in a form and amount satisfactory to the Township Attorney, which shall be based upon an estimate approved by the Board Engineer, assuring the availability of adequate funds to restore the site to a useful, nonhazardous condition in accordance with the decommissioning plan.
 - (e) Upon cessation of activity for a cumulative period of 180 days of construction or installation activities of an approved solar 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 fails 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 six months of notice being served, the owner and/or operator shall substantially complete all activities in the decommissioning plan.
 - (f) Upon cessation of activity of a fully constructed solar 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. Within 180 days of notice being served,

the owner and/or operator shall either resume energy generation to at least eighty-percent capacity of the facility or system as established at the time of approval, or fully implement the decommissioning plan. If, within 180 days of receipt of notice, the owner and/or operator of the facility or system fails to resume energy generation to at least 80% of capacity of the facility or system as established at the time of approval, the Township may order the owner and/or operator of the facility to implement the decommissioning plan.

- (g) If the operator fails to fully implement the decommissioning plan subject to the procedures and timelines set forth in Subsection **D(4)(e)** and **(f)** 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 Subsection **D(4)**, 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.

[4] *Editor's Note: Pursuant to this ordinance, former Subsection C was redesignated as Subsection D.*

D. Development options.

- (1) All subdivisions in the ARE-3, ARE-4 or ARE-6 Zone are required to utilize one of the following four development options. Conventional subdivisions are permissible for minor subdivisions and in cases where applicants can demonstrate to the Planning Board that the objectives of the district will be enhanced by the submission of a conventional subdivision. Factors to be utilized by the Board in its determination are:
 - (a) Retention of large contiguous wooded tracts.
 - (b) Retention of large farm tracts.
 - (c) Aggregation of smaller wooded and farm parcels.
 - (d) Enhancement of water quality.
 - (e) Protection of habitats.
- (2) The maximum density of units per gross acre of land in the ARE-3 District shall be 0.33 unit per acre, ARE-4 District shall be 0.25 unit per acre and in the ARE-6 District shall be 0.167 unit per acre.
- (3) Open lands subdivisions. Open lands subdivisions are permitted on all tracts in the ARE-3, ARE-4 and ARE-6 Districts. This option is intended to promote the retention of large contiguous wooded tracts and large farm tracts, and to promote the aggregation of smaller wooded and farm parcels. It is also intended to encourage and promote flexibility, economy and environmental soundness in subdivision layout and design. The following standards shall apply to open lands subdivisions:
 - (a) In order to determine the maximum number of lots for an open lands subdivision, a conforming plan of a conventional subdivision shall be submitted, based on minimum lot area of three acres in the ARE-3 District, four acres in the ARE-4 District and six acres in the ARE-6 District. The concept plan shall be in sufficient detail to permit the Planning Board to make an informed decision as to the subdivision satisfying all ordinance requirements and in a form that would be acceptable to the Planning Board as a conventional subdivision without the need for any lot area or lot dimension variances or exceptions to subdivision design standards. The number of lots on the concept plan shall be the maximum number of lots permitted under an open lands subdivision.
 - (b) At least 55% of the tract if located in ARE-3, 60% of the tract if located in the ARE-4 District and 75% of the tract if located in the ARE-6 District shall be designated as "open

lands" and shall, as a condition of approval of the development, be deed restricted for agricultural or conservation use. The maximum density of the remaining property is 1.25 acres per unit in ARE-3, 1.5 acres per unit in ARE-4 and two acres per unit in ARE-6. Lots qualifying as open lands shall be permitted a primary residence and other accessory building uses as provided in this section.

- (c) At least 40% of designated "open lands" shall be some combination of unconstrained land area, or prime soils or soils of statewide importance, or prime forested area. On tracts in areas which are predominantly active agricultural lands or consist of prime agricultural soils or soils of statewide importance, the preservation of agricultural lands and soils shall take precedence. On tracts in areas which are predominantly prime forested areas, the preservation of forested areas shall take precedence.
 - (d) For tracts of 30 acres or less, the open lands shall be contained in one deed-restricted contiguous parcel; for tracts greater than 30 acres, the open lands may be composed of noncontiguous parcels, provided that each open lands area shall contain at least 15 contiguous acres. When noncontiguous parcels of at least 15 acres are provided, each parcel may have a residence, provided that the total density is not exceeded.
 - (e) All lots created under this subdivision option shall be deed restricted against further subdivision for the purpose of creating an additional lot or lots.
 - (f) The design of the development utilizing this option shall foster the following objectives: retention of large contiguous farmland areas; retention of large contiguous prime forested areas; stream corridor and wetlands preservation; aquifer recharge protection; steep slope protection; overall site design; reduction of impervious coverage; traffic circulation; and, sensitivity to the site's natural features, topography and relationship to open lands on neighboring parcels.
 - (g) In forested areas, the design of the development shall include a 100-foot buffer along existing roads, which shall either maintain existing woodlands or establish new forested areas for those areas that are disturbed during site development or are currently cleared. The intent of this provision is to maintain the scenic roadside views in the Township.
 - (h) Natural features such as trees, natural terrain, open waters and natural drainage areas shall be preserved wherever possible in designing any development containing such features. As part of the subdivision or site plan review process, development should be designed to preserve scenic vistas and views of cultural/historic landmarks and of unique geologic and topographic features.
 - (i) The proposed development shall comply with the bulk and dimensional standards contained in **Schedule III**.^[5]
[5] *Editor's Note: Schedule III is included at the end of this chapter.*
 - (j) The applicant is advised to submit a concept plan of the open lands subdivision for review and comment in accordance with this chapter.
- (4) Cluster subdivisions in the ARE-3 District, ARE-4 District and ARE-6 District may be permitted at the sole discretion of the Planning Board. To utilize the cluster option the Planning Board must find that the resulting open space is of a sufficient character, size and location to effectuate the goals and objectives of the Township's Open Space, Conservation, Parks and Recreation or Farmland Preservation Plan elements. The following standards shall be minimum requirements:
[Amended 10-16-2012 by Ord. No. O-12-18]

- (a) In order to determine the maximum number of lots for a cluster subdivision, a conforming plan of a conventional subdivision shall be submitted, based on minimum lot areas of three acres in the ARE-3 District, four acres in the ARE-4 District and six acres in the ARE-6 District. The concept plan shall be in sufficient detail to permit the Planning Board to make an informed decision as to the subdivision satisfying all ordinance requirements and in a form that would be acceptable to the Planning Board as a conventional subdivision without the need for any lot area or lot dimension variances or exceptions to subdivision design standards. The number of lots on the concept plan shall be the maximum number of lots permitted under a cluster subdivision.
 - (b) The minimum open space shall be 65% of the total tract in the ARE-3 District, ARE-4 District and ARE-6 District. Maximum density is 1.25 in ARE-3, 1.5 acres per unit in ARE-4 and 2.0 acres per unit in ARE-6.
 - (c) Areas reserved as permanent open space shall have a minimum contiguous area of not less than three acres, and no portion thereof shall be less than 50 feet in width. At least 40% of the open space shall be uplands. The open space area(s) shall be contiguous to open space on adjoining parcels, where applicable, and shall include areas identified in the Township's open space and recreation or conservation plans, if any, including greenways.
 - (d) On tracts in areas which are predominantly active agricultural lands or consist of prime agricultural soils or soils of statewide importance, the preservation of agricultural lands and soils shall take precedence. On tracts in areas which are predominantly prime forested areas, the preservation of forested areas shall take precedence.
 - (e) The open space shall be reserved in perpetuity either by dedication for public use or for use by the residents of the development by private covenant or deed restriction for one of the following purposes: undeveloped open space; public or private recreational facilities; conservation of environmentally sensitive features, including, but not limited to, wetlands, aquifer recharge areas, floodplains and wooded areas; and agricultural use.
 - (f) The proposed development shall comply with the bulk and dimensional standards contained in **Schedule III**.
 - (g) Provision shall be made to ensure suitable maintenance of any area to be reserved by private covenant or deed restriction by the establishment of a property owners' association or other appropriate organization.
 - (h) The applicant is advised to submit a concept plan of the cluster subdivision for review and comment in accordance with this chapter.
- (5) Lot averaging subdivisions are permitted in the ARE-3 District, ARE-4 District and in the ARE-6 District in accordance with the following standards:
- (a) In order to determine the maximum number of lots for a lot averaging subdivision, a conforming plan of a conventional subdivision shall be submitted, based on a minimum lot size of three acres in the ARE-3 District, four acres in the ARE-4 District and six acres in the ARE-6 District. The concept plan shall be in sufficient detail to permit the Planning Board to make an informed decision as to the subdivision satisfying all ordinance requirements and in a form that would be acceptable to the Planning Board as a conventional subdivision without the need for any lot area or lot dimension variances or exceptions to subdivision design standards. The number of lots on the concept plan shall be the maximum number of lots permitted under a lot averaging subdivision.
 - (b)

A lot averaging subdivision may be permitted when the applicant proposes a distribution of lot areas within the subdivision that results in at least 60% of the lots having a minimum lot area between two acres and three acres, except in the case of a two-lot subdivision, in which case one of the two lots shall be two acres to three acres.

