

TOWNSHIP OF MAPLEWOOD



ORDINANCE

2781-15

AN ORDINANCE
TO AMEND
CHAPTER 271
OF THE CODE
OF THE TOWNSHIP OF MAPLEWOOD
ENTITLED
"Zoning and Development Regulations"

"Interpretive Statement"

This ordinance will add the Pedestrian Business Zone to the list of location priorities for antennas, antenna structures and wireless communication antennas.

WHEREAS, the Maplewood Township Committee passed Ordinance #2261-04 creating a Pedestrian Retail Business Zone ("PRB Zone"); and

WHEREAS, the Township of Maplewood ("Township") presently has ordinances regulating wireless communication antennas and towers within the Township; and

WHEREAS, due to inadvertence, the PRB Zone was not added to the list of locations priorities contained within the Maplewood Ordinances.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey that Chapter 271-70.5, Location priorities of the Code of the Township of Maplewood be amended to read as follows:

FIRST: Section 271-70.5 Location priorities.

If needed in accordance with an overall comprehensive plan for the provision of full PWS within the Township, antennas, antenna support structures, PWSF and PWSEF shall be permitted as follows:

- A. Antennas, antenna support structures, PWSF and PWSEF shall be a permitted use, subject to all bulk requirements set forth within these regulations, on all Township of Maplewood Properties.

- B. Antennas and antenna support structures shall be permitted as second principal uses on existing structures at the following prioritized zones:
- (1) The first priority shall be within the SLI, RO, PRB or CI Zone;
 - (2) The second priority shall be within the HB Zone;
 - (3) The third priority shall be within the OB Zone;
 - (4) The fourth priority shall be within the RB Zone;
 - (5) The fifth priority shall be within the NB Zone;
 - (6) The sixth priority shall be within the CCRC, RGA or Residential Zone.
- C. Provided the applicant has established by substantial evidence that no location or set locations set forth in Section 271-70.5A provide a location sufficient for the needed wireless communications service, new PWSFs are a permitted conditional use at the following prioritized zones, and provided all of the separation distance, area, setback, height and design criteria requirements listed herein are met;
- (1) The first priority shall be within the RO Zone;
 - (2) The Second priority shall be within the SLI Zone;
 - (3) The third priority shall be within the CI Zone.
- D/. No antenna, PWSF or PWSEF shall be permitted on an historic landmark or an historic district nor a distance from the border of an historic district less than five times the maximum height of the proposed structure.

All other sections shall remain unchanged.

SECOND: Severability

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

THIRD: Repeal of Prior Ordinances

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

FOURTH: Effective Date

This Ordinance shall take effect after final passage and publication and as provided by law and upon notice by personal service or by certified mail to the Municipal Clerks of all

adjoining municipalities and to the Essex County Planning Board, which notice will be provided within thirty (30) days following final adoption of this ordinance.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title at a meeting of the Township Committee of the Township of Maplewood, held on April 21, 2015, and that the Township Committee met again on May 19, 2015, at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Township Committee held a hearing and proceeded to consider the said Ordinance on final reading and final passage.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk