

*Township of Howell, NJ
Wednesday, November 8, 2023*

Chapter 188. Land Use

Article X. Zones

§ 188-78.2. Highway Development 3 (HD-3).

[Added 4-24-2007 by Ord. No. O-07-10; amended 8-21-2007 by Ord. No. O-07-33; 8-12-2008 by Ord. No. O-08-23; 8-12-2008 by Ord. No. O-08-29; 5-19-2009 by Ord. No. O-09-21]

- A. Purpose. The purpose of the HD-3 Zone is to provide for highway development along highway corridors that will provide a balance of social, economic and cultural opportunities for residents while maximizing existing transportation and other infrastructure along highway corridors.
- B. Permitted uses.
- (1) Principal uses:
[Amended 12-11-2012 by Ord. No. O-12-22; 4-9-2013 by Ord. No. O-13-07; 4-6-2015 by Ord. No. O-15-16]
- (a) Offices for business, professional, medical, governmental or educational services.
 - (b) Financial institutions.
 - (c) Retail sales and services.
 - (d) Health-care facilities/medical centers.
[Amended 7-18-2017 by Ord. No. O-17-17]
 - (e) (Reserved)
 - (f) Restaurants with or without drive-through facilities.
 - (g) Age-restricted single-family residences, as provided in Subsections **F** through **L** of § **188-78.2**.
 - (h) Adult day-care facilities.
 - (i) Health club facilities/fitness centers.
[Added 7-18-2017 by Ord. No. O-17-17]
 - (j) Microbrewery.
[Added 7-18-2017 by Ord. No. O-17-17]
 - (k) Indoor recreation.
[Added 7-18-2017 by Ord. No. O-17-17]
 - (l) Schools, commercial.
[Added 7-18-2017 by Ord. No. O-17-17]
 - (m) Flex space.
[Added 6-14-2022 by Ord. No. O-22-30]

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

(3) Conditional uses:

(a) Church, synagogue or other place of worship.

[Amended 6-14-2022 by Ord. No. O-22-30]

(b) Day-care facilities.

[Amended 5-20-2014 by Ord. No. O-14-13; 4-6-2015 by Ord. No. O-15-16]

(c) Telecommunication facilities.

(d) (Reserved)^[1]

[1] *Editor's Note: Former Subsection B(3)(d), which permitted commercial breeders, dog kennels, shelters, pounds, dog training facilities and pet shops as conditional uses in the HD-3 District, added 12-15-2009 by Ord. No. O-09-59, was repealed 4-6-2015 by Ord. No. O-15-16.*

(e) Gasoline station convenience center.^[2]

[Added 12-13-2011 by Ord. No. O-11-47]

[2] *Editor's Note: Former Subsection B(3)(e), Billboards, added 9-21-2010 by Ord. No. O-10-20, was removed pursuant to Ord. No. O-11-40, adopted 11-1-2011.*

(f) Used automobile auction sales.

[Added 6-14-2022 by Ord. No. O-22-30]

(g) Sales and showrooms for new and used automobiles.

[Added 6-14-2022 by Ord. No. O-22-30]

(h) Automobile service station.

[Added 6-14-2022 by Ord. No. O-22-30]

(i) Automobile repair/auto body.

[Added 6-14-2022 by Ord. No. O-22-30]

(j) Trade contractor business.

[Added 6-14-2022 by Ord. No. O-22-30]

(k) Landscape business.

[Added 6-14-2022 by Ord. No. O-22-30]

(4) Prohibited uses:

[Added 4-6-2015 by Ord. No. O-15-16]

(a) Sexually oriented businesses such as adult book stores; tattoo and body piercing parlors; and pool/billiard halls.

C. Nonresidential development. Unless otherwise provided in this section, the bulk standards for commercial development shall be the same as § **188-76**, Highway Commercial Zone, and Schedule II, Bulk and Dimensional Requirements for Nonresidential Zones.^[3]

[3] *Editor's Note: Schedule II is included as an attachment to this chapter.*

D. Preexisting single-family residences. Unless otherwise provided in this section, all preexisting single-family dwelling units shall be grandfathered as a permitted use and shall be subject to the R4 bulk requirements identified in Schedule II, Bulk and Dimensional Requirements for Residential Zones, effective as of May 19, 2009.^[4]

[4] *Editor's Note: Schedule II is included as an attachment to this chapter.*

E. Any age-restricted unit legally existing or having received preliminary or final approval as of May 19, 2009, shall be subject to the standards as identified within § **188-78.2**, provided no further subdivision of land occurs.

