

## **Chapter 185**

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## **ZONING**

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**[HISTORY: Adopted by the Borough Council of the  
Borough of Teterboro 12-12-1978 by Ord. No. 170.  
Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Land use procedures — See Ch. 34.  
Certificates of continued occupancy — See Ch. 75.  
Uniform construction codes — See Ch. 81.  
Flood damage prevention — See Ch. 107.  
Parking lots — See Ch. 128.  
Subdivisions and site plans — See Ch. 165.

## ARTICLE I General Provisions

### § 185-1. Title.

This chapter shall be known and may be referred to and cited as the "Zoning Ordinance of the Borough of Teterboro."

### § 185-2. Purposes.

These regulations are designed to serve the following purposes:

- A. Provide for the orderly and comprehensive development of the Borough of Teterboro.
- B. Provide space for industrial, residential, commercial and other uses.
- C. Provide that such uses are suitably sited and placed in order to secure safety from fire, provide adequate light and air, prevent the overcrowding of land and undue concentration of population, prevent traffic congestion and, in general, relate buildings and uses to each other so that aesthetic and use values are maximized.
- D. Provide for community appearance.
- E. Provide for improvements of the land adequate to serve the uses to be developed on that land.

## ARTICLE II Terminology

### § 185-3. Word usage; interpretation and application.

#### A. Construction.

- (1) In the construction and interpretation of these regulations, the following provisions and rules shall be applied, except when the context clearly requires otherwise:

- (a) Words used in the present tense shall include the future.
  - (b) Words in the singular number include the plural number, and words in the plural number include the singular number.
  - (c) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
  - (d) The word "shall" is mandatory.
  - (e) The word "may" is permissive.
  - (f) The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies and all other legal entities.
  - (g) Unless otherwise specified, all distances shall be measured horizontally.
- (2) Any word or phrase which is defined in this subsection or elsewhere in these regulations shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.
- (3) Whenever a term is used in this chapter which is defined in Chapter 291 of the Laws of New Jersey, 1975 (N.J.S.A. 40:55D-1 et seq.), such term is intended to have the meaning set forth in the definition of such term found in said statute, unless a contrary intention is clearly expressed from the context of this chapter. [Added 7-13-1999 by Ord. No. 408]
- B. Minimum requirements. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

- C. Overlapping or contradictory regulations. Where the conditions or regulations imposed by any provisions of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions or regulations imposed by other provisions of these regulations, the conditions or regulations which are more restrictive shall govern.
- D. Private agreements.
- (1) These regulations are not intended to abrogate, annul or otherwise interfere with any existing easement, covenant or other legal relationship; provided, however, that where these regulations are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements or legal relationships, these regulations shall govern.
  - (2) No person shall hereafter create any easement, covenant or any other private agreement or legal relationship which is in conflict with these regulations.
- E. Not a licensing regulation. Nothing contained in these regulations shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any structure or facility or to carry on any trade, industry, occupations or activity.
- F. Separability. It is hereby declared to be the intention of the Borough of Teterboro that several provisions of these regulations are separable, in accordance with the following rules:
- (1) If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, such judgment shall not affect any other provisions of these regulations.

- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provisions of these regulations to a particular property or structure, such judgment shall not affect the application of said provisions to any other property or structure.

#### **§ 185-4. Definitions.**

The following definitions shall be used in the construction and interpretation of these regulations:

**ALLEY** — A public way, other than a street, along the side of or in the rear of lots, that provides a secondary means of access to and from streets and such lots.

**AUTOMOBILE SERVICE STATION** — A structure and surrounding land used for the storage and sale of petroleum fuel primarily to motor vehicles and for accessory uses such as the sale of lubricants, accessories or supplies, the incidental washing of motor vehicles and the performing of minor repairs.

**AWNING** — A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

**BUILDING** — Any covered structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

**BUILDING AREA** — The total ground area covered by enclosed building space, including covered parking spaces.

**BUSINESS AND PROFESSIONAL OFFICE** — The office of an engineer, doctor, dentist, attorney, real estate broker, insurance broker, architect or other similar professional person.

**CANOPY** — Any structure, movable or stationery, attached to and deriving its support from framework or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements, or a

roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way.

**CAPACITY IN PERSONS** — The maximum number of persons that can avail themselves of the services or goods of an establishment, at any one time, with reasonable comfort and safety.

**DISTRICT** — Any specially planned area or zone.

**DUPLEX** — A residential building containing two semidetached dwelling units.

**DWELLING** — A building or portion thereof, but not a mobile home, designed or used for residential occupancy.

**DWELLING, SINGLE-FAMILY** — A residential building containing one dwelling unit only.

**DWELLING, TWO-FAMILY** — A residential building containing two dwelling units only.

**DWELLING UNIT** — One or more rooms in a residential building or residential portion of a building which are arranged, designed or used or intended for use by one family and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.

**FAMILY** — Either an individual or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or a group of not more than four persons who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; plus, in either case, usual domestic servants. A family may include any number of gratuitous guests or minor children not related by blood, marriage or adoption.

**FLOOR AREA** — The sum of the horizontal areas on the several floors of a building or buildings, measured from the faces of the exterior walls.



**FLOOR AREA RATIO (FAR)** — The floor area ratio of the building or other structure on any lot is determined by dividing the floor area of such building or structure by the area of the lot on which such building or structure is located. When more than one building or structure is located on the lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot. The floor area ratio requirements, as set forth under each district, shall determine the maximum floor area allowable for a building or other structure (including both principal and accessory buildings) in direct ratio to the gross area of the lot.

**GOVERNMENTAL USES** — Uses operated by any governmental instrumentality having jurisdiction within the Borough of Teterboro.

**INSTITUTIONAL USES** — Public and private schools of any kind.

**LANDSCAPING** — The improvement of a lot, parcel or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds and ornamental objects such as fountains, statuary and other similar natural and artificial objects, designed and arranged to produce an aesthetically pleasing effect.

**LOT** — Land in any zone that is designated by its owner or developer which is to be used, developed or built upon as a unit under single ownership. As long as it satisfies the above requirements, such lot may consist of:

- A. A single lot of record;
- B. A portion of a lot of record; or
- C. A combination of complete lots of record, complete lots and portions of lots of record or portions of lots of record.

**LOT AREA** — The area of a horizontal plane bounded by the front, side and rear lot lines.

**LOT, CORNER** — A lot having two or more front lot lines.

**LOT COVERAGE** — That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.

**LOT DEPTH** — The shortest line between any front and rear yard lot line.

**LOT LINE** — Lot boundary line. (See "lot line, front"; "lot line, rear"; and "lot line, side.")

**LOT LINE, FRONT** — A street, road or highway right-of-way line forming the boundary of a lot.

**LOT LINE, REAR** — The lot line that is most distant from and is, or is most nearly, parallel with the front lot line. If a rear lot line is less than 15 feet in length, or if the lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet in length, lying wholly within the lot, and parallel with the front lot line. If a lot has two or more front lot lines, the owner or developer shall designate the yard which is to be the rear yard.

