

**Borough of Norwood**

**Ordinance No. 09:13**

**An Ordinance Amending Chapter 233  
of the Code of the Borough of Norwood  
Titled "Zoning" to Add Conditions for Communications Towers  
and Communications Antennas as Conditional Uses**

**WHEREAS**, the Mayor and Council of the Borough of Norwood is authorized to create and from time to time modify land use regulations consistent with N.J.S.A. 40:55D-1 et seq., the Municipal Land Use Law; and

**WHEREAS**, on October 6, 2009, the Mayor and Council adopted Ordinance No. 09:10 designating communications towers and communications antennas as conditional uses, and the purpose of this ordinance is to modify in part the conditions and to add conditions for these conditional uses, as recommended by the Borough's Planning Board.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Norwood, County of Bergen, State of New Jersey, as follows:

Section 1: Section 233-33A of Chapter 233 of the Code of the Borough titled "Conditional Uses" is amended in subsection (A)(1) and (3) to state as follows:

(1) Communications towers with communications antennas shall be permitted only on property that is located in the Light Industrial Zone and the Laboratory Administrative Zone. Communications towers with communications antennas are prohibited uses in all other zoning districts in the Borough;

(3) No communications tower shall be erected or operated in the Borough property except pursuant to a license issued by the Mayor and Council or a lease entered into between the operator of the facility and the Borough;

Section 2: Section 233-33A shall be further amended to add the following conditions for communications towers after condition (6):

(7) The minimum lot area for any lot on which a communications tower is located is two acres;

(8) The maximum permitted height of a communications tower is 100 feet;

(9) Communications towers will be set back a distance that is at least 100% of the height of the tower, except that the setback will be at least 200 feet or 300% of the tower's height, which ever is greater, from all lot lines that are adjacent to any residential use, residential zone, park, school, or house of worship;

(10) A minimum of two off street parking spaces (10 feet by 20 feet in size for each space) will be provided;

(11) All communications towers will be enclosed by security fencing that is at least six feet high. The fencing will be equipped with anti-climbing devices;

(12) The following requirements shall govern the landscaping surrounding communications towers for which a site plan approval is required:

- a. The lot on which a tower is located will be landscaped with a buffer of plant materials that effectively screens the view of the communications tower and any related structures from any adjacent property used as a residence. The standard buffer shall

consist of a landscaped strip at least four feet wide outside the perimeter of the communications tower and related compound;

- b. In locations where the visual impact of the tower would be minimal, the Board may determine that the landscaping requirement may be reduced or waived; and
- c. Existing mature tree growth and natural land forms on the site will be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(13) The equipment cabinets or structures used in association with communications towers will be located in accordance with the following:

- a. In a front or side yard, the cabinet or structure will be no greater than six feet in height or 100 square feet of gross floor area and the cabinet/structure will be screened by an evergreen hedge with an ultimate height of at least 42 inches to 48 inches and a planted height of at least 36 inches;
- b. In a rear yard, the cabinet or structure will be no greater than 8 feet in height or 120 square feet in gross floor area. The cabinet/structure will be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 48 inches;
- c. In all other instances, structures or cabinets will be screened from view of all properties that abut or are directly across the street from

the structure or cabinet by a solid fence 6 feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 72 inches;

- d. Emergency generators will be located below grade with suitable soundproofing so that noise volumes measured at all property lines do not exceed ambient levels. A nighttime restriction of 50 decibels measured at all lot lines shall be imposed; and
- e. Equipment storage buildings or cabinets will comply with all applicable building codes.

(14) The development application for a communications tower must indicate the proposed flight safety illumination; and

(15) The development application for a communications tower must demonstrate appropriate means to camouflage the tower and antennas so that the structure and color match the background area as much as possible.

Section 2: A new Section 233-36A titled "Conditional Uses" is added to Article VII titled "Light Industrial Zone" to state:

§233-36A. Conditional Uses.

Conditional uses are as follows:

A. Communications Towers, pursuant to the provisions of §233-33A.

Section 3: A new Section 233-42A titled "Conditional Uses" is added to Article VIII titled "Laboratory Administrative Zone" to state:

§233-42A. Conditional Uses.

Conditional uses are as follows:

A. Communications Towers, pursuant to the provisions of §233-33A.

Section 4: Section 233-34 titled "Prohibited Uses" in Article VI titled "Business Zone" is amended to add a new subsection to state:

I. Communications Towers.

Section 5: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of any inconsistencies.

Section 6: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.


Section 7: This ordinance shall take effect upon passage and publication in accordance with N.J.S.A. 40:49-2(d). The Borough Clerk will serve copies of the County Planning Board and the Borough's tax assessor within thirty (30) days of adoption.

Introduced and passed first reading: November 24, 2009

Passed second reading: December 30, 2009

ATTEST:

APPROVED BY:

  
Lorraine L. McMackin, Borough Clerk

  
James P. Barsa, Mayor