- (c) The site design of lot averaging subdivisions should shift the more intensive development toward those lands that can best support the installation of the dwelling, well, septic system and associated site improvements. Similarly, lot averaging should seek to preserve those areas which exhibit sensitive environmental features (i.e., water bodies, floodplains, aquifer recharge areas, seasonal high water table, etc.) or which contain active or prime agricultural lands or prime forested areas.
 - (d) On tracts in areas which are predominantly active agricultural lands or consist of prime agricultural soils or soils of statewide importance, the preservation of agricultural lands and soils shall take precedence. On tracts in areas which are predominantly prime forested areas, the preservation of forested areas shall take precedence.
 - (e) The proposed development shall comply with the bulk and dimensional standards contained in **Schedule III**.
 - (f) The deed for any lot created by lot averaging shall contain a restriction against its further subdivision for the purpose of creating an additional lot or lots.
 - (g) The applicant is advised to submit a concept plan of the lot averaging subdivision for review and comment in accordance with this chapter.
- (6) Farmland preservation parcels. These parcels are intended to provide a development option to an individual who intends to remove the development rights from the majority of the property, typically through a government or nonprofit sponsored farmland preservation program in accordance with the following standards. The farmland preservation option shall also apply to existing farms and other proposed farms in the ARE zones:
- (a) To receive treatment under this section, farmland preservation property must consist of a lot, tract or parcel of land with a minimum contiguous acreage of 15 acres.
 - (b) The owner of a lot, tract or parcel of land who intends to place a portion of such property into farmland preservation shall be entitled to subdivide one or more residential lots from the lot, tract or parcel. The remainder shall be placed in farmland preservation. Use of the subdivided lot shall be limited to a detached single-family dwelling with permitted accessory uses.
 - (c) The number lots subdivided shall be in accordance with the following table:

Range by Acres	Permitted Lots
15 to 29.99	1
30 to 49.99	2
50 or more	3
 - (d) The subdivided residential lot shall meet the following zoning requirements:
 - [1] Minimum lot area.
 - [a] ARE-6: 2 acres.
 - [b] ARE-4: 1.5 acres.
 - [c] ARE-3: 1.25 acres.

- [2] Lot frontage: 100 feet.
- [3] Minimum front yard setback: 50 feet.
- [4] Minimum rear yard setback: 40 feet.
- [5] Minimum side yard: 30 feet.
- [6] Maximum height: 30 feet/2 1/2 stories.
- [7] Building coverage: 10%.
- [8] Lot coverage: 15%.

- [9] Accessory buildings: side and rear yards shall equal building height.

[1] *Editor's Note: Ord. No. 0-07-18, adopted 5-15-2007, "grandfathered" the bulk and dimensional requirements of existing lots and lots that were the subject of final subdivision approvals prior to the effective date of Ord. No. 0-07-9 as follows: "All lots in existence on the official **Zoning Map** of the Township of Howell, or which were approved for final subdivision by the Howell Planning Board prior to the effective date of Ordinance 07-09, shall not be deemed nonconforming under the zoning criteria and bulk and dimensional requirements of Ordinance 07-09, but shall instead be subject to the bulk and dimensional requirements of the zoning districts pursuant to the zoning ordinances that were in effect immediately prior to the adoption of said ordinance. The bulk and dimensional requirements established by Ordinance 07-09 shall apply only to lots created after the effective date of said ordinance."*

Township of Howell, NJ
Wednesday, June 3, 2015

Chapter 188. Land Use

Article X. Zones

§ 188-70. Residential 2 (R-2) and Residential 3 (R-3).

