

Ord.#22-2009

AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE TO AMEND THE PERMITTED USES AS SET FORTH IN §400-100 “RURAL AND RESIDENTIAL DISTRICTS” AND IN §400-101 “NONRESIDENTIAL DISTRICTS” OF CHAPTER 400, ENTITLED “LAND USE” OF THE CODE OF THE TOWNSHIP OF MOUNT OLIVE TO INCLUDE ANTENNAS FOR WIRELESS TELECOMMUNICATION SERVICES AND TO MODIFY THE ACCESSORY USE PROVISIONS IN THE RESIDENTIAL AND NONRESIDENTIAL ZONE DISTRICTS TO INCLUDE EQUIPMENT ASSOCIATED WITH SAID ANTENNAS

WHEREAS, the Township of Mount Olive has established standards in its land use regulations as set forth in Chapter 400 to permit towers for wireless telecommunication facilities in certain zone districts as a conditional use; and

WHEREAS, the Township Council and the Planning Board have recognized the continued interest by wireless providers to establish and/or upgrade service within the municipal boundaries; and

WHEREAS, the Township Council and the Planning Board find that with the continued demand to establish or expand such service, it is desirable to limit the number of new towers in order to preserve visual vistas and limit site disturbance associated with the construction of said towers; and

WHEREAS, the Planning Board did discuss alternative options for the placement of antennas and does recommend to the Township Council an option to permit the placement of wireless telecommunication antennas on existing structures limited to freestanding water tanks and existing wireless telecommunication towers and those towers in place to carry utility lines, that by their design and location, will facilitate the objective of creating and improving wireless telecommunication service to the public in general including Township residents and business located within Mount Olive; and

WHEREAS, the option recommended by the Planning Board to the Township Council would amend the land use provisions as set forth in Chapter 400 to permit wireless telecommunication antennas to be mounted upon or affixed to the limited range of structures described herein as a permitted principal use and structure in addition to any other permitted principal use and structure, be it existing or potential, in any residential or nonresidential zone district within Mount Olive; and

WHEREAS, the Township Council does concur that such opportunities for co-location of wireless telecommunication antennas on the limited range of structures described herein is a sound policy in that it enhances the public welfare while working to limit the proliferation of towers within the Township; and

WHEREAS, the Township Council, upon the recommendation from the Mount Olive Planning Board, finds that certain standards should be established to ensure secure and well designed facilities.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mount Olive that Chapter 400, entitled “Land Use” shall be modified and amended as set forth herein.

Section 1. The principal permitted uses for residential zone districts [A, B, C, D, E, F, G, H, I, J, K, L and M] as set forth in §400-100 and the principal permitted uses for nonresidential zone districts [A, B, C, D, E, F, G, H, and I] are hereby amended to include a new category to be known as “antennas for wireless telecommunication services”.

Section 2. §400-89 in Chapter 400 shall be recodified from “Reserved” status to a new section which shall read as follows:

§400-89 “Wireless telecommunication antennas as permitted second principal use and structure.”

- A. Permitted principal use and structure. Wireless telecommunication antennas shall be a permitted principal use and principal structure in all zone districts in Mount Olive where mounted upon, or affixed to, a free-standing water storage tank or an existing telecommunication or public utility line tower.
- B. Dual principal use and structure. Wireless telecommunication antennas, whether individual or multiple in number mounted or affixed to an existing structure as described in subsection A, shall be permitted as a separate and distinct principal use and structure and shall be permitted in addition to any other permitted use and structure within the applicable zone district, notwithstanding any limitations in this Chapter prohibiting more than one principal use and/or structure on a lot.
- C. Site plan approval required. Each proposal to erect one or more antennas and/or attendant accessory structures in accordance with the provisions of this Section shall be required to secure site plan approval.
- D. Maximum height. No antenna shall exceed a height of ten (10) feet as measured from the point where the antenna is mounted or affixed.
- E. Accessory structures.

1. No more than one equipment compound which may include a building, free-standing cabinets and associated appurtenances necessary for the operation of the antenna(s) shall be permitted.
2. The setback standards for accessory structures and buildings as set forth in the Schedule of Limitations, Residential Districts and the Schedule of Limitations, Nonresidential Districts, the equipment compound shall not apply to an equipment compound under this Section. The setback requirements for the equipment compound shall be a minimum distance of fifty (50) feet from any front, side, and rear lot lines where the facility is located in a residential district. A minimum distance of twenty-five (25) feet shall be maintained for a facility located in a nonresidential zone district. Where a zone district permits a mix of residential and nonresidential uses, the more restrictive standard shall apply. No minimum distance separation is required between an equipment compound and the water tank or tower containing the antenna(s).
3. An equipment compound shall not exceed an area of one-hundred and fifty square feet (150 sq. ft.) and shall be enclosed with security fencing. No fence shall exceed a height of six (6) feet. Chain link fences shall be painted or coated with a non-reflective color.
4. An equipment compound shall be screened from public view with appropriate landscaping to provide a year-round visual buffer. Dead or diseased plantings shall be replaced by the operator(s) of the compound.

Section 3. §400-90 entitled “One principal building per lot; exception” is hereby revised to read as follows:

No lot shall contain more than one principal building, except that shopping centers, industrial developments, multifamily complexes and residential/golf course developments receiving site plan approval may be permitted to have more than one building or use on a lot in accordance with the zoning district in which it is located. Antennas for wireless telecommunication services shall be permitted as an additional principal permitted structure and use in all zone districts, subject to site plan approval.

Section 4. All ordinances or parts of ordinances in conflict or inconsistent with any part of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistent. In the event that any section, part or provision of this ordinance shall be held to be

unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

Section 5. This ordinance shall take effect after passage and publication as soon as practicable and in the manner provided by law.

Section 6. The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Morris County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1.

TOWNSHIP OF MOUNT OLIVE

Steve Rattner, Council President

ATTEST:

Lisa M. Lashway, Township Clerk