**LOT LINE, SIDE** — A lot line which is neither a front lot line nor a rear lot line.

**LOT SIZE REQUIREMENTS** — Restrictions on the dimensions of lots, including minimum lot area, width and depth, which establish the size of the lot on which a structure or use, or two or more structures or uses, may be constructed or established in the zone.

**LOTS OF RECORD** — A lot which is part of a subdivision the plat of which has been recorded or a parcel of land the deed to which was recorded prior to the effective date of these regulations.

**LOT WIDTH** — The shortest line between any two side lot lines.

**MAINTENANCE MOTOR FREIGHT TERMINAL** — A building or area in which the semitrailers, including tractor and/or trailer units, and other trucks are parked, stored or

serviced and where there is also the assembly and/or storage of materials and goods.

**OUTDOOR STORAGE** — The storage of goods and materials outside of any building or structure.

**PARCEL** — Where land has not been subdivided, an area designated in the site plan and upon which one use is located.

**PLANNING BOARD** — A board constituted according to the laws of New Jersey to ensure orderly community development.

**PRINCIPAL STRUCTURE** — A structure in which the principal use of the lot on which the structure is located is conducted.

**PRINCIPAL USE** — The main use of land or structures as distinguished from a subordinate or accessory use.

**PUBLIC SEWER AND WATER SYSTEM** — Any system, other than an individual septic tank or tile field, or individual well operated by a municipality or other governmental agency or a public utility for the disposal of wastes and the furnishing of water.

**PUBLIC UTILITY USES, LIGHT** — The following uses operated by any public utility authorized to do business in New Jersey: electric and telephone substations and distributional centers, gas regulator and meter stations and pumping stations.

**REMODELING** — Any change in a structure (other than incidental repairs and normal maintenance) which may prolong its useful life or the useful life of its supporting members, such as bearing walls or partitions, columns, beams, girders or foundations; or the removal of any portion of a structure.

**REOCCUPIED USE** — The commencement of a use which has been discontinued for at least six months.

**RESIDENCE DISTRICT** — Any district containing conforming residential uses.

**RETAIL SALES** — The sale of goods, merchandise and commodities for use or consumption.

**SCREENING** — Decorative fencing or evergreen or other vegetation maintained for the purpose of concealing from view the area behind such structures or evergreen or other vegetation. When fencing is used for screening, it shall not be less than six nor more than eight feet in height.

**STRUCTURE** — Anything built, constructed or erected with a fixed location on or below the ground or attached to something having a fixed location on the ground, including but not limited to buildings, radio towers, electric transmission towers or poles, fences and signs, but excluding walks, walkways, parking areas, driveways, streets and roads.

**USE** — Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.

**VEHICULAR AREA** — The total uncovered residential/commercial land area used for vehicular movement, transportation systems, parking and loading in the specially planned areas and the uncovered lot used for vehicular movement, parking and loading in the zones. Landscaping within the screening around parking and loading areas shall be considered part of the vehicular area.

**WAREHOUSE** — A building in which materials and goods are stored and/or assembled.

**YARD** — Open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except for the permitted obstructions listed in § 185-8G(1)(a).

**YARD, FRONT** — A yard extending along the full length of a front lot line and back to a line paralleling the front lot line and intersecting the front of the building at its farthest point from the front lot line. On a corner lot, each yard that abuts a front lot line shall be considered a front yard.

**YARD, REAR** — A yard extending along the full length of the rear lot line and forward to a line drawn parallel with the rear lot line and intersecting the back of the building at its farthest point from the rear lot line.

**YARD, SIDE** — A yard extending along a side lot line and to a line drawn parallel with the side lot line and intersecting the side of the building at its farthest point from the side lot line, but excluding any area encompassed within a front yard or rear yard.

**ZONING MAP** — The Official Zoning Map of the Borough of Teterboro.

### ARTICLE III Application of Regulations

#### § 185-5. Zoning districts.

- A. The Borough of Teterboro shall be divided into the following districts, the location of which shall be determined by reference to the Official Zoning Map,<sup>1</sup> with all notations and attached boundary descriptions, if any, filed in the office of the Borough Clerk, which is hereby adopted and made a part hereof.
- B. The zones shall be:
- (1) Zone R: Low Density Residential.<sup>2</sup>
  - (2) Zone I: Light Industrial and Distribution Zone.
  - (3) Zone A: Airport Facilities Zone.
  - (4) Zone RM: Medium Density Residential Zone.  
[Added 8-25-1999 by Ord. No. 409]

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1. Editor's Note: The Zoning Map is located in a pocket at the end of this Code.

2. Editor's Note: This zone is also subject to the provisions of Ord. No. 379, adopted 6-30-1997, which is included in Appendix A at the end of this chapter.

**§ 185-6. Structure, uses, occupancies and land.**

- A. Application. All structures and the moving, reconstruction, addition to, remodeling and change in occupancy (except for residential dwelling units) or use of such structures and the improvement of all land shall comply with the applicable regulations of Article IV or V of these regulations.
- B. Exemptions. The following, except as otherwise provided, shall be exempt from these regulations:
- (1) Maintenance and repair work on railroad tracks, signals, bridges and similar facilities and equipment located in a railroad right-of-way.

**§ 185-7. Zoning of public ways, waterways and railroad rights-of-way.**

All streets, roads, highways, alleys, public ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same district as the property immediately abutting upon the same. Where the center line of a street, road, highway, alley, public way or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

**ARTICLE IV**  
**Zone Regulations**

**§ 185-8. General requirements.**

- A. Permitted uses. No structure or addition thereto shall hereafter be built, moved or remodeled and no structure or land shall hereafter be used, occupied, reoccupied, designed or improved for use or occupancy except for a use that is permitted within the zone in which the structure or land is located.

- B. Lot size requirements. No structure, or part thereof, shall hereafter be built, moved or remodeled and no structure or land shall hereafter be used, occupied or arranged or designed for use or occupancy on a lot which is:
- (1) Smaller in area than the minimum lot area required in the zone in which the structure or land is located;
  - (2) Narrower than the minimum lot width required in the zone in which the structure or land is located; or
  - (3) Shallower than the minimum lot depth required in the zone in which the structure or land is located.
- C. Bulk regulations. In these regulations, bulk regulations are expressed in terms of maximum structure height, maximum lot coverage, maximum floor area ratio, minimum open space ratio and minimum front, side and rear yards. No structure, or part thereof, shall hereafter be built, moved or remodeled and no structure or land shall hereafter be used, occupied or designed for use or occupancy:
- (1) So as to exceed the maximum lot coverage percentage, the maximum structure height or the maximum floor area ratio specified for the zone in which the structure is located; or
  - (2) So as to provide any setback or front, side or rear yard or an amount of open space that is less than that specified for the zone in which such structure or use of land is located or maintained. Each side yard shall meet the minimum side yard requirements of the applicable zone.
- D. Use limitations. No permitted use hereafter established, altered, modified or enlarged shall be operated or designed so as to conflict with the use limitations for the zone in which such use is, or will be, located. No permitted use already established on the effective date of the regulations shall be altered, modified or enlarged so as to conflict with,

or further conflict with, the use limitations for the zone in which such use is located.