- A. Purpose. The purpose of the R-2 and R-3 Zoning Districts is to permit infill development at moderate densities within the established centers identified in the Howell Township Master Plan.
- B. Permitted uses.
- (1) Principal uses.
 - (a) Single-family residences.
 - (b) Agriculture and horticulture; however, buildings housing livestock shall be set back at least 75 feet from all property lines.
 - (c) Community residences for the developmentally disabled and community shelters for victims of domestic violence that contain less than six occupants.
 - (2) Accessory uses. Accessory uses customarily incidental and ancillary to a permitted use.
 - (3) Conditional uses.
 - (a) Houses of worship.^[1]

[1] *Editor's Note: Former Subsection B(3)(b), which allowed schools with state-approved curricula as a conditional use, which immediately followed this subsection, was repealed 5-20-2014 by Ord. No. 0-14-13; former Subsection B(3)(c), pertaining to community residences, which immediately followed this former Subsection B(3)(b), was repealed 7-26-2005 by Ord. No. 0-05-23.*
- C. Inclusion of Block 138, Lots 32 and 32.01 (formerly known as Site 3 in the R-3 Zone); modifications. Block 138, Lots 32 and 32.01 (formerly known as Site 3) shall be zoned R-3 with the following specific modifications:
[Added 11-15-2004 by Ord. No. 0-04-63; amended 8-12-2008 by Ord. No. 0-08-28]
- (1) Minimum lot area (patio/zero lot line): 5,000 square feet.
 - (2) Minimum lot frontage (patio/zero lot line): 40 feet.
 - (3) Minimum lot width (patio/zero lot line): 50 feet.
 - (4) Minimum side yard (patio/zero lot line): zero feet one side; 15 feet second side; 25 feet for on-street side for corner lot.
 - (5) Minimum setback from street line (patio/zero lot line): 25 feet.

- (6) Minimum rear yard (patio/zero lot line): 20 feet.
 - (7) Maximum building height (patio/zero lot line): 30 feet.
 - (8) Maximum impervious surface coverage:
 - (a) Single-family detached: 50%.
 - (b) Patio/zero lot line: 60%.
 - (9) Accessory building location: same as R-2.
- D. Inclusion of Block 3, Lot 15 (formerly known as Site 9 in the R-3 Zone); modifications. Block 3, Lot 15 (formerly known as Site 9) shall be zoned R-3 with the following specific modifications:
[Added 11-15-2004 by Ord. No. 0-04-63]
- (1) Maximum density: 105 housing units with the 8,000 square feet lot and 75 feet frontage requirement being reduced to 7,000 square feet and 60 feet frontage, up to 20% of the lots, provided the average lot size and frontage for the development, other than zero lot line homes remains 8,000 square feet and 75 feet, respectively.
 - (2) Up to 50% of the proposed lots may be zero lot line homes with no side yard on one side with lesser front yard setback and rear yard as defined in the schedule of bulk dimensional, height and related requirements for the R-3 Single-Family Detached Clustered Zone, as modified, above, for Block 138, Lots 32 and 32.01 (formerly known as Site 3). Zero lot line homes will not be considered in determining the average lot size and frontages for purposes of the requirements of Subsection **D(1)** above.
 - (3) Special note: No other standards or restrictions for the R-3 Single-Family Detached Clustered Zone shall be applicable to this site, except for design standards generally applicable to all single-family developments.
 - (4) The **Zoning Map** of the Township of Howell, as amended, is hereby further amended to include Block 138, Lots 32 and 32.01 (formerly known as Site 3), and Block 3, Lots 15 (formerly known as Site 9), as part of the R-3 Zone District.
- E. Inclusion of Block 165, Lots 6 and and (formerly known as Site 10B) in the R-2 Zone; modifications:
[Added 11-15-2004 by Ord. No. 0-04-63]
- (1) The **Zoning Map** of the Township of Howell, as amended, is hereby further amended to provide that Block 165, Lots 6 and 7, is designated as a portion of the R-2 Detached Single-Family Clustered Zone.
 - (2) The requirements of the R-2 Detached Single-Family Clustered Zone is hereby specifically modified as follows. The following modifications shall supersede any inconsistent provision in this chapter concerning the R-2 Detached Single-Family Clustered Zone and shall nullify, to the degree necessary, any existing provision of said zoning requirements that would prevent the implementation of any of the following specific modifications. The modification is as follows:
 - (a) Maximum density: 2.5 units per net acre with a maximum yield of 100 housing units.
 - (b) Front setback from street line: 25 feet with average setback of 30 feet.

*Township of Howell, NJ
Wednesday, June 3, 2015*

Chapter 188. Land Use

Article X. Zones

§ 188-74. Environmentally-Sensitive Low-Density Residential 6 Zone (R-6)

[Added 10-20-2003 by Ord. No. 0-03-37]

- A. Purpose. The purpose and intent of the R-6 District is to permit single-family residential housing while also preserving open space and environmentally sensitive land by means of cluster development.
- B. Permitted uses.
- (1) Principal uses: single-family residences.
 - (2) Accessory uses: accessory uses customarily incidental and ancillary to a permitted use.
 - (3) Conditional uses: none.
- C. Tract requirements.
- (1) Tract requirements. The tract shall be under one ownership or control by the applicant for purposes of obtaining all required development approvals and committing the tract to the regulations of the R-6 District.
 - (2) Maximum tract density: 0.65 dwelling unit per gross acre.
 - (3) Minimum tract area: 40 acres.
 - (4) Minimum tract frontage: 500 linear feet.
 - (5) Minimum perimeter buffer: 100 feet, except along Maxim Southard Road, where a fifteen-foot landscaped buffer shall be required. Buffers may be provided on single-family residential lots, or alternatively, as part of the common/dedicated open space. All other open space, buffer or similar requirements set forth in this chapter or Chapter 247 that are otherwise applicable to residential zones shall not apply to the R-6 District, it being intended that the minimum buffer requirement set forth in this subsection shall be the sole buffer requirement in the R-6 District.
 - (6) Minimum tract open space: 60%.
- D. Area, yard and building requirements.
- | | |
|----------------------------|--------------------|
| Minimum lot area | 12,000 square feet |
| Minimum lot frontage | 60 feet |
| Minimum front yard setback | 25 feet |

Minimum side yard setback	10 feet
Minimum rear yard setback	30 feet
Maximum lot coverage	
Buildings	35%
Impervious	60%
Maximum building height	38 feet
Maximum stories	2 1/2 stories
Minimum accessory building setbacks	
Side	5 feet
Rear	5 feet

- E. Minimum parking requirements. Parking spaces shall be provided in accordance with the requirements of the New Jersey Residential Site Improvement Standards (RSIS).
- F. Dedication of open space. Open space or buffers on the tract may be owned and maintained by individual owners or a homeowners' association, or may be dedicated to the Township of Howell as determined by the Planning Board. The area of such dedicated open space shall continue to be considered as part of the tract area for purposes of compliance with the R-6 Zone bulk regulations.
- G. Relationships to other sections of this chapter. Where the regulations of the R-6 Zone conflict with any other regulations of this chapter, the regulations contained in this section for the R-6 Zone shall apply.
- H. Public sewer service. Sanitary sewer service is required for development under the area, yard and building requirements of Subsection **D** of this section.

*Township of Howell, NJ
Wednesday, June 3, 2015*

Chapter 188. Land Use

Article X. Zones

§ 188-83. Agricultural Rural Estate/Natural Resource Protection Zone (ARE-C).

- A. Purpose. The purpose of the ARE-C Zone is to continue the rural character of Howell Township through the employment of combined recreational and residential uses in order to maximize open space, public recreational area (active and passive) and the preservation of the environment. Within this zone a combination of detached single-family dwellings, as well as certain recreational structures, may be permitted. The issuance of building permits shall be contingent upon prior approval of an overall development plan that satisfies the special requirements and standards established for this zone to ensure adequate open space, appropriate densities, proper ingress, egress and circulation of traffic. The intent of this zone is to encourage the use of imaginative design, to provide adequate open spaces, public recreational areas (active and passive) and preservation of the environment.
- B. Permitted uses.
- (1) Principal uses:
 - (a) All uses permitted in the ARE-1 Zone, provided that said uses shall comply with all of the requirements of the ARE-1 Zone, including but not limited to bulk requirements for area, frontages, setbacks and the like, except as provided for hereinafter.
 - (b) Public recreation (passive or active) facilities, including soccer and baseball fields, and educational facilities.
 - (2) Accessory uses.
 - (a) Barns, silos, stalls, farm and other recreation maintenance buildings.
 - (b) Tennis courts, swimming pools and uses customarily associated with the above permitted uses, provided that such accessory uses are subordinate to the principal use and do not change the character of the principal use and serve only the principal use.
 - (c) Facilities and structures related and appurtenant to public recreational uses.
- C. Minimum standards. Unless property located in the ARE-C Zone is to be developed in accordance with the standards of the ARE-1 Zone, in the ARE-C Zone a cluster option shall be permitted on tracts of land which meet the following standards:
- (1) Minimum contiguous tract area of 250 acres.
 - (2) Minimum tract frontage on public roadways of 1,000 feet.

