

ORDINANCE 2013-13

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AN ORDINANCE SUPPLEMENTING, AMENDING AND REVISING CHAPTER 28, “ZONING” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN” REGARDING SATELLITE ANTENNA AND DISHES

WHEREAS, the purpose of this Ordinance is to accommodate satellite antenna and dishes in appropriate locations, while protecting the public’s health, safety and welfare. In addition, this ordinance provides a permitting process for satellite antenna and dishes to ensure compliance with the provisions of the requirements and standards established herein.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey as follows:

Section 1. Chapter 28, entitled “Zoning” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” is hereby amended and supplemented in order to establish the following provisions:

a. Definitions.

1. Small Satellite Antenna or Dish - any apparatus which is designed for the purpose of sending or receiving television, radio, microwave, satellite or similar signals with the exception of conventional television, radio and amateur radio antennas, and has a receiving diameter of thirty-nine inches (39”) or less

2. Large Satellite Antenna or Dish - any apparatus which is designed for the purpose of sending or receiving television, radio, microwave, satellite or similar signals with the exception of conventional television, radio and amateur radio antennas, and has a receiving diameter of more than thirty-nine inches (39”).

3. Satellite Dish - shall include small satellite and large satellite antennas or dishes.

b. Zoning.

1. Small Satellite Dishes may be located in all zones and shall be deemed permitted accessory uses and structures

2. Large Satellite Dishes may be located in all zones subject to receipt of a Zoning Permit and shall be deemed permitted accessory uses and structures.

c. Procedure for review for Large Satellite Dish.

1. Zoning Permit. No Large Satellite Dish shall be erected, constructed, or installed without first obtaining a zoning permit from the Zoning Officer. Large Satellite Dishes that are already installed and in use when this Ordinance is adopted shall have one hundred, twenty (120) days to become compliant with the requirements of this Ordinance.

(a) Application: Applications submitted to the Zoning Officer shall contain a plan with the following information:

(1) Property lines and physical dimensions of the applicant's property.

(2) Location, dimensions, and types of existing major structures on the property.

(3) Location of the proposed satellite dish and associated equipment.

(4) Any overhead utility lines.

2. Standards. The Zoning Officer shall evaluate the application for compliance with the following standards:

(a) A Large Satellite Dish is permitted only as an accessory use and structure on a lot that contains a principal structure.

(b) A Large Satellite Dish is permitted as an accessory use and structure only in a rear yard and must be ground mounted and located in conformance with the rear yard setback requirements for the zoning district in which the property is located.

(c) A Large Satellite Dish may only be ground-mounted with screening.

(d) A Large Satellite Dish may not be located in a setback area and may not be located within ten (10) feet of the property line in any residential zone.

(e) The bottom of a Large Satellite Dish including the base and mount may not be higher than thirteen inches (13") above the ground, where located.

(f) No surface dimension of a Large Dish Antenna shall exceed twelve feet (12').

(g) No Large Satellite Dish shall exceed a height of eight feet (8').

(h) A Large Satellite Dish shall be used only by the residents of the principal structure located on the subject premises. Any connection, electrical or otherwise, to adjacent properties shall be deemed a violation of the provisions hereof.

(i) All power control and signal cables from the Large Satellite Dish shall be installed below the ground surface in accordance with applicable provisions of the Uniform Construction Code, including all required Permits.

(j) Large Satellite Dishes shall be located and screened to minimize motor noise and visual impact from the street and adjacent properties. The satellite dish must be surrounded by an enclosure which may be a natural or artificial buffer having a height of six (6) feet, which is planted or constructed so as to conceal the dish antenna as much as possible from view at ground level at all property lines. If a natural buffer is utilized, it shall be planted with such trees or plants to maintain the buffer quality during the entire year. Screening must be maintained or the Zoning Permit shall be subject to revocation.

(k) No lot may contain more than one (1) Large Satellite Dish.

(l) All Large Satellite Dishes shall be installed by a trained and licensed satellite dish installer.

(m) All Large Satellite Dishes must be capable of withstanding sustained 100 mph wind speeds without suffering physical damage in accordance with the applicable Building Code as designated by the Borough Construction Official from time to time, and a Construction Permit obtained, if required.

(n) Large Satellite Dishes that are exclusively used to receive and/or transmit business data may be granted exceptions to one or more requirements of this Ordinance at the discretion of the Zoning Officer.

d. Installation of Small Satellite Dish.

1. Small satellite dishes may be roof-mounted or ground-mounted.

2. If roof-mounted, the Small Satellite Dish may not project more than twenty-four inches (24") inches above the highest elevation point of the roof.

3. If ground-mounted, a Small Satellite Dish located in the front yard must be effectively screened so it is not visible from any public right-of-way. Screening must be maintained or the permit shall be subject to revocation.

4. Small Satellite Dishes in the front or rear yard must comply with all setback requirements for accessory buildings, depending on zone, and may not be located in any setback area.

5. A Small Satellite Dish shall be used only by residents of the main building of the subject premises. Connections, electrical or otherwise, to adjacent properties are not permitted and shall be deemed a violation of the yard and setback requirements.

6. All Small Satellite Dish shall be installed by a trained and licensed satellite dish installer.

7. No more than two (2) Small Satellite Dishes may be installed per dwelling unit or nonresidential building.

8. All Small Satellite Dishes must be capable of withstanding sustained 100 mph wind speeds without suffering physical damage or becoming loosened or dislodged from their location in accordance with applicable building codes as designated by the Borough Construction Official from time to time, and a Construction Permit obtained, if required.

e. Satellite Dishes in the Historic District.

1. In order to maintain the architectural detail and character of the Hightstown Historic District, satellite dishes installed in the Historic District shall comply with the following conditions:

(a) Significant architectural details shall not be removed, damaged or covered by the installation of any dish.

(b) Satellite dishes may not be installed in the front yard.

(c) Satellite dishes shall not be attached to the building façade or roof-mounted so they are visible from the public right-of-way.

(d) When satellite dishes are secured to a brick wall, satellite dishes shall be anchored only in the mortar joints and not to the bricks.

(e) If the proposed location for the satellite dish is not permitted by this Section, the installation shall be referred to the Hightstown Historic Preservation Commission for their consent to install, which decision shall be issued within thirty (30) days, unless extended for good cause.

f. When no longer in use, all Satellite Dishes shall be removed within thirty (30) days of being taken out-of-service.

g. Variances from this Chapter may be granted by the Planning Board upon submission of an application.

h. This Ordinance may be enforced by the Zoning or Construction Official. All violations shall be subject to a fine not exceeding \$500 per violation per day.

Section 2. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 3. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 4. This Ordinance shall take effect following final passage and publication in accordance with the law.

Introduced: July 1, 2013

Adopted:

ATTEST:

Debra L. Sopronyi
Municipal Clerk

Steven Kirson
Mayor