- E. Number of structures and uses on a lot. Not more than one principal building shall be located on a single lot, nor shall a principal building be located on the same lot with any other principal building.
- F. Restrictions on allocation of required yards or open space. No part of the lot area or a yard or other open space or off-street parking or loading space provided in connection with any structure or use in order to comply with the provisions of these regulations shall, by reason of change of ownership or otherwise, be included as part of the minimum lot area or a yard, other open space or off-street parking or loading space required for any other structure or use except as specifically provided herein. All the lot area and all yards and other spaces provided in connection with any structure or use in order to comply with the provisions of these regulations shall be located on the same lot as such structure or use. No part of the lot area or of a yard, other open space or off-street parking or loading space provided in connection with any structure or use (including but not limited to any structure or use existing on the effective date of these regulations or of any amendment thereof) shall be subsequently reduced below, or further reduced if already less than, the minimum requirements of these regulations for equivalent new construction.
- G. Obstructions in required yards.
  - (1) The following shall not be considered to be obstructions and shall be permitted when located in a required yard:
    - (a) In all yards: open terraces not over four feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch; awnings or canopies; steps four feet or less above grade which are



necessary for access to a permanent structure or for access to a lot from a street or alley; one-story bay windows and overhanging eaves and gutters projecting 30 inches or less into the yard; arbors and trellises; flagpoles; signs, when permitted by § 185-18D; and sidewalks.

- (b) In any yard except a front yard: accessory uses meeting the applicable minimum side yard requirements; open and closed fences not exceeding six feet in height; and parking and loading facilities, provided that a minimum distance of six feet is maintained between parking facilities and buildings.
  - (2) If any provision in these regulations requires a fence in a front yard, or requires a fence that has a minimum height in excess of six feet in any yard except a front yard, then such fence shall be a permitted obstruction within the meaning of this section.
  - (3) Private roads serving uses on other lots shall not be permitted in any zone.
- H. Open space. Open space shall be a landscaped area on which those obstructions permitted in Subsection G herein are permitted.

### **§ 185-9. Low Density Residential Zone. <sup>3</sup>**

In the Low Density Residential Zone, the following provisions and regulations shall apply:

- A. Purposes. This zone is designed to accommodate low density residential uses.

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3. Editor's Note: Ordinance No. 379, adopted 6-30-1997, supersedes the Low Density Residential Zone requirements for Lot Nos. 14 through 21 and 34, Block 307; see Appendix A included at the end of this chapter.

- B. Permitted uses. Permitted uses shall be single-family dwellings, duplexes and two-family dwellings.
- C. Lot size and density requirements. Lot size and density requirements shall be as follows:
- (1) Minimum lot area and maximum density.
    - (a) Single-family dwellings: 7,500 square feet.
    - (b) Duplexes and two-family dwellings: 7,500 square feet.
  - (2) Minimum lot width.
    - (a) Single-family dwellings: 50 feet.
    - (b) Duplex and two-family dwellings: 50 feet.
- D. Bulk regulations. Bulk regulations shall be as follows:
- (1) Lot coverage.
    - (a) Single-family dwellings: 25%.
    - (b) Duplex and two-family dwellings: 25%.
  - (2) Yards.
    - (a) Minimum front yard: 25 feet.
    - (b) Minimum side yards.
      - [1] Single-family dwellings: six feet.
      - [2] Duplex and two-family dwellings: six feet.
    - (c) Minimum rear yard. Single-family dwellings, duplexes and two-family dwellings: 15% of lot depth, but not less than 15 feet.

**§ 185-9.1. Medium Density Residential Zone. [Added 8-25-1999 by Ord. No. 409]**

In the Medium Density Residential Zone, the following provisions and regulations shall apply:

- A. Purposes. This zone is designed to accommodate medium density residential use by the conversion of an existing commercial building.
- B. Permitted uses.
  - (1) Multifamily dwellings.
- C. Lot size and density requirements.
  - (1) The minimum lot area is 20,000 square feet and maximum density is eight units per 20,000 square feet of site area.
  - (2) Minimum lot width: 150 feet, more or less, according to the existing frontage on Huyler Street.
- D. Bulk regulations.
  - (1) Lot coverage: 35%.
  - (2) Yards (approximate, following the outlines of existing building):
    - (a) Minimum front yard, on Huyler Street: 20 feet.
    - (b) Minimum side yard, away from James E. Hanson Way: 10 feet, except five feet adjoining patios or decks.
    - (c) Minimum yard on James E. Hanson Way: 30 feet.
    - (d) Minimum rear yard, away from Huyler Street: 20 feet, except 10 feet adjoining entrance steps.
- E. Off-street parking. A minimum of one off-street parking space shall be provided per bedroom.

**§ 185-10. Light Industrial and Distribution Zone.**

In the Light Industrial Zone, the following provisions and regulations shall apply:

- A. Purposes. This zone is designed to accommodate a wide range of industrial, distribution, commercial and business uses that generate a minimum of detrimental environmental effects.
- B. Permitted uses. Permitted uses shall be as follows:
  - (1) Any production, processing, manufacture, fabrication, cleaning, servicing, testing, repair or storage of goods, materials or products, and business offices accessory thereto, but not including the storage of flammable or explosive materials as a principal use or the outside storage of flammables above ground.
  - (2) Establishments for scientific research and development, and business offices accessory thereto, where the manufacturing, fabrication, production, repair, storage, sale and resale of materials, goods and products is incidental and accessory to the principal use of scientific research and development.
  - (3) Business or commercial establishments which provide supplies and/or services primarily to industrial and manufacturing customers and business offices accessory thereto.
  - (4) Automobile service stations.
  - (5) Business offices.
  - (6) Restaurants.
  - (7) Warehouses, wholesale establishments and other storage facilities, but not including motor vehicle warehouse and/or motor vehicle wholesale businesses. [Amended 9-14-1993 by Ord. No. 343]

