

ORDINANCE O-23-40

AN ORDINANCE OF THE TOWNSHIP OF HOWELL SUPPLEMENTING CHAPTER 188, ARTICLE XI CONDITIONAL USES ADDING SECTION 188-98.11 ENTITLED FLEX SPACE

WHEREAS, the Howell Township Planning Board having adopted an update to the Land Use Element of the Master Plan in 2022 and has reexamined the Master Plan again in 2023 which recommended several zoning changes throughout the Township; and

WHEREAS, the Mayor & Township Council of the Township of Howell have supplemented the Borough's Land Development Ordinance by adding Section 188-98.11 entitled Flex Space to include the appropriate conditional use standards for flex space.

BE IT HEREBY ORDAINED by the Mayor and Township Council of the Township of Howell, County of Monmouth, and State of New Jersey that Chapter 188, Article XI Conditional Uses, Section 188-98.11 entitled flex space is hereby added and shall read as follows:

NOTE: Sections of Chapter 188, Article XI Conditional Uses that are to be added as part of new Section 188-98.11 entitled flex space are set forth below. All additions are shown in ***bold with italics with underlines***. All deletions are shown in ~~***bold italics with strikeouts***~~. All sections that are unchanged remain in regular typeface.

CHAPTER 188 LAND USE

Article XI Conditional Uses

188-98.11 Flex space.

- A. **No building containing flex space shall be larger than 75,000 square feet in area;**
- B. **No single unit of flex space shall be larger than 60% of the building area or exceed 45,000 square feet in building area;**
- C. **The building height of a flex space shall not exceed 32 feet;**
- D. **All loading and unloading shall take place at loading docks to be located at the rear of the building. No more than one loading dock per 7,500 square feet of flex space shall be permitted;**

- E. No flex space shall have operate any outdoor activity between the hours of 11:00pm and 6:00 am, including tractor trailer deliveries;**
- F. Facades of all structures facing public streets, or which are located within 500 feet of a residential zone shall be constructed of materials which are of brick, decorative masonry, or a combination of materials which will be compatible with uses in the area; Rear of building architecture not within the requirements above need not comply with bump out requirements or treatment requirements.**
- G. No storage shall be permitted outside. No temporary storage units, storage pods or storage trailers shall be permitted. The overnight parking of vehicles associated with a Flex Space use shall be permitted provided that such parking is identified on an approved site plan;**
- H. Trash receptacles and dumpsters shall be screened from public streets and adjacent residential uses utilizing masonry material similar to the façade of the building. Screening walls shall be a masonry material that is compatible with the character with the building façade.**

SECTION 2. REPEALER

The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3. INCONSISTENT ORDINANCES

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 4. SEVERABILITY

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed invalid and effective.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final adopted Ordinance by the Clerk with the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16.

SO ORDAINED as aforesaid.

NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on **October 24, 2023** and will be further considered for final passage and adoption at the Township Municipal Building on 4567 Route 9 North, Howell, New Jersey on **November 28, 2023 at 7:00 p.m.** or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to, and including, the date of such meeting, copies of said Ordinance will be available at the Clerk's Office in the Township of Howell Municipal Building to the members of the general public who shall request same.

Introduction:

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Fischer</i>						X
<i>Councilman Gasior</i>		X	X			
<i>Councilman Nadel</i>	X		X			
<i>Deputy Mayor O'Donnell</i>			X			
<i>Mayor Berger</i>						X

I, Diane Festino, Municipal Clerk of the Township of Howell, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Mayor and Township Council, at its Meeting held October 24, 2023. WITNESS my hand this 25th day of October 2023.

Diane Festino

DIANE FESTINO, MUNICIPAL CLERK

Adoption:

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Fischer</i>		X	X			
<i>Councilman Gasior</i>			X			
<i>Councilman Nadel</i>	X		X			
<i>Deputy Mayor O'Donnell</i>			X			
<i>Mayor Berger</i>						X

I, Diane Festino, Municipal Clerk of the Township of Howell, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Mayor and Township Council, at its Meeting held December 12, 2023. WITNESS my hand this 13th day of December 2023.

Diane Festino

DIANE FESTINO, Municipal Clerk

Explanatory Statement: This ordinance modifies the Chapter 188, Article XI Conditional Uses Adding Section 188-98.11 which provides conditions for Flex Space uses.