F. Age-restricted single-family developments and converted age-restricted developments general requirements.

[Added 12-11-2012 by Ord. No. O-12-22; amended 4-6-2015 by Ord. No. O-15-16]

(1) Age-restricted single-family developments general requirements are as follows:

- (a) Minimum tract area: 40 acres.
- (b) Total residential gross density shall not exceed three units to the acre and no more than 200 units shall be provided as part of a planned mixed-use age-restricted development and converted age-restricted development.
- (c) Minimum tract frontage: 200 linear feet on a collector or arterial roadway.
- (d) No residential structure shall be located closer than 400 feet to the state highway.
- (e) A fifty-foot berm with landscaping and decorative fencing shall be required along the state highway frontage.

G. (Reserved)^[5]

[5] *Editor's Note: Former Subsection G, which contained commercial components for planned mixed-use age-restricted developments and converted age-restricted developments, added 12-11-2012 by Ord. No. O-12-22, was repealed 4-6-2015 by Ord. No. O-15-16.*

H. Planned mixed-use age-restricted developments and converted age-restricted developments residential component standards.

[Added 12-11-2012 by Ord. No. O-12-22]

- (1) Purpose. The purpose and intent of this use is to enable the development of planned age-restricted projects that address the needs of active seniors by providing immediate access to cultural, commercial, recreational and professional services, as well as access to transportation services.
- (2) This subsection shall acknowledge that all prior approvals in this zone shall remain valid and in full force and effect and all valid preexisting nonconforming prior approvals in this zone.
- (3) Definitions. The following terms shall apply to age-restricted housing:

ACTIVE SENIOR

An adult of 55 years of age or older who may still be employed full time and is capable of independent living (not requiring assistance) who may utilize the recreational amenities available in the development.

CONVERTED AGE-RESTRICTED DEVELOPMENT

A development which was first approved as an age-restricted development but was later lawfully converted to a non-age-restricted development pursuant to the enabling statute.

- (4) Permitted principal uses:
 - (a) Detached or semidetached single-family dwellings on fee-simple lots for owner occupancy.
 - (b) Attached townhouse and duplex structures.
 - (c) Total residential component of a planned mixed-use age-restricted development and converted age-restricted development shall not exceed 200 units.
- (5) Required open space and recreational facility requirements:
 - (a) Eight-hundred square feet of usable land shall be provided per dwelling unit in the form of usable open space for neighborhood commons, greens or gardens. Open space shall not be inclusive of wetland areas.

- (b) Recreational facilities. All recreational facilities shall adhere to the standards set forth in the Barrier Free Subcode of the Uniform Construction Code of the State of New Jersey and all other applicable codes and standards.
- (6) Accessory uses:
- (a) Administration and security buildings related to the project.
 - (b) Individual storage sheds and patios located in a manner that is consistent with a plan approved by the Planning Board.
 - (c) Off-street parking facilities.
 - (d) Recreational facilities.
- (7) Ownership, management and maintenance.
- (a) The applicant shall establish a homeowners' or occupants' association, which shall be responsible for the following:
 - [1] Management of roadway, recreation facilities, security, internal transportation and open space, which shall be owned and maintained by the association and include all residents. Notification of this provision is to be included in the contract of sale and/or rent for each dwelling unit.
 - [2] The association shall own and be responsible for the maintenance, repair and reconstruction of all buildings and lands owned by the residents of the community in common with one another. Such lands shall include, at a minimum, all recreational areas, open space, and drainage facilities required by the Township Planning Board.
 - [3] All open space areas shall be protected by legal arrangements, satisfactory to the Planning or Zoning Board Attorney, sufficient to assure their maintenance and preservation for their intended purpose.
 - [4] Covenants or other legal arrangements, including associations, shall specify ownership of the area; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain the area will not be dissolved without the consent of the Township Planning Board; and any other specifications deemed necessary by the Planning Board.
- (8) Affordable housing.
- (a) Each proposal shall provide for affordable housing equal to a minimum of 20% of the total number of units proposed to be developed in the planned mixed-use age-restricted developments and converted age-restricted developments or pay applicable development fees. Affordable units may be situated in higher-density forms of permitted residential units, such as attached townhouse units, semidetached ("twin") homes, and/or duplexes. All affordable units must qualify as "family" units under applicable affordable housing regulations of the State of New Jersey, except that the Planning Board may approve other types of affordable units should the Township's Housing Plan change as a result of new state affordable housing requirements.
[Amended 4-6-2015 by Ord. No. O-15-16]
 - (b) Eighty percent of the affordable family units must contain no more than two bedrooms and 20% of the affordable family units must contain no more than three bedrooms.
- I. Planned mixed-use age-restricted developments and converted age-restricted developments residential component design requirements.
[Added 12-11-2012 by Ord. No. O-12-22]

- (1) Residential building types shall be limited to detached single-family dwellings on fee-simple lots, except that higher-density building types such as semidetached single family "twins" (single-family on fee-simple lot attached on one side to another single-family unit on a separate fee-simple lot), attached townhouse units, or duplexes (two units on one lot) may be used to provide affordable units required in this section.
- (2) The following accessory uses are permitted:
 - (a) Common recreational facilities, recreation centers and/or clubhouses as specifically approved by the Board within specified open space areas in order to satisfy the needs of the residential population within the subject portion of the development.
 - (b) Landscaping features including benches, trellises, gazebos and other such features customarily associated with residential uses, as the case may be.
 - (c) Fences, walls and retaining walls if specifically approved by the Board as part of the site plan approval.
 - (d) Off-street parking and private garages in accordance with Article **XIV** entitled "Residential Design Standards," of the Revised General Ordinances of the Township of Howell.
 - (e) Not more than one vestibule attachment between a principal building and a detached garage. For purposes of this subsection, such vestibule attachment may be enclosed, but shall not cause the detached garage to be deemed part of the principal building for purposes of setback requirements.
 - (f) Signs in accordance with those design provisions specified in Subsection **L** and § **188-230**.
 - (g) Sanitary sewer pumping stations, if required.
- (3) Building height and design requirements for single-family detached units.
 - (a) No single-family detached or semidetached units shall exceed 35 feet in height and 2 1/2 stories. For the purposes of this subsection, the determination of height and number of stories shall be made from the average elevation from the finished grade to the mean roofline along the front facade of the dwelling facing a public street. A "basement" or "cellar" that has less than half of its floor to ceiling height above the finished grade along the front facade of the dwelling facing a public street shall not be counted as a story or half story for purposes of this subsection, notwithstanding other provisions of this chapter.
 - (b) No new accessory building shall exceed 15 feet in height, except that a detached garage may be 25 feet in height for purposes of an accessory use such as attic storage or finished work space above the garage.
 - (c) All new single-family units within a planned mixed-use age-restricted development and converted age-restricted development shall be totally covered by a true and complete gable, hip or gambrel roof.
 - (d) All buildings shall be set back at least 75 feet from all noninternal roadways.
 - (e) Bulk and dimensional requirements for single-family and duplex residential units are as follows:

Standard	Required for Duplex	Required for Single-Family Semidetached (Twin)	Required for Single-Family Detached
Minimum lot size	5,500 square feet	4,000 square feet per unit	6,500 square feet
Minimum lot width	50 feet	40 feet	60 feet
Minimum lot depth	100 feet	100 feet	100 feet
Principal building			

Standard	Required for Duplex	Required for Single-Family Semidetached (Twin)	Required for Single-Family Detached
Front yard setback	20 feet	20 feet	20 feet
Side yard minimum	6 feet	0 feet	10 feet
Side yard aggregate	14 feet	20 feet	20 feet
Rear yard minimum	25 feet	25 feet	25 feet
Accessory building			
Side yard minimum	5 feet	0 feet	3 feet
Rear yard minimum	3 feet	5 feet	5 feet
Maximum building coverage	50%	50%	50%
Maximum lot coverage	65%	65%	65%
Minimum parking requirements			
Two-Bedroom	1.5 spaces	1.5 spaces	1.5 spaces
Three-or-more bedroom	2.0 spaces	2.0 spaces	2.0 spaces

(4) Building height and design requirements for townhouses.

- (a) No townhouses shall exceed 35 feet in height and 2 1/2 stories.
- (b) No new accessory building, as may be approved by the Planning or Zoning Board, shall exceed 15 feet in height and one story.
- (c) All new townhouses within a planned mixed-use age-restricted development and converted age-restricted development shall be totally covered by a true and complete gable, hip or gambrel roof.
- (d) All buildings shall be set back at least 100 feet from all noninternal roadways.
- (e) Additional requirements for townhouses are as follows:
 - [1] Maximum number of units/building: six.
 - [2] Maximum building length: 200 feet.
 - [3] Maximum distance between buildings: 20 feet.