- (8) Light public utility uses.
- (9) In the permitted uses included in the foregoing Subsections B(1), (2), (3), (5) and (7), one residential unit for single person occupancy is permitted as an accessory use for each existing lot of one acre or more, within the building or attached to it. The occupancy shall be related to the business being conducted on the site, such as for security personnel. The unit shall conform to all code requirements of the State of New Jersey for residential occupancy and shall not occupy over 10% of the area of the building, thus conforming to the definition of an accessory use. Site plan review shall be recruited to assure adequate protection of the residential unit from noise, vibration, glare, smoke, odor and other effects of commercial and industrial use and to assure that such residential use does not interfere with the conducting of commercial and industrial use on the property. As such residential units are developed, at least one in five shall be maintained and restricted for low- and moderate-income occupancy under the regulations of the New Jersey Council on Affordable Housing, unless the Borough of Teterboro provides for an equivalent amount of such added units such as in a redevelopment area. The Borough may provide financial aid for low and moderate units. **[Added 8-25-1999 by Ord. No. 409]**

C. Use limitations.

- (1) All operations, activities and storage (except landing areas for helistops and off-street parking and loading) shall be conducted within completely enclosed buildings.
- (2) No retail sales shall be permitted. **[Amended 5-12-1992 by Ord. No. 326]**

- (3) No slaughtering of animals shall be permitted except such as is necessary as incidental to the operation of the animal shelter by the County of Bergen.
  - (4) No outside storage of flammables above ground.
- D. Lot size requirements. Lot size requirements shall be as follows:
  - (1) Minimum lot area: one acre.
  - (2) Minimum lot width: 100 feet.
  - (3) Minimum lot depth: 150 feet.
- E. Bulk regulations. Bulk regulations shall be as follows:
  - (1) Maximum lot coverage: 50%.
  - (2) FAR: 2.5 (for offices only).
  - (3) Minimum open space: 15%.
  - (4) Yards.
    - (a) Minimum front yard: 35 feet (except front yards on Route 46 shall be 75 feet.)
    - (b) Minimum side yard: 15 feet.
    - (c) Minimum rear yard: 15 feet.
- F. Buffer requirements. There shall be a twenty-five-foot-wide strip of landscaped open space, with heavy vegetative screening, where any development borders a residential zone.
- G. Environmental performance standards. All uses in the Light Industrial and Distribution Zone shall comply with the environmental performance categories of Article V.
- H. Design of structures and other improvements. The design of all structures and other improvements shall comply with the requirements of § 185-18.

**§ 185-11. Airport Facilities Zone.**

This zone is designed to accommodate airport and aviation uses and those uses which are customarily associated with such facilities, built both under the jurisdiction of the Port of New York Authority and under the jurisdiction of the Hackensack Meadowlands Development Commission.

**ARTICLE IVA****Conditional Uses**

[Added 4-10-2001 by Ord. No. 429]

**§ 185-11.1. Conditional use.**

"Conditional use" is a use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in the Zoning Ordinance and upon the issuance of an authorization therefor by the Planning Board.

**§ 185-11.2. Purpose; standards.**

Recognizing that certain uses, activities and structures are necessary to serve the needs and conveniences of the Borough and, at the same time, recognizing that such uses may be or become inimical to the public health, safety and general welfare if located and operated without proper consideration being given to existing conditions and the character of the surrounding area, such uses are hereby designated as conditional uses requiring a conditional use permit. The procedures for application, public hearing and notice for conditional use permits are set forth in Chapter 34 of the Code, Land Use Procedures, and any of the applicable procedures as set forth in Chapter 185. The granting of a permit for conditional uses shall comply with the terms and conditions established by this section as may be supplemented, where applicable, by other provisions of the Code using the following stipulations and guiding principles:

- A. Stipulations. The use for which application is being made is specifically authorized as a conditional use in the zoning district in which it is located.
- B. Principles. The design, arrangement and nature of the particular use is such that the public health, safety and welfare are protected and reasonable consideration is afforded to the following:
- (1) The character of the neighborhood and zone.
  - (2) The conservation of property values and the proposed impact upon the orderly development of adjacent properties in accordance with the zoning classification of such properties.
  - (3) The health and safety of residents or workers on adjacent property in the surrounding neighborhood.
  - (4) The potential congestion of vehicular traffic or creation of undue hazard.
  - (5) The principles and objectives of the Master Plan of the Borough.
  - (6) The principles and objectives of the Municipal Land Use Law.
  - (7) The protection of natural features.

### **§ 185-11.3. Designation and standards.**

Wireless communications towers and antennas are hereby designated as a conditional use in the Light Industrial and Distribution Zone. In addition to the above stipulations and principles, such permitted conditional use shall adhere to the standards specified for such use as elsewhere set forth in this Zoning chapter.



ARTICLE V  
Occupancy Requirements

**§ 185-12. Commencement of occupancy.**

No structure or addition thereto constructed, moved, remodeled or reconstructed after the effective date of this chapter shall be occupied or used for any purpose; no land vacant on the effective date of this chapter shall be used for any purpose; no use of any land or structure shall be reoccupied or changed to any other use; and no occupancy (except in residential dwelling units) shall be changed unless an occupancy certificate and Planning Board approval shall first have been obtained from the Borough of Teterboro certifying that the proposed use or occupancy complies with the applicable provisions of these regulations.

**§ 185-13. Application for occupancy certificate.**

Every application for an occupancy certificate shall be filed with the Borough of Teterboro and shall contain the following information:

- A. Information sufficient to show that all applicable building subcode requirements have been met.<sup>4</sup>
- B. Information sufficient to show that all applicable subdivision regulation requirements pertaining to the lot or lots containing the land or structure to be occupied have been met. [Amended 7-13-1999 by Ord. No. 408]
- C. If a change in use or occupancy is proposed:
  - (1) Block and lot number and municipality within which located.
  - (2) Information sufficient to ensure that a determination of whether the applicable environmental

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4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

performance standards have and will be met can be made.

- (3) A description of parking and loading facilities and traffic flow patterns.
- (4) A description of all landscaping and screening on the site.
- (5) A description of the drainage system on the site.
- (6) A description of the former and proposed use.
- (7) If a change in occupancy is proposed, a description of the former and proposed occupant.

D. If for the initial occupancy of a structure or addition thereto constructed, moved, remodeled or reconstructed: information sufficient to show that all applicable environmental performance standards will be complied with.

E. Such other information as may be reasonably required.

#### **§ 185-14. Issuance of occupancy certificate.**

No occupancy certificate for a structure or addition thereto constructed, moved, remodeled or reconstructed after the effective date of these regulations shall be issued until such work has been completed and the premises and site inspected and certified by the Borough of Teterboro to be in full and complete compliance with all applicable provisions of the Building Subcode and with all the subdivision regulation requirements<sup>5</sup> pertaining to the lot or lots containing the land or structure to be occupied, except as otherwise provided by § 185-19 and with all applicable provisions of the Building Subcode and with all the subdivision regulation requirements pertaining to the lot or lots containing the land or structure to be occupied, except as otherwise provided by § 185-19. An

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5. Editor's Note: See Ch. 165, Subdivisions and Site Plans.

application for an occupancy certificate shall be approved or disapproved within one week after the receipt of an application therefor.

