

§ 188-79. Special Economic Development (SED). [Amended 4-22-2002 by Ord. No. O-02-08; 10-20-2009 by Ord. No. O-09-52]

- A. Purpose. The purpose of the SED Zone is to provide for a variety of economic development opportunities in areas of the Township where rail and highway infrastructure are readily available. (See Schedule II, Bulk and Dimensional Requirements, for the SED Zone.¹) **[Amended 5-24-2011 by Ord. No. O-11-13]**
- B. Permitted uses.
- (1) Principal uses:
- (a) Offices.
 - (b) Financial institutions.
 - (c) Health-care facilities/medical centers. **[Amended 7-18-2017 by Ord. No. O-17-21]**
 - (d) Warehousing and distribution.
 - (e) Assembly and packaging.
 - (f) Utility uses.
 - (g) Agriculture, forestry and agricultural services.
 - (h) Manufacturing food and kindred products.
 - (i) Manufacturing textile products.
 - (j) Manufacturing apparel and similar finished products made from fabrics.
 - (k) Manufacturing lumber and wood products.
 - (l) Manufacturing furniture and fixtures.
 - (m) Manufacturing paper and allied products.
 - (n) Manufacturing printing and publishing.
 - (o) Manufacturing leather products.
 - (p) Manufacturing stone, glass and clay. **[Amended 7-18-2017 by Ord. No. O-17-21]**
 - (q) Manufacturing fabricated metal products.
 - (r) Manufacturing electronic and electrical equipment.
 - (s) Manufacturing photographic equipment, medical, optical goods, watches, clocks.
 - (t) Construction.
 - (u) Multipurpose recreation and sports complex in accordance with § 188-86.3.
 - (v) Solar energy generation facilities. **[Added 5-24-2011 by Ord. No. O-11-13]**

1. Editor's Note: Schedule II is included as an attachment to this chapter.

- (w) Microbrewery. **[Added 7-18-2017 by Ord. No. O-17-21]**
- (x) Health club facility/fitness centers. **[Added 12-11-2018 by Ord. No. O-18-35]**
- (2) Design standards for solar energy generation facilities. **[Added 5-24-2011 by Ord. No. O-11-13²]**
 - (a) 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."
 - (b) 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 proposed solar energy generation facility. Category One waters include, and may not be limited to, the Metedeconk River and the Manasquan Reservoir.
 - (c) Solar energy generation facilities shall be screened from the public traveled way (public roads, trails, navigable waterways, scenic highways and by ways), 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.
 - [1] Installations shall be sited behind existing vegetation, which shall be supplemented with landscaping to shield the installation from public view.
 - [2] 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.
 - [3] 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 B(5)(c)[3]. 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

2. Editor's Note: Pursuant to this ordinance, former Subsection B(2), (3) and (4) were redesignated as Subsection B(3), (4) and (6), respectively.

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:

- [i] 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.
 - [ii] Restoration of the surface grade and soil after removal of aboveground structures and equipment.
 - [iii] Restoration of surface grade and soil.
 - [iv] 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.
 - [v] 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.
 - [vi] The plan must provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration.
 - [vii] 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 fail 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 timeliness set forth in Subsection B(5)(c)[3][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 B(5)(c)[3], 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.

(3) Accessory uses:

- (a) Accessory uses customarily incidental and ancillary to a permitted use.
- (b) Outdoor storage shall be permitted in a screened rear yard only. No outdoor storage shall be permitted in association with a multipurpose recreation and sports complex.
- (c) Retail use shall be permitted as an accessory use to a permitted warehousing/distribution facility, provided the percent of floor area devoted to retail use shall be limited to 1,000 square feet or 5% of the gross floor area, whichever is less. **[Amended 11-1-2011 by Ord. No. O-11-42]**

(4) Conditional uses:

- (a) Telecommunications facilities.
- (b) Commercial breeders, dog kennels, shelters, pounds, dog training facilities and pet shops.³ **[Added 12-15-2009 by Ord. No. O-09-59]**

(5) Prohibited uses: **[Added 5-24-2011 by Ord. No. O-11-13]**

- (a) Sexually oriented business as defined in § 188-4.
- (b) Tattoo, body piercing or branding establishments.
- (c) Manufacturing of asphalt and concrete shall be prohibited. **[Added 7-18-2017 by Ord. No. O-17-21]**

(6) Multitenant structures in the SED Zone. All structures shall be devoted to a single user; provided, however, that in buildings with a gross floor area in excess of 40,000 square feet, multiple tenants shall be permitted, provided that the minimum tenant space shall not be less than 5,000 square feet.

3. Editor's Note: Former Subsection B(4)(c), Billboards, added 9-21-2010 by Ord. No. O-10-20, was repealed 11-1-2011 by Ord. No. O-11-42.

§ 188-79.1. Special Economic Development Zone-1 (SED-1) [Added 3-19-2013 by Ord. No. O-13-06; amended 6-14-2022 by Ord. No. O-22-23]

- 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]**
- 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.⁴

§ 188-79.2. Special Economic Development Zone-2 (SED-2). [Added 6-14-2022 by Ord. No. O-22-25]

- 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.
 - (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.
 - (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.⁵