

*****ADOPTED NOVEMBER 13, 2006*****

**TOWNSHIP OF DELANCO
ORDINANCE -2006-13**

**AMENDING CHAPTER 110-10
GOVERNING "CONDITIONAL USES" TO PROVIDE
FOR CELLULAR COMMUNICATION FACILITIES
IN THE I-2 ZONE**

WHEREAS, the Township of Delanco wishes to establish and amend provisions governing the proper placement of cellular communications facilities within the Township in order to promote good planning and minimize negative impacts on residential and downtown commercial areas within the Township; and

WHEREAS, the Township further desires to regulate the placement of cellular communication facilities to minimize negative visual impacts and negative impacts on real estate values for neighboring properties; and

WHEREAS, the Township believes that the existing industrial zone, I-2 Zone, is particularly suited to accommodate cellular communication facilities, including towers; and

WHEREAS, the Township is small in geographic size, consisting of approximately 3.2 square miles, and restricting such uses to the I-2 Industrial Zone will provide sufficient ability to locate facilities and provide adequate coverage.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Delanco that Chapter 110-10 is hereby amended as follows:

SECTION ONE: Chapter 110-10. Conditional Uses. G.

Cellular communications towers and antennas facilities.

(1) Definition. For the purposes of this Section, "cellular communications facilities" shall mean any towers, poles, cables, lines, equipment, antenna, shelters, buildings and related structures designed and installed for the transmission of wireless telecommunications and related services.

(2) Restricted to I-2 Industrial Zone. Cellular communications facilities shall be a permitted conditional use in the I-2 Zoning District, in accord with the conditions listed hereafter. Cellular communications facilities shall be prohibited in all other zones. Cellular communications facilities shall meet the following conditions:

(a) Minimum lot size. The minimum lot size for the accommodation of cellular communications facilities as a conditional use under this section shall be two (2) acres.

(b) Setbacks. Minimum setback for microwave and cellular communications tower facilities and antenna to property line abutting residential zones and uses shall be 100 feet or the height of the tower, whichever is greater. Minimum setback for microwave and cellular communications facilities to property line abutting any other zone or use shall be 50 feet.

(c) Height. The antenna and any supporting structure shall not exceed 200 feet in height.

(3) Cellular communications facilities shall meet the following design requirements:

(a) Landscape buffer. Abutting residential zoning districts and uses shall require a minimum landscape buffer on the property containing the cellular communications facilities with a width shall be of no less than 20 feet, shall extended along the entire length of the property lines abutting residential zoning districts and uses. On properties that do not abut a residential zoning district, cellular communications facilities shall have sufficient plantings on all sides of the fencing at the base of the facilities to buffer the site from neighboring properties and the street. Landscape buffers required under this section shall be designed and installed pursuant to § 110-15.

(3b) Fencing and security. Microwave and cellular communications tower and antenna facilities sites shall be secured with an eight-foot high chain link fence that is coated with black vinyl and locked gate to which the Township Police Department shall be given access, i.e., keys, electronic passes, etc., for emergency purposes.

(4c) Coloring and design. Microwave and cellular communications tower and antenna facilities sites shall be designed and colored to blend into the skyline as reasonably as possible. Where technically feasible, monopole design will be required over lattice tower design.

(d) Signs and Advertising. No advertising is permitted on a telecommunications tower or accompanying facilities. Only signs for warning or equipment information shall be permitted on any portion of a tower or equipment building.

(4) Co-location. Any applicant proposing to place a tower or related cellular communications facilities within the Township of Delanco must seek first to co-locate its proposed antenna and related improvements on structurally sufficient, pre-existing, towers within the I-2 Zoning District.

(5) Abandonment. Any cellular communications facilities that are not operated for wireless communications purposes for a continuous period of six months shall be considered abandoned, whether or not the owner or operator intends to make use of it or any part of it; and shall be removed by the facility owner at its costs. The owner of a cellular communications facility and the owner of the property where the facility is located shall be under a duty to remove the abandoned telecommunications tower. If such antenna and/or tower is not removed within sixty (60) days of receipt of notice from the Township notifying the owner of such abandonment, the Township may remove such tower and/or antenna and file a lien against the property to cover the costs of same. Any approval for a cellular, communications facility shall require and be conditioned upon the posting of a bond with the Township to cover 120% of the estimated cost of the removal of the facility in the event of abandonment.

SECTION TWO: All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION THREE: In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

SECTION FOUR: This Ordinance shall take effect immediately following final passage, adoption and publication as provided by law.