**ARTICLE VI**  
**General Requirements; Variances**

**§ 185-15. Landscaping and maintenance of open space.**

- A. Landscaping and screening. All open space, including yards, shall be landscaped with lawns, trees, shrubbery and other appropriate plant material. Uses shall be screened when required by the applicable zone regulations and otherwise where necessary to ensure privacy, protect and enhance property values or otherwise promote the general welfare.
- B. Maintenance.
- (1) All open space, and facilities and structures thereon, must be properly maintained.
  - (2) In the event that the applicant or his or her successors shall at any time after the issuance of an occupancy certificate or continuing occupancy certificate fail to maintain any open space, the Borough of Teterboro may serve written notice setting forth any failure to maintain the open space in a reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within four weeks thereof and shall state the date and place of any hearing thereon which may be held. If the deficiencies set forth in the original notice or in the modifications thereof are not cured within said four weeks or any extension thereof, the Borough of Teterboro, in order to preserve the taxable values of the surrounding properties and to prevent the open space from becoming a public nuisance, may enter upon the open space and maintain the same for a period of one

year. Before the expiration of said year, the Borough of Teterboro shall, upon its initiative or upon the request of the applicant, call a public hearing at which the applicant shall show cause why such maintenance by the Borough of Teterboro shall not, at the election of the Borough of Teterboro, continue for a succeeding year.

- (3) The cost of such maintenance by the Borough of Teterboro shall be assessed against the property maintained and shall become a lien on said property. The Borough of Teterboro, at the time of entering upon the open space for the purpose of maintenance, shall file a notice of such lien in the office of the County Clerk upon the property affected by such lien.

#### **§ 185-16. Variances.**

- A. Authorization. The appropriate board of the Borough of Teterboro may authorize such variances from the terms of these regulations as will not be contrary to the public interest in accordance with the standards set forth in applicable statutory regulations.
- B. Application for variance. An application for a variance shall be filed with the Construction Code Official. The application shall contain the following information as well as such additional information as may be prescribed by rule of the Construction Code Official:
  - (1) The particular requirements of these regulations which prevent the proposed use or construction.
  - (2) The characteristics of the subject property which prevent compliance with said requirements of these regulations.

- (3) The reduction of the minimum requirements of these regulations which would be necessary to permit the proposed use or construction.
  - (4) The particular hardship which would result if said particular requirements of these regulations were applied to the subject property.
- C. Hearing. The appropriate board shall select a reasonable time and place at which to hold a public hearing, and notice thereof shall be given in accordance with applicable law.
- D. Period validity. No variance granted pursuant to this section shall be valid for a period longer than six months from the date on which the variance was granted unless within such period an occupancy permit is obtained and a use commenced. Additional extensions without exceeding six months each may be granted upon written application to the appropriate board without notice or hearing.

## ARTICLE VII

### General Provisions for All Districts

#### § 185-17. Performance standards.

##### A. Noise.

##### (1) Standard.

- (a) Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4-1961) American Standards Specifications for General-Purpose Sound Level Meters. The instrument shall be set to the A-weighted response scale and the meter to the slow response. Measurements shall be conducted in accordance with ANSI S1.2-1962 American Standard Method for the Physical

Measurements of Sound. Impact noise shall be measured with an impact noise analysis meeting the standards of ANSI or IEC (International Electronics Commission).

- (b) Noises shall not exceed the maximum sound levels specified in Table I, except as designated below. Where more than one specified sound level applies, the most restrictive shall govern. Measurements may be made at points of maximum noise intensity.

**Table I**

**Noise Level Restrictions**

<b>Performance Standard Category</b>	<b>Maximum Permitted Sound Level (dBA)</b>	<b>Where Measured</b>
A	55	On or beyond the boundaries of neighboring uses or adjacent lot lines, whichever is more restrictive.
B	60	On or beyond the boundaries of neighboring uses or adjacent lot lines, whichever is more restrictive
C	66	On or beyond the district boundaries

- (c) In any residential zone, the A-weighted sound level shall not exceed 55 dBA during the hours of 7:00 a.m. to 9:00 p.m. and shall not exceed 45 dBA during the hours 9:00 p.m. to 7:00 a.m.
- (d) The levels specified in Table I may be exceeded by 10 dBA for a single period, no longer than 15 minutes, in any one day.

- (e) For impact noise levels, the values in Table I, increased by 20 dB, shall apply. For purposes of these regulations, impact noises shall be considered to be those noises whose peak values are more than 6 dB higher than the values indicated on the sound level meter.
- (f) Noises not under the direct control of a use (such as independent transportation facilities) are excluded from the above limitations.

B. Vibration.

(1) Standard.

- (a) Ground-transmitted vibration shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity or acceleration simultaneously in three mutually perpendicular directions.
- (b) Table II designates the maximum permitted particle velocities. Where more than one set of vibration levels apply, the most restrictive shall govern. Measurements may be made at points of maximum vibration intensity.

**Table II**  
**Vibration Level Restrictions**

<b>Performance Standard Category</b>	<b>Maximum Peak Particle Velocity (inches per second)</b>	<b>Where measured</b>
A	0.02	On or beyond the boundaries of neighboring uses or adjacent lot lines, whichever is more restrictive
B	0.05	On or beyond the boundaries of neighboring uses or adjacent lot lines, whichever is more restrictive
C	0.10	On or beyond the district boundaries

- (c) In any residential zone, the peak particle velocity shall not exceed 0.02 inches per second during the hours 7:00 a.m. to 9:00 p.m. and shall not exceed 0.01 inches per second during the hours 9:00 p.m. to 7:00 a.m.
- (d) The maximum particle velocity shall be the maximum vector sum of three mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as 6.28 times the displacement in inches multiplied by frequency in cycles per second.
- (e) For purpose of these regulations, steady state vibrations are vibrations which are continuous or vibration in discrete impulses more frequent



than 60 per minute. Discrete impulses which do not exceed 60 per minute shall be considered impact vibrations. Impact vibrations are limited to values no more than twice as high as those specified in Table II.

- C. Airborne emissions. In all districts, any activity, operation or device which causes, or tends to cause, air pollution shall comply with both the New Jersey State Air Pollution Control Laws and Codes and the following:

- (1) Steam. The emission of visible steam (having an equivalent opacity of 0% or higher) from all stacks, chimneys, processes and devices shall not exceed the limitations set forth in Table III.

**Table III**  
**Restrictions on Steam**

**Performance  
Standard  
Category**

**Steam Emissions Permitted**

A	No visible steam (except as the direct result of a combustion process) permitted
B	No visible steam (except as the direct result of a combustion process) within 500 feet of a residential zone, specially planned area or residential planned unit development
C	No visible steam (except as the direct result of a combustion process) within 500 feet of a residential zone, specially planned area or residential planned unit development

- (2) Particulate matter.
- (a) Source emissions. The emission of particulate matter from all stacks, vents, chimneys, flues

and openings of all sources of air pollution on a lot shall not exceed the limitation set forth in Table IV or the New Jersey State Standards, whichever is more restrictive.

