

TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY

ORDINANCE NO. 07-1417

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER XVII,
"LAND USE AND DEVELOPMENT," ARTICLE VIII, "ZONING-GENERAL
PROVISIONS," SECTION 17-148, "COMMUNICATIONS AND WIRELESS
TELECOMMUNICATIONS TOWERS, ANTENNAS, FACILITIES AND
EQUIPMENT" OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF HOPEWELL

Section 1 Section 17-148 of the Land Development Ordinance is amended as follows: **(Added language is shown in Bold and deleted language is shown in strike out)**

17-148 COMMUNICATIONS AND WIRELESS TELECOMMUNICATIONS TOWERS,
ANTENNAS, FACILITIES AND EQUIPMENT.

- a. *Purpose.* The purpose of this section is to provide sound land use policies, procedures, and regulations for the location and placement of communications and wireless telecommunications, towers, antennas, facilities and equipment within the Township of Hopewell in order to protect the community from the visual and other adverse impacts of same and to preserve the scenic and historic character of the countryside that the Hopewell Township Master Plan seeks to protect. This section seeks to meet the mandate of the Telecommunications Act of 1996, and at the same time, without limiting the generality of the foregoing, to:
1. Protect residential areas and land uses from the potential adverse impacts of towers and related structures;
 2. Encourage the location of towers in nonresidential areas and along major transportation corridors;
 3. Minimize the total number of towers throughout the community;
 4. Strongly encourage the joint use of new and existing tower sites, and other existing structures, as primary options rather than construction of additional single-use towers;
 5. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 6. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape, screening and innovative camouflaging techniques;
 7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;
 8. Consider the public health and safety of communications towers; and,
 9. Avoid potential damage to adjacent properties from tower failure through proper engineering and careful siting of tower structures.
 10. **So that the Township Committee can be provided with the most up to date information regarding communication towers and antennas, the Township Committee requests the Zoning Board of Adjustment and the Planning Board to provide it with annual reports regarding the operation of this ordinance.**

b. *General Requirements.*

1. Communications Towers. Communications towers, including, but not limited to, broadcast facilities, fleet dispatch, aircraft communication, and cellular communications shall be permitted as a conditional use in any nonresidential zone district. No communications towers shall be permitted in any residential zone district.
 - (a) The following conditions shall be met for any communications tower:
 - (1) The applicant shall first demonstrate that no other existing tower or structure may be used for the subject application. Such demonstration may include but not be limited to expert reports and responses to bona fide inquiries to owners of existing towers or structures concerning the availability of space.
 - (2) The maximum height of the communications tower shall be 150 feet.
 - (3) The communications tower shall be set back from any property line a minimum distance equivalent to either the minimum front yard setback required in the zoning district in which the tower is located or 110 percent of the height of the tower, whichever is greater.
 - (4) The minimum lot size shall be equivalent to either the minimum lot size required in the zoning district in which the tower is located or 2.5 acres, whichever is greater.
 - (5) Any communications tower shall comply with the promulgated radiation emissions standards of the F.C.C.
 - (6) Notwithstanding any other provision to the contrary, no communications tower shall be located in an historic district or on an historic site, not located in an historic district, which meets Federal, State or local requirements for historic designation.
 - (b) Any communications tower that meets the conditional use standards set forth above shall also conform to the following bulk standards:
 - (1) The communications tower shall be set back from any residence a minimum of 500 feet.
 - (2) To the extent feasible, communications towers shall be painted or disguised to minimize contrast with the natural environment.
 - (3) Accessory structures or buildings for equipment not exceeding 300 square feet in area and 12 feet in height shall be permitted.
 - (4) The communications tower and any accessory structures or buildings for equipment shall be enclosed within a solid wooden fence at least seven feet and no more than eight feet high, as approved by the township engineer, which shall include a locking security gate.
 - (5) A visually impervious landscape buffer shall be installed outside the fence around the communications equipment compound, to shield completely from public view, the base of the tower, any accessory structures or buildings and parking. The landscape buffer shall be 20 feet in width and shall include native evergreen and deciduous trees at least eight feet high at the time of planting, and the number of trees shall be based on the equivalent of staggered double rows at eight feet on center.

(6) Any approval shall be so conditioned as to allow additional communications operators to lease space on the subject tower.

(7) All other applicable regulations of this section shall apply.

(c) The communications towers and any accessory structures or buildings are considered as a principal use. The parcel may have this use as a second principal use.

2. Wireless Telecommunications Antenna.

(a) Wireless telecommunications antenna is defined as a system of electrical conductors that transmit or receive radio frequency signals, digital signals, analog signals, or electromagnetic waves for wireless communications.

