

## ORDINANCE 2-2003

### **ORDINANCE OF THE BOROUGH OF MADISON AMENDING AND SUPPLEMENTING CHAPTER 195 "THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MADISON" OF THE REVISED GENERAL CODE OF THE BOROUGH OF MADISON, COUNTY OF MORRIS, STATE OF NEW JERSEY AND SPECIFICALLY SUBSECTION 195-33B. (10)(f) REGARDING THE "LOCATION PRIORITIES" FOR "WIRELESS COMMUNICATION ANTENNAS" WITHIN THE BOROUGH OF MADISON**

**BE IT ORDAINED**, by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey, that Chapter 195, "The Land Development Ordinance of the Borough of Madison", of the Revised General Code of the Borough of Madison, is hereby amended and supplemented as follows:

**SECTION 1:** Change Subsection 195-33B(10)(f), regarding the "Location Priorities" for "Wireless Communication Antennas", in Chapter 195, "The Land Development Ordinance of the Borough of Madison", to read in its entirety as follows:

#### ***"(f) Location Priorities***

Based upon the "Overall Comprehensive Plan" submitted by the applicant in accordance with Subsection 195-33 B.(10)(e) hereinabove, if the Borough of Madison determines the proposed antenna(s) to be needed for the provision of full wireless communication services within the Borough, utilizing the fewest number of towers as reasonably possible, "Wireless Communication Antennas" shall be permitted within the Borough at the following prioritized locations:

[1] The first priority location shall be an existing or municipally approved wireless communication tower in any zone, or an existing telephone or electric pole or tower in the non-residential zones listed in section two hereof (195-33B(10)(f)[2]).

[2] The second priority location shall be on lands situated within the Borough of Madison zoned within the "CBD-1", "CBD-2", "CC", "U", "OSGU" or "OR" zoning districts; or on lands within the Borough of Madison situated in any zoning district which land contains an existing utility facility with an above ground structure that contains one or more existing ground buildings.

Notwithstanding any provision of this "Land Development Ordinance" to the contrary, the location of antenna(s) on an existing municipally approved structure shall not require a "use" variance in accordance with N.J.S.A. 40:55D-70d.(1) of the Municipal Land Use Law."

**SECTION 2:** All ordinances or parts thereof which are inconsistent or conflict with the provisions of this ordinance or any part thereof are hereby repealed to the extent of said inconsistency or conflict.

**SECTION 3:** If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be judged to be invalid by a Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance, or any other ordinance which is referred to herein, and to this end, the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance are hereby declared to be severable. Should any clause, sentence or other part of this ordinance be judged invalid by a Court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

**SECTION 4:** This ordinance shall take effect as provided by law.

ADOPTED AND APPROVED

March 10, 2003

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JOHN J. DUNNE, Mayor

Attest:

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MARILYN SCHAEFER, Borough Clerk

Introduced and passed: February 10, 2003  
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