**Table IV**

**Restrictions on Particulate Source Emissions**

<b>Performance Standard Category</b>	<b>Total Particulate Matter Emission Limit (pounds per hour per acre of lot)</b>
A	0.5
B	1.0
C	5.0

- (3) Toxic matter. If any toxic matter is emitted which is listed by the American Conference of Governmental Hygienists or any other lists published by the State of New Jersey or United States Government, the applicant shall satisfy the Office of the Chief Engineer that the quantity and type of emission of this matter will be safe to the general population.
- (4) Odorous matter. No odor shall be emitted that is detectable by the human olfactory sense at or beyond an adjacent lot line.
- (5) Definitions. As used in this section, the following terms shall have the meanings indicated:

**EQUIVALENT OPACITY** — The optical density of a smoke plume corresponding to the shade of the Ringelmann Chart.

**ODOROUS MATTER** — Material suspended in the atmosphere that produces an olfactory response in a normal human.

**PARTICULATE MATTER** — Airborne material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

**RINGELMANN CHART** — The chart published and described in the United States Bureau of Mines Information Circular 7718 and upon which are illustrated graduated shades of gray for use in estimating the light-obscuring power of smoke.

**RINGELMANN NUMBER** — The shade identified on the Ringelmann Chart which varies from zero (clear) to five (opaque).

**STEAM** — Condensed water vapor droplets observable as a plume having an equivalent opacity of 60% or higher.

**TOXIC MATTER** — Material which is capable of causing injury to living organisms by chemical means when present in relatively small amounts.

- D. Fire and explosion hazards. In all districts, any activity involving the manufacture, utilization or storage of flammable and/or combustible materials shall be conducted in accordance with the regulations promulgated by the National Fire Code of the National Fire Protection Association.

**Table V**

**Total Capacity of Flammable Materials Permitted  
under Category A Standards**

<b>Liquid Flash Point (closed cup tester)</b>	<b>Below Ground</b>
140° F. or higher	100,000 gallons
Above 73° F. but below 140° F.	100,000 gallons
73° F. and below	100,000 gallons

**Table V****Total Capacity of Flammable Materials Permitted  
under Category A Standards****Liquid Flash Point  
(closed cup tester)****Below Ground**

Flammable gases

3,000,000 standard cubic feet

**Table VI****Total Capacity of Flammable Materials Permitted  
Under Category B Standards****Liquid Flash Point  
(closed cup tester)****Below Ground**

140° F. or higher

100,000 gallons

Above 73° F. but below 140°  
F.

100,000 gallons

73° F. and Below

100,000 gallons

Flammable gases

3,000,000 standard cubic feet

**Table VII****Total Capacity of Flammable Materials Permitted  
Under Category C Standards****Liquid Flash Point  
(closed cup tester)****Below Ground**

140° F. or higher

No capacity limit

Above 73° F. but below 140°  
F.

10,000,000 gallons

73° F. and below

10,000,000 gallons

Flammable gases

100,000,000 standard cubic  
feet

NOTE: The limitations of Table VII apply only for locations which are 300 feet or more from a district boundary. If any part of the facility, including storage dike, is closer than 300 feet from another zone, the more restrictive of the limitations for the two districts shall apply.

E. Glare.

(1) Standards.

- (a) All operations, activities and uses shall be conducted so as to comply with the performance standards governing glare prescribed below. Glare shall be measured in accordance with the standards and procedures set forth in the IES Lighting Handbook.
- (b) Illumination levels shall be measured with a photoelectric photometer having a special response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

**Table VIII**

**Maximum Intensity of Light Sources**

<b>Source</b>	<b>Maximum Intensity</b>
Bare incandescent bulbs	40 watts
Illuminated buildings	30 footcandles
Back-lighted or luminous background signs	250 foot lamberts
Outdoor illuminated signs and poster panels	50 footcandles
Any other unshielded sources, intrinsic brightness	50 candles per square centimeter

**§ 185-18. Design of structures; provision and design of other improvements, including parking and loading facilities and signs.**

**A. General standards of design of structures.**

- (1) The design of buildings, including roofs, shall maximize aesthetic values. The most farsighted and imaginative architecture concepts for building design should be used. The following principles of design should be considered in judging whether any building is in compliance with this section: balance; proportion of mass and detail; harmony facade elements must be in harmony with each other (the achievement of such relationships may include the enclosure of space in conjunction with other buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings) and structures shall not create disharmony with other structures and with their other surroundings; scale of structures to the surroundings; and the relation and use of voids and solids, lines, shapes, shadow and light, colors and building materials.
- (2) All exterior walls of buildings, other than residential, shall be constructed of brick, precast concrete or other approved masonry materials so as to blend with existing structures.
- (3) No building or any accessory thereto or structure thereon shall be erected to a height that exceeds safe operation requirements as established by the Department of Transportation, Federal Aviation Administration, Eastern Region, for approach to the applicable type of airport.

**B. Location and design of certain improvements.**

- (1) Mechanical equipment, including equipment located on the roof, and structure supports shall be

concealed by structures which are integrally designed with the building or are otherwise rendered not visible from adjoining lots and streets and other off-site locations.

- (2) Except where otherwise provided, storage areas, utility installations and other unsightly elements shall be screened both from within and without the property.
- (3) All walks, driveways and streets shall be made from all-weather, dustless materials.

C. Off-street parking and loading. No structure shall hereafter be built or moved, unless the sufficient off-street parking and off-street loading spaces required by this section are provided. No structure or use already established on the effective date of these regulations shall be enlarged unless the sufficient off-street parking and loading spaces required by this section are provided for the existing structure and proposed additions.

(1) Off-street parking.

- (a) Utilization. Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants or employees of such uses.

(b) Design.

- [1] Area. A required off-street parking space shall be at least nine feet in width and at least 19 feet in length, exclusive of access drives or aisles, ramps, columns, office or work area.
- [2] Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to

provide safe and efficient means of vehicular access to such parking space.

- [3] Surfacing. All open off-street parking areas shall be graded and paved or otherwise improved with an all-weather, dustless material.
- [4] Location.
  - [a] All off-street parking areas shall be conveniently located to the uses they are intended to serve and shall be located so as to maximize safety in entering or leaving the area and neighboring property values. No ditches may be placed near such areas.
  - [b] All parking spaces required to serve buildings or uses shall be located on the same lot as the structure or use served.
  - [c] Parking and aisles serving such parking are prohibited in any minimum front yard and permitted, unless otherwise provided, in any side yard. Enclosed buildings and carports containing off-street parking shall be subject to the yard requirements applicable in the zone in which located.
  - [d] All aisles for vehicular traffic shall not be less than 24 feet.
- [5] Screening and landscaping. All open off-street parking areas containing more than six parking spaces shall be effectively screened by a fence or densely



planted compact evergreen hedge not less than six feet nor more than eight feet in height in all zones where such parking adjoins any property situated in a residential district by a wall and where otherwise needed to ensure privacy for residential areas. Parking areas shall be arranged and designed so as to prevent damage to, or intrusion into, such wall, fence or hedge. Spaces shall be installed between rows of stalls, and trees, flowers and shrubbery shall be grown therein and maintained.