- (3) All dwelling units shall be served by public water and sanitary sewer systems.
- (4) The bulk, dimension, height and related requirements for development which does provide open space, as set forth in this section, shall be the requirements of the R-3 detached single-family clustered as set forth in the schedule of bulk, dimensional, height and related requirements for the zones.^[1]

[1] *Editor's Note: The schedule is included at the end of this chapter.*

D. Permitted residential density modification standard.

- (1) The maximum number of lots permitted for any project under this section shall not exceed 1.4 times the calculated yield. The calculated yield for the project (or tract) shall equal one lot for each one acre of land of the project (or tract).
- (2) The standards for determining the implementation of D(1) above are as follows: For each 1,000 square feet of building of indoor all-season recreation building facilities, allow an increase in the yield of 1% of the calculated yield, except that such increase shall not exceed 10% of the calculated yield.

*Township of Howell, NJ
Wednesday, June 3, 2015*

Chapter 188. Land Use

Article XXIV. Stormwater Management Control

§ 188-221. Maintenance and repair.

A. Applicability:

- (1) Projects subject to review as in § 188-212C of this article shall comply with the requirements of Sections B and C.
- (2) Any entity seeking to dedicate any stormwater management facility to the Township for ownership and/or operation and/or maintenance.

B. General maintenance.

- (1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
- (2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and all associated maintenance items for said stormwater management facility; 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.
- (3) 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.
- (4) If the person responsible for maintenance identified under Subsection B(2) above is not a public agency, the maintenance plan and any future revisions based on Subsection B(7) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (5) 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.
- (6)

The person responsible for maintenance identified under Subsection **B(2)** 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.

- (7) The person responsible for maintenance identified under Subsection **B(2)** above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
- (8) The person responsible for maintenance identified under Subsection **B(2)** 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 **B(6)** and **(7)** above.
- (9) The requirements of Subsection **B(3)** and **(4)** do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.
- (10) 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.
- (11) Stormwater management facilities required for development of commercial or industrial development. The stormwater management facility shall be a part of an individual lot owned and maintained by the property owner. No responsibility or otherwise shall be inured to the Township.
- (12) Stormwater management facilities required for rental multifamily development. The stormwater management facility shall be a part of the development. No maintenance responsibilities or otherwise should inure to the Township.
- (13) Stormwater management facilities required for development of for sale, multifamily development. The stormwater management facility shall be a part of a common open space owned by the owners' association. No maintenance responsibility or otherwise should inure to the Township.
- (14) The Township shall not accept responsibility for the maintenance of any subsurface stormwater management facilities required for development. No responsibility or otherwise shall be inured to the Township for any and all subsurface stormwater management facilities or other facilities not agreed upon by the Township.
- (15) Stormwater management facilities required for single-family detached development.
 - (a) Stormwater management basins may be placed in land dedicated to the Township or contained within a lot to be designated as a drainage easement that will either be retained as private ownership or deeded to a homeowners' association. No portion of the stormwater management basin shall be included in any required lot area. On large cluster projects, an area of no less than five acres shall be required, and the detention basin shall be designed as a multipurpose stormwater control recreational facility, hereby known as a "multipurpose facility."