J. General requirements for residential component of planned mixed-use development and converted age-restricted development.

[Added 12-11-2012 by Ord. No. O-12-22]

- (1) No development or improvements, except as approved access drives, fences, walls, plantings or signs, shall be permitted within 100 feet of Route 33.
- (2) A buffer area of 50 feet in width, exclusive of any portion of fee-simple single-family residential lots or commercial building setbacks, shall be provided along any tract boundary line abutting a residential use. The buffer area requirement may be reduced to 25 feet if the Board determines sufficient buffer exists on the adjoining tract(s).
- (3) Any existing mature trees within the buffer areas shall be preserved and shall be supplemented with the planting of a buffer screening, which shall be at least 25 feet in width, consisting of densely planted evergreen trees at least six feet high at the time of planting, deciduous trees, and a mixture of evergreen and deciduous shrubbery.
- (4) Where environmental conditions permit, earthen berms at least four feet high shall be provided, if deemed appropriate by the Board with the advice of the Township certified/licensed tree expert.

- (5) Any residential component of a planned mixed-use age-restricted development and converted age-restricted development shall strive to maintain the existing topographic contour and vegetation on site where possible. All disturbed portions of the tract not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing, shrubbery, lawn areas, ground cover, rock formations, contours, existing foliage, and the planting of conifers and/or deciduous trees native to the area in order to either maintain or reestablish the tone of the vegetation in the area and lessen the visual impact of the structures and paved areas.
- (6) Any residential component of a planned mixed-use age-restricted development and converted age-restricted development shall be conceived, designed and approved as a single entity which shall be planned and developed with a common architectural theme subject to review and approval by the Board; the architectural theme shall be consistent, as appropriate, with the Township's design standards, as amended, with regard to the appearance of buildings, signage, fencing, lighting, paving, curbing, walkways and landscaping.
- (7) All residential units shall be connected to an approved public water and sanitary sewer system.
- (8) The design of residential development within a planned mixed-use age-restricted development and converted age-restricted development shall be pedestrian friendly, with a continuous pedestrian walkway system, including jogging and bicycle paths through open space lands and sidewalks provided on both sides of all internal streets and crosswalks at all intersections. Where sidewalks are not required, the Board may require the installation of trails and paths to provide pedestrian linkage to commercial areas and site amenities.
- (9) Traffic controls governing access to the planned mixed-use age-restricted development and converted age-restricted development deemed necessary by NJDOT shall commence construction prior to the issuance of 50% of the building permits for the total number of approved residential units. Upon commencement of construction of the required traffic controls, the issuance of building permits may continue.

K. Parking requirements.

[Added 12-11-2012 by Ord. No. O-12-22]

- (1) Any recreation center or clubhouse shall be provided a minimum of 0.10 off-street parking space per dwelling unit, which parking shall serve the recreation center or clubhouse and accommodate visitors to the residents within the residential component of the planned mixed-use age-restricted development and converted age-restricted development.
- (2) No off-street parking area shall be located within 50 feet of any tract boundary.

L. Signage.

[Added 12-11-2012 by Ord. No. O-12-22]

- (1) Gateway identification signage is permitted at the main entrance road to the residential component of the planned mixed-use age-restricted development and converted age-restricted development equal to one freestanding sign, not exceeding 36 feet in area, on each side of the main entrance road. The sign shall be designed within a decorative fence and/or wall feature not exceeding seven feet in height, set back so as not to impair sight lines from any street or driveway. The sign shall be used solely to identify the name of the development.
- (2) Gateway identification signage is permitted at secondary entrance roads to the residential component of the planned mixed-use age-restricted development and converted age-restricted development equal to one freestanding sign, not exceeding 30 square feet in area, on each side of the secondary entrance road. The sign shall be designed within a decorative fence and/or wall feature not exceeding six feet in height, set back so as not to impair sight lines from any street or driveway. The sign shall be used solely to identify the name of the development.
- (3) Additionally, information and directional signs, each not more than three feet in height and 10 square feet in area, shall be permitted, where appropriate and as approved by the Board, in

order to guide traffic to its intended destination in a safe and convenient manner.