

Township of Howell, NJ
Wednesday, May 20, 2026

Chapter 188. Land Use

Article X. Zones

§ 188-69.1. Agricultural Rural Estate (ARE-2).

[Added 3-20-2007 by Ord. No. O-07-9;^[1] amended 5-24-2011 by Ord. No. O-11-13; 5-20-2014 by Ord. No. O-14-13; 1-25-2016 by Ord. No. O-16-01; 6-12-2018 by Ord. No. O-18-8; 3-18-2025 by Ord. No. 25-11]

A. Purpose. The purpose of the ARE-2 Zone is to minimize the impacts of development in areas located outside of the centers identified in the Township's Master Plan. The goals include not only the preservation of rural and agricultural uses and preservation of rural character, but in addition to act as a buffer between zones of greater development and the ARE-3, ARE-4 and ARE-6 Zones. (See Schedule III, Bulk and Dimensional Requirements, for the ARE-2 Zone^[2]).

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

B. Permitted uses.

(1) Principal uses: same as § **188-69B(1)** and including the following:

- (a) Public recreation (passive or active) facilities, including soccer and baseball fields.
- (b) Multigenerational family accommodations.
- (c) Farm-related special events (large scale), as defined per § **188-4**, subject to site plan approval from the Planning Board.
- (d) Farm-related special events (small scale), as defined per § **188-4**, subject to permit requirements per § **188-64.1**.

(2) Accessory uses: same as § **188-69B(2)**.

(3) Conditional uses.

- (a) Houses of worship.
- (b) (Reserved)
- (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-2 Zone only. See § **188-98.3** for conditional requirements.

C. Design standards for solar energy generation facilities.

(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, letter of credit or cash 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 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 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.

D. Development options.

- (1) All subdivisions in the ARE-2 Zone are required to utilize one of the following three development options discussed below: (1) open lands subdivisions; (2) lot averaging subdivisions; and (3) conventional subdivisions, which 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 Planning 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) Open lands subdivisions. This option is intended to promote the retention of 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 open lands subdivision, a conforming plan of a conventional subdivision shall be submitted based on minimum lot areas of two acres in the ARE-2 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 conventional concept plan shall be the maximum number of lots permitted under an open lands subdivision.
 - (b) At least 50% of the tract if located in the ARE-2 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. Lots qualifying as open lands shall be permitted a primary residence and other accessory building uses as provided in this section. Development density shall be one unit per acre.
 - (c) At least 20% 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) All lots created under this subdivision option shall be deed restricted against further subdivision for the purpose of creating an additional lot or lots.
 - (e) The design of the development utilizing this option shall foster the following objectives: retention of contiguous farmland areas; retention of contiguous prime forested areas; stream corridor and wetlands preservation; aquifer recharge 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.
 - (f) 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.
 - (g) 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.
 - (h) The applicant is advised to submit a concept plan of the open lands subdivision for review and comment in accordance with this chapter.
- (3) Lot averaging subdivisions. This option is permitted in the ARE-2 District in accordance with the following standards.
- (a) The lot averaging development plan shall not result in a greater dwelling unit yield than if the property in question were developed as a conventional subdivision. 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 two acres in the ARE-2 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 conventional concept plan shall be the maximum number of lots permitted under an open lands 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 one acre and three acres except in the case of a two-lot subdivision, in which case one of the two lots shall be one acre 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 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.^[3]
[3] Editor's Note: Schedule III is included as an attachment to this chapter.
 - (f) All lots created under this subdivision option shall be deed restricted against 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.
- (4) 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:
- (a) To qualify under this section, farmland preservation property must consist of a lot, tract or parcel with a minimum contiguous acreage of 15 acres.
 - (b) The owner of the 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 of 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: 1 acre.

- [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.
 - [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. O-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. O-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."*