- (b) For the purposes of this subsection, "large projects" are defined as the combined area of open space and stormwater management basins that are greater than five acres. In these cases they shall be developed as multipurpose facilities.
 - (c) All other projects shall be considered small projects and may have the stormwater management basin on smaller lots. Where multiple stormwater management basins or facilities are proposed within a project and the project is defined as a large project, then at least one stormwater management basin must be designed as a multipurpose facility. Any remaining stormwater basins or facilities may follow the guidelines of smaller projects.
 - (d) All retention basins shall be designed at a minimum depth of five feet with side slopes at a minimum of 5:1 for the first 15 horizontally and then at a minimum of 3:1.
 - (e) All detention basins shall be designed with side slopes at a minimum of 5:1 and have a maximum depth of three feet measured from the orifice invert elevation to the one-hundred-year water surface elevation.
 - (f) On smaller projects where the stormwater management basin is not part of the open space, the stormwater management basin shall be contained on a separate lot a minimum of 125% of the area required to store the one-hundred-year storm. The separate lot need not conform to zoning requirements but must have a minimum of 25 feet of frontage.
 - (g) Further, the Township shall require as part of the developer's agreement a maintenance agreement for all stormwater management facilities. The maintenance agreement shall be in full force and effect upon release of the performance guarantees.
- (16) At the time of approval of the plan, responsibility for continued maintenance of stormwater management facilities and measures shall be stipulated and recorded in the resolution of approval.
- (17) Where continued maintenance is to be the responsibility of the applicant, a proposed maintenance agreement, along with an approved maintenance plan identified under Subsection **B(2)** above, shall be submitted. The agreement shall specify the maintenance responsibility and standards during and after completion of the proposed activity and, upon approval, shall be recorded by the applicant in the office of the County Clerk. The applicant shall thereafter file a copy of the recorded agreement with the Township. The Township shall retain the right to enter and make repairs and improvements where necessary in accordance with Subsection **B(10)** above.
- (18) Where continued maintenance of a stormwater management facility is to be the responsibility of the Township, the following provisions may apply:
- (a) The applicant shall maintain the stormwater management facility during the construction phase of the project.
 - (b) The applicant shall enter into a stormwater maintenance agreement with the governing body prior to the signing and recording of the final subdivision plat and as a condition of subdivision approval from the Boards. The Township shall not accept the facility until the applicant has executed and filed the stormwater maintenance agreement which shall include a statement that the stormwater maintenance fee contribution is made in consideration of the Township assuming all future maintenance of the facility. The form of agreement shall be provided by the Township. The agreement, upon execution, shall be recorded by the applicant in the office of the County Clerk. The applicant shall thereafter file a copy of the recorded agreement with the Township.

- (c) The stormwater maintenance fee contribution required shall be for the purpose of reimbursing the Township for direct fees, costs, charges and expenses for the maintenance of a stormwater management facility, including but not limited to routine mowing, maintenance of landscaping, general maintenance concerning inlets, cleaning of property, inspection and long-range maintenance on a periodic basis.
- (d) Prior to final approval, all applicants must submit a maintenance plan per Subsection **B (2)** above for any and all stormwater management measures prepared in accordance with the NJ Stormwater Best Management Practices Manual, latest edition, subject to the review and approval of the Board Engineer and Township Engineer. The amount of the applicant's contribution for stormwater maintenance fees associated with operation maintenance costs for said stormwater management facility shall be based upon the maintenance plan, which will include a detailed cost estimate. The cost estimate shall consist of and outline the cost of the stormwater management facility operations and maintenance tasks including interim and formal maintenance operations such as mowing, sediment, trash and debris removal, maintenance of the infiltration layer of recharge basins, stormwater sewer cleaning, inspection costs, etc. See **Schedule XXIV-A**, Stormwater Management Annual Cost Calculation Form.^[1]

- [1] The minimum contribution for stormwater maintenance fees for any stormwater management facility shall be \$42,550.
- [2] An applicant seeking approval for construction of a stormwater management facility shall provide the funds necessary to permanently maintain the facility for a ten-year life span.
- [3] The amount necessary to permanently maintain the facility shall be based upon the review of the maintenance plan and calculated in accordance with Subsection **B(18)(d)[4]** below by the Board Engineer and agreed upon by the Township Engineer.
- [4] The following equation shall be used to calculate the stormwater maintenance fee contribution compounded annually as required to maintain a stormwater management facility:
[Amended 6-30-2009 by Ord. No. 0-09-26]

$$F = (A) \left(\frac{(1+i)^n - 1}{i} \right)$$

Where:

- F = stormwater maintenance fee contribution
A = estimated annual cost
i = 2% (compounded annually)
n = 10 periods (10 years)

[1] *Editor's Note: Said schedule is included at the end of this chapter.*

- (e) Timing of payments. Fifty percent of the stormwater maintenance fee contribution owed to the Township for residential development shall be paid at the time of the issuance of each building permit and the remaining 50% shall be paid at the time of issuance of each certificate of occupancy required in connection with the development, and shall be calculated as follows:

- [1] For residential developments, the payment of the 50% required at the time of the issuance of each building permit shall be calculated using an estimated equalized valuation of each residential unit.

[2]

For residential developments, the remaining payment of the 50% required at the time of the issuance of the certificate of occupancy shall be calculated using an estimated equalized valuation of each residential limit.