- [6] Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to interfere with the residential use.
- (c) Repair and service. No motor vehicle repair work or service of any kind shall be permitted in connection with any off-street parking facilities.
- (d) Required spaces.
  - [1] Off-street parking spaces accessory to the uses hereinafter designated shall be provided as follows:
    - [a] Dwelling uses. Single-family, duplexes and two-family dwellings: at least one parking space for each dwelling unit.
    - [b] Business, commercial and manufacturing uses. All business and commercial establishments except those specified hereafter: at least one

parking space for each 300 square feet of floor area.

- [c] Automobile services stations: at least two parking spaces for each service bay, plus one for each employee, but not less than five parking spaces.
  - [d] Office, professional and public administration or service buildings: at least one parking space for each 400 square feet of floor area. Cartage, express, parcel delivery and freight terminal establishments: at least one parking space for each two employees as related to the working period when the maximum number of persons are employed on the premises, and one parking space for each vehicle maintained on the premises. Manufacturing, production, processing, assembly, disassembly, cleaning, servicing, testing or repairing of goods, materials or products: at least one parking space for each two employees as related to the working period when the maximum number of persons are employed on the premises, and at least one parking space for every 1,000 square feet, whichever is greater. Warehouses, storage and wholesale establishments: one parking space for every 1,500 square feet.
- [2] Parking spaces for other permitted or special uses not listed above shall be provided in accordance with the determination of the Borough of Teterboro

Planning Board with respect to the number of spaces that are required to serve employees and/or the visiting public at each such use.

- [3] Collective provisions. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so furnished is not less than the sum of the separate requirements for each such use, and provided that all regulations covering the location of accessory parking spaces in relation to the use served are adhered to.
- [4] Computation. When determination of the number of off-street parking spaces required by these regulations results in a requirement of a fractional space, the fraction of  $1/2$  or less may be disregarded, and a fraction in excess of  $1/2$  shall be counted as one parking space.

(2) Off-street loading.

- (a) Utilization. Space allocated for any on-site loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

- (b) Design.

- [1] Area. Unless otherwise specified, a required off-street loading space or berth shall be 10 feet in width by at least 25 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 14 feet. Semitrailers shall have a minimum maneuvering dimension of 105 feet.

- [2] Access. Each required off-street loading space or berth shall be designated with appropriate means of vehicular access to a street, highway or alley in a manner which will least interfere with traffic movement.
  - [3] Surfacing. All open on-site loading shall be improved with a compacted select gravel base, not less than four inches thick, surfaced with an all-weather, dustless material.
  - [4] Lighting. Any lighting used to illuminate off-street loading areas shall be directed away from residential properties in such a way as not to interfere with the residential use.
  - [5] Additional standards. On-site loading facilities shall comply with such other design standards as may be established from time to time by the Planning Board. On-site loading facilities may be open to the sky or enclosed in a building, unless otherwise provided.
- (c) Repair and service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with any on-site loading facilities.
  - (d) On-site loading berth requirements.
    - [1] No on-site loading facilities are required in any residence district, except that elementary and intermediate schools shall provide at least one loading space for passenger automobiles for each 50 students based upon the designed maximum capacity of the school.

- [2] On the same lot with every building, or part thereof, erected hereafter in any zone or in close proximity to any use erected in a specially planned area for which loading spaces are required, there shall be provided adequate space for motor vehicles to load and unload in order to avoid interference with the public streets or alleys. Such space shall include the following minimum loading spaces:

[a] Business and professional offices: one loading berth for each building that contains 1,000 to 100,000 square feet of gross floor area, and for each additional 100,000 square feet of gross floor area up to 500,000 square feet, one additional loading berth, plus one additional loading berth for each additional 500,000 square feet of gross floor area, or any fraction thereof, in excess of 500,000 square feet.

[b] For all uses in the Light Industrial and Distribution Zone, loading facilities shall be provided in accordance with the following table:

Gross Floor Area of Establishments in Thousands of Square Feet	Required Number and Size of Loading Berths
1 to 10	1 (10 feet by 25 feet)
10 to 40	1 (10 feet by 60 feet)
40 to 100	1 (10 feet by 60 feet each)

[c] For each additional 100,000 square feet of gross floor area, or any

fraction thereof over 100,000 square feet of gross floor area, one additional loading berth shall be provided. Each such additional berth shall be at least 10 feet in width by 60 feet in length.

- [3] Minimum facilities. Uses for which on-site facilities are required by this section but which are located in buildings that have a floor area that is less than the required minimum above which off-street loading facilities are required shall be provided with adequate receiving facilities, accessible by motor vehicle, from any adjacent alley, service drive or open space on the same lot.

D. Signs. No sign, unless exempt under Subsection D(4) hereof, shall hereafter be constructed or erected, and no existing sign shall be moved, remodeled or expanded unless such sign complies, or will thereafter comply, with the following regulations.

- (1) Permit required; issuance of permit; fees. No sign shall be erected, altered, located or relocated within the municipality except upon application and the issuance of a permit as hereinafter provided. **[Amended 3-12-2002 by Ord. No. 441]**

- (a) Application for a permit for residential signs. Application for a permit for a sign for premises used for residential purposes shall be made in writing to the Zoning Officer and presented together with the appropriate filing fee. Such application shall be sufficient to describe the premises and location at which the sign is to be affixed, together with a rendering of the sign, inclusive of its dimensions, design and color. There shall also be provided a statement as to the means by which said sign shall be

constructed on the premises. The Zoning Officer shall act upon such application within 15 days of the receipt thereof

- (b) Application for a permit for signs. Any sign associated with a change in occupancy or ownership necessitates an application for a sign permit. Application for a permit for a permitted sign conforming to the regulations set forth herein shall be made in writing to the Zoning Officer. Such application shall be sufficient to describe the premises and location at which the sign is to be affixed and shall include at minimum the following items:
  - [1] The name and address of the applicant.
  - [2] The name and address of the owner of the premises.
  - [3] A statement as to whether the owner has consented to the application, if the applicant is other than the owner.
  - [4] A rendering to scale of the sign, reflecting its composition, colors, dimension, elevation from grade level and lighting; the address of the premises; specification and location of all existing signs; the sight distances, in the case of freestanding signs, with relation to accessways to the premises on which such sign is to be located and adjacent premises; the information to be stated on the sign; and the method by which said sign shall be secured.
- (c) Application for a permit for a sign which does not comply with the provisions of this article shall be submitted to the appropriate approving authority, including any sign associated with a

change in occupancy or ownership which does not comply with the provisions set forth herein, Such application shall be in writing and, upon notice and a public hearing where the same is required by law, submitted at least 10 days before the next meeting preceding the succeeding public meeting date of the appropriate authority, together with the filing fee. Such application shall be in triplicate and accompanied by no less than 15 sketch plats in the case of an application for a freestanding sign, and 15 building elevations where the application is for other than a freestanding sign, each of which shall be drawn to scale and reflect the sign location and designation. In addition, on such drawing or separate sheet, the information set forth in § 185-18D(1)(b) shall be provided.