(b) Notwithstanding anything in this Chapter XVII to the contrary, wireless telecommunications antennas installed on existing buildings or structures, and structures accessory to the antennas, are considered to be a permitted use in any zone, subject to site plan approval and the requirements set forth herein.

(c) **The applicant shall site new wireless antennas or equipment within the applicant's search area according to the priority schedule below (Number 1 constituting the highest priority). As indicated below, every effort shall be made to locate new antennas in a nonresidential zone, and the applicant shall demonstrate that such a location is not available before approval is granted for antennas in a residential zone.**

Priority	Category	Equipment	Location	Permitted (P)
1	Commercial ¹ Transportation ²	Antenna	Collocated with other antennas on existing structure or tower within a transportation corridor	P
2	Commercial ¹ Transportation ²	Antenna	Existing structure or tower within a transportation corridor	P
3	Commercial ¹	Antenna	Collocated with other antennas on existing structures or towers	P
4	Commercial ¹	Antenna	Existing structure or tower	P
5	Residential ³ Transportation ²	Antenna	Collocated with other antennas on existing structures or tower within a transportation corridor	P
6	Residential ³ Transportation ²	Antenna	Existing structure or tower	P
7	Residential ³	Antenna	Collocated with other antenna on existing structure or tower	P
8	Residential ³	Antenna	Existing structure or tower	P

(d) (e) Wireless telecommunications antennas shall not extend more than ten feet from the existing building or structure on which they are located.

(e) (d) Structures accessory to the antennas shall conform to the following requirements:

¹ "Commercial" includes the VRC-HLI, C-1, SC, SC-1, HBO, OICC, SI, OP, OLI, IC, RO-1, RO-2, RO-3, R-6 and Q zones.

² "Transportation" means the lot has frontage on Route 31, Route 29 or I-95.

³ "Residential" includes the R-5, R-50, R-75, R-100, R-150, VRC and MRC zones.

- (1) The maximum size of the accessory structure shall be 300 square feet, and the height shall not exceed 12 feet.
 - (2) The accessory structure shall not extend more than 15 feet from the existing building or structure.
 - (3) The accessory structure shall meet the setback requirements of the zoning district in which it is located.
 - (4) Adequate parking shall be available.
 - (5) The accessory structure shall be enclosed within a solid wooden fence at least seven feet and no more than eight feet high, as approved by the township engineer, which shall include a locking security gate.
 - (6) A visually impervious landscape buffer shall be installed outside the fence around the accessory structure, to shield completely the facility from public view. The landscape buffer shall be 20 feet in width and shall include native evergreen and deciduous trees at least eight feet high at the time of planting, and the number of trees shall be based on the equivalent of staggered double rows at eight feet on center.
 - (7) Notwithstanding any other provision to the contrary, no wireless telecommunications antennas or their accessory structures shall be located in an historic district or on an historic site, not located in an historic district, which meets Federal, State or local requirements for historic designation.
 - (8) The wireless telecommunications antennas and their accessory structures are considered as a principal use. The parcel may have this use as a second principal use.
 - (9) **Any communications antenna shall comply with the promulgated radiation emission standards of the F.C.C.**
- (f) **Platform-mounted or side-arm-mounted antennas are not permitted.**
- (g) **Aesthetics. Antennas shall be designed, located and screened to blend with and into the existing natural or built surroundings so as to minimize, without regard to cost, adverse visual impacts through the use of color and camouflaging, architectural treatment, landscaping, and other appropriate means which shall cause the visual impact of such antennas to be compatible with neighboring residences and the character of the community as a whole.**
- (h) **Structural safety. The applicant shall submit a report from a qualified expert certifying that the wireless telecommunications antenna and equipment facility comply with the latest structural and wind-loading requirements as established by applicable building and electrical codes. The applicant shall provide a description of the number and type of antennas that may be accommodated and the effect on structural integrity.**

Section 2 Repealer

Any ordinance, or part of any ordinance, which is inconsistent with this ordinance, shall be repealed as to its inconsistencies only.

Section 3 Severability

If any section of this ordinance is adjudged invalid, such determination shall apply only to the specific section so adjudged and the remainder of the ordinance shall be deemed valid.

Section 4 Effective Date

This Ordinance shall take effect after final passage and publication according to law.

Date Introduced: November 26, 2007

Date Advertised: November 29, 2007

Date Adopted: December 10, 2007



Vanessa Sandom
Mayor

Attest:



Annette C. Bielawski

Municipal Clerk