- (f) Upon certification by the Township Engineer that the project is complete and the guarantee for the project may be released, acceptance of the stormwater management facility by the Township shall be specifically stated in the resolution authorizing the guarantee release. The stormwater maintenance fee contribution, as determined by the Board Engineer and agreed upon by the Township Engineer, as stated in Subsection **B (18)(c)** above shall be posted prior to the release of the guarantee. Any interim guarantee reductions authorized by the Township shall not be construed to mean that all or any part of the facility has been accepted by the Township.
 - (g) The stormwater maintenance fee contribution includes maintenance of the lot or open space area in which the stormwater management facility or facilities are located.
 - (h) A requirement of a stormwater maintenance agreement for the stormwater management facility applies to all stormwater management facilities. This stormwater maintenance agreement is for the upkeep and care of the facility and is separate and distinct from the maintenance agreement for any site improvements as set forth in N.J.S.A. 40:55D-53(a)(2).
- (19) As-built certification. Prior to the acceptance by the Township of any surface stormwater management facilities, the developer's engineer shall certify that said facilities were constructed in accordance with the approved plan and maintenance plan.
- C. 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.

LAND USE

188 Attachment 3

Township of Howell
Schedule III Bulk and Dimensional Requirements
Residential Zones
[Added 3-20-2007 by Ord. No. 0-07-9¹]

	ARE (in acres)									RRC	ARE C	ARE NRW	Moderate/ Low Income
	6		4		3		2		1				
	Conventional	Cluster, Lot Averaging and Open Lands	Conventional	Cluster, Lot Averaging and Open Lands	Conventional	Cluster, Lot Averaging and Open Lands	Conventional	Lot Averaging and Open Lands	Conventional				
Minimum										See specific zoning sections for standards.			
Lot area ¹	6	2 ²	4	1.5 ²	3	1.25 ²	2	1 ³	40,000 feet				
Lot width	300 feet	200 feet	200 feet	150 feet	200 feet	125 feet	200 feet	100 feet	200 feet				
Lot depth	400 feet ¹	200 feet ¹	300 feet	150 feet	200 feet	125 feet	200 feet	100 feet	200 feet				
Front yard ¹	100 feet	75 feet	100 feet	75 feet	50 feet	50 feet	50 feet	35 feet	50 feet				
Side yard (each side) ⁴	60 feet	50 feet	40 feet	30 feet	30 feet	25 feet	30 feet	20 feet	30 feet				
Rear yard ⁴	60 feet	50 feet	50 feet	40 feet	40 feet	35 feet	50 feet	30 feet	40 feet				
Open space	---	See Code options	---	See Code options	---	See Code options	---	See Code options					
Maximum													
Lot coverage (all impervious)	5%	15%	10%	15%	12.50%	15%	15%	15%					
Building coverage (principal and accessory structures)	3%	12%	7%	12%	10%	12%	12%	12%					
Building height ¹	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	30 feet				
Accessory buildings	Side and rear yards shall equal building height; for lots of 10,000 square feet or less, structures of 10 feet or less in height shall not be placed closer than five feet to a side or rear property line.												

NOTES:

¹ All lots requiring reverse frontage along arterial and collector streets shall have an additional 25 feet of depth to allow for the establishment of the buffers outlined in § 188-63.

² The required lot area under the "lot averaging" option for ARE-3, ARE-4 and ARE-6 is between two acres and three acres for 60% of the lots, and the minimum lot size is as indicated in Schedule III.

³ The required lot area under the "lot averaging" option for ARE-2 is between one acre and three acres for 60% of the lots, and the minimum lot size is as indicated in Schedule III.

⁴ For all solar energy generation facilities in the ARE-2, ARE-3, ARE-4 and ARE-6 Zones, the following dimensional requirements are applicable:

(a) Lot area shall be a minimum of 65 acres.

(b) Front yard setback: minimum 60 feet.

(c) Side yard setback: 60 feet.

(d) Rear yard setback: 60 feet.

(e) Height: maximum 15 feet.

¹ Editor's Note: Ord. No. 0-07-18, adopted 5-15-2007, "grandfathered" the bulk and dimensional requirements of existing lots and lots that were the subject of final subdivision approvals prior to the effective date of Ord. No. 0-07-9 as follows: "All lots in existence on the official Zoning Map of the Township of Howell, or which were approved for final subdivision by the Howell Planning Board prior to the effective date of Ordinance 07-09, shall not be deemed nonconforming under the zoning criteria and bulk and dimensional requirements of Ordinance 07-09, but shall instead be subject to the bulk and dimensional requirements of the zoning districts pursuant to the zoning ordinances that were in effect immediately prior to the adoption of said ordinance. The bulk and dimensional requirements established by Ordinance 07-09 shall apply only to lots created after the effective date of said ordinance."