

# **ORDINANCE O-23-41**

## **AN ORDINANCE OF THE TOWNSHIP OF HOWELL SUPPLEMENTING CHAPTER 188, ARTICLE X ZONES SUPPLEMENTING AND MODIFYING SECTIONS 188-79.1 (SED-1 ZONE), AND 188-79.2 (SED-2 ZONE) TO INCLUDE FLEX SPACE AS A CONDITIONAL USE**

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**WHEREAS**, the Mayor & Township Council of the Township of Howell wish to supplement the Township's Land Development Ordinance at Chapter 188, Article X Zones, Sections (SED-2) Zone District to permit many of the uses in the SED district but remove all forms of warehousing and permit self-storage facilities as principally permitted uses.

**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 X Zones, Sections 188-79 (SED Zone), 188-79.1 (SED-1 Zone), and 188-79.2 (SED-2 Zone) hereby supplemented and shall read as follows:

**NOTE:** Sections of Chapter 188, Article X Zones that are to be added as part of Section 188-79 (SED Zone), 188-79.1 (SED-1 Zone), and 188-79.2 (SED-2 Zone) 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 X Zones

##### 188-79.1 Special Economic Development Zone-1 (SED-1)

- A. Applicability. The Special Economic Development Zone-1 shall be applied to various properties throughout the Township as deemed appropriate in the Master Plan and by the governing body of the Township of Howell.
- B. Permitted uses.
  - (1) Principal uses:
    - (a) (Reserved)
    - (b) Active and passive recreation uses.
    - (c) Offices.
    - (d) Financial institutions.
    - (e) (Reserved)
    - (f) Healthcare facilities/medical centers.
    - (g) Assembly and packaging.

- (h) Utility uses.
- (i) Agriculture, forestry and agricultural services.
- (j) Manufacturing food and kindred products.
- (k) Manufacturing textile products.
- (l) Manufacturing apparel and similar finished products made from fabrics.
- (m) Manufacturing lumber and wood products.
- (n) Manufacturing furniture and fixtures.
- (o) Manufacturing paper and allied products.
- (p) Manufacturing printing and publishing.
- (q) Manufacturing leather products.
- (r) Manufacturing stone, glass and clay.
- (s) Manufacturing fabricated metal products.
- (t) Manufacturing electronic and electrical equipment.
- (u) Manufacturing photographic equipment, medical, optical goods, watches, clocks.
- (v) Construction.
- (w) Multipurpose recreation and sports complex in accordance with § 188-86.3.
- (x) Solar energy generation facilities.
- (y) Microbrewery.
- (z) Health club facility/fitness centers.
- (aa) Self-storage facilities.

(2) Design standards for solar energy generation facilities per § 188-79B(2).

(3) Accessory uses:

- (a) Accessory uses customarily incidental and ancillary to a permitted use.

(4) Conditional uses:

- (a) All the conditional uses as per § 188-79B(4).
- (b) Warehousing.
- (c) Distribution.
- (d) Trade contractor business.  
[Added 9-13-2022 by Ord. No. O-22-48]
- (e) Landscape business.  
[Added 9-13-2022 by Ord. No. O-22-48]
- (f) ***Flex space***

C. Bulk and dimensional standards: The bulk and dimensional standards shall be the same as the Special Economic Development (SED) Zone as listed in Chapter 188, Schedule II, Bulk and Dimensional Requirements, Nonresidential Zones.

#### 188-79.2 Special Economic Development Zone-2 (SED-2)

A. Purpose. The purpose of the SED-2 Zone is to allow some of the uses in the SED District but remove all forms of warehousing and permit self-storage facilities as principally permitted uses.

B. Permitted uses.

(1) Principal uses:

- (a) Offices.
- (b) Financial institutions.
- (c) Healthcare facilities/medical centers.
- (d) Self-storage facilities.
- (e) Utility uses.
- (f) Agriculture, forestry and agricultural services.
- (g) Manufacturing fabricated metal products.
- (h) Construction yard.
- (i) Multipurpose recreation and sports complex in accordance with § 188-86.3.
- (j) Solar energy generation facilities.
- (k) Microbrewery.
- (l) Craft distillery.
- ~~(m) Flex space. (Reserved)~~
- (n) Health club facility/fitness centers.
- (o) Assembly/packaging.

[Added 11-23-2022 by Ord. No. O-22-69]

(2) Design standards for solar energy generation facilities.

- (a) All the design standards as per § 188-79B(2).

(3) Accessory uses:

- (a) Accessory uses customarily incidental and ancillary to a permitted use.

(4) Conditional uses:

- (a) Telecommunications facilities.
- (b) Commercial breeders, dog kennels, shelters, pounds, dog training facilities and pet shops.
- (c) Trade contractor business.
- (d) Landscape business.
- (e) *Flex space.*

(5) Prohibited uses:

- (a) All the prohibited uses as per § 188-79B(5).

C. Bulk and Dimensional Standards: The bulk and dimensional standards shall be the same as the Special Economic Development (SED) Zone as listed in Chapter 188, Schedule II, Bulk and Dimensional Requirements, Nonresidential Zones.

**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>						<b>X</b>
<i>Councilman Gasior</i>	<b>X</b>		<b>X</b>			
<i>Councilman Nadel</i>		<b>X</b>	<b>X</b>			
<i>Deputy Mayor O'Donnell</i>			<b>X</b>			
<i>Mayor Berger</i>						<b>X</b>

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 25<sup>th</sup> day of October 2023.

*Diane Festino*  


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**DIANE FESTINO, MUNICIPAL CLERK**

**Adoption:**

<b>COUNCIL</b>	<b>MOTION</b>	<b>2ND</b>	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<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 13<sup>th</sup> day of December 2023.

*Diane Festino* \_\_\_\_\_  
**DIANE FESTINO, Municipal Clerk**

**Explanatory Statement:** This ordinance modifies Article X Zones, Chapters 188-79.1 and 188-79.2 entitled Special Economic Development 1 (SED-1) and Special Economic Development 2 (SED-2) to include flex use as a conditional use in both zones. This ordinance also removes flex use as a permitted use within the Special Economic Development (SED-2) zone.