- (d) Issuance of permit. A permit shall be issued by the Zoning Officer upon favorable action of the approving authority, subject to any other applicable governmental regulations or as otherwise provided herein. A permit for the replacement of an existing sign may be issued by the Zoning Officer without the necessity of Board approval only upon satisfaction of the following conditions:

- [1] There is no physical alteration or expansion of the existing sign beyond the limits permitted herein.
- [2] The sign conforms in all respects to the subsection provisions specified herein;
- [3] No other signage is proposed to be added to the premises.

- (2) Classification of signs.



## (a) Functional types.

- [1] Advertising signs. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located or to which it is affixed.
- [2] Bulletin board signs. A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it and announcements of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message.
- [3] Business signs. A sign which directs attention to a business or profession conducted or to a commodity or service sold, offered or manufactured or an entertainment offered on the premises where the sign is located or to which it is affixed.
- [4] Construction signs. A temporary sign indicating the names of architects, engineers, landscape architects, contractors and similar artisans involved in the design and construction of a structure or project only during the construction period and only on the premises on which the construction is taking place.
- [5] Identification sign. A sign giving the name and/or address of a building, business, development or establishment. Such signs

may be wholly or partly devoted to a readily recognized symbol.

- [6] Nameplate signs. A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located and, where applicable, a professional status.
- [7] Real estate signs. A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located thereon.

(b) Structural types.

- [1] Awning, canopy and marquee sign. A sign mounted or painted on, or attached to, an awning, canopy or marquee that is otherwise permitted by these regulations. No such sign shall project above, below or beyond the physical dimensions of the awning, canopy or marquee.
- [2] Ground sign. Any sign placed upon, or supported by, the ground independently of the principal building or structure on the property. Signs on accessory structures shall be considered ground signs.
- [3] Pole sign. A sign that is mounted on a freestanding pole, the bottom edge of which sign is six feet or more above ground level.
- [4] Projecting sign. A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

- [5] Wall sign. A sign fastened to a wall or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface and which does not project more than 12 inches from such building.
- [6] Roof sign. A sign that is fastened to or painted on the roof of a building or structure.

(3) General standards.

- (a) Gross surface area of sign. The entire area within a single, continuous perimeter enclosing the extreme limits with such sign, and in no case passing through or between any adjacent elements of the same. Such perimeter shall not include any structural elements lying outside the limits of such sign and which do not form an integral part of the display. The gross area of a sign shall be measured on only one side of such sign unless both sides thereof are utilized as a sign. When two or more signs are located on a lot, the gross surface area of all signs on the lot shall not exceed the maximum gross surface per street frontage set by the applicable district regulations, except as is provided by Subsection D(3)(e). For computing the area of any wall sign which consists of letters mounted on a wall, the areas shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters.
- (b) Height of sign. Sign height shall be measured from ground level at the base of or below the sign to the highest element of the sign.
- (c) Illuminated signs. Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residence

district or upon any public street or park. Any illuminated sign located on a lot adjacent to or across the street from any residence district, which sign is visible from such residence district, shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m.

- (d) Flashing or moving signs. No flashing signs, rotating or moving signs, animated signs, signs with moving lights or signs which create the illusion of movement shall be permitted in any district. A sign whereon the current time and/or temperature is indicated by intermittent lighting shall not be deemed to be a flashing sign if the lighting changes are limited to the numerals indicating the time and/or temperature and are not more frequent than every 15 seconds.
- (e) Corner and through lots. On corner and through lots, each lot line that abuts a street or highway shall be considered a separate street frontage. On corner and through lots, restrictions that are phrased in terms of "signs per zoning lot" shall be deemed to permit the allowable number of signs facing each street or highway that abuts the lot.
- (f) Traffic safety. No sign shall be maintained at any location where by reason of its position, size, shape or color it may obstruct, impair, obscure, interfere with the view of or be confused with any traffic control sign, signal or device or where it may interfere with, mislead or confuse traffic.

(4) Exemptions.

- (a) The following signs shall be exempt from the requirements of this subsection.

- [1] Flags of a government or of a civic, philanthropic, educational or religious organization displayed on private property. [Amended 3-12-2002 by Ord. No. 441]
  - [2] Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.
  - [3] Memorial signs and tablets displayed on private property.
  - [4] Address numerals and other signs required to be maintained by law or governmental order, rule or regulation, provided that the content and size of the sign do not exceed the requirements of such law, order, rule or regulation.
  - [5] Signs not exceeding five square feet in area displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, rest rooms, freight entrances and the like.
- (b) The following signs are exempt from the zoning certificate requirement of Subsection D(1) herein, but shall comply with all of the other regulations imposed by this subsection.
- [1] Nameplate signs not exceeding two square feet in gross surface area accessory to a multiple-family dwelling.

- [2] Identification signs not exceeding 20 square feet in gross surface and accessory to a multiple-family dwelling.
  - [3] Bulletin board signs not exceeding 20 square feet in gross surface area accessory to a church, school or public or nonprofit organization.
- (5) Low Density Residential Zone.
- (a) Functional types permitted. One sign per lot of any one of the following functional types shall be permitted:
    - [1] Nameplate signs having a maximum gross surface area of two square feet.
    - [2] Identification and bulletin board signs having a maximum gross surface area of 20 square feet.
    - [3] Real estate signs having a maximum gross surface area of six square feet per dwelling unit, but not to exceed 100 square feet.
    - [4] Construction signs having a maximum gross surface area of 60 feet.
  - (b) Structural types permitted. Ground signs, pole signs and wall signs.
  - (c) Maximum height. 15 feet.
  - (d) Required setback. 15 feet.
  - (e) Illumination. No sign shall be illuminated, except bulletin board signs may be indirectly illuminated.
- (6) Light Industrial and Distribution Zone B.

- (a) Functional types permitted. Any type listed in Subsection D(2)(a), except advertising signs.
  - (b) Structural types permitted. Any type listed in Subsection D(2)(b), except marquee signs.
  - (c) Number of signs permitted. **[Amended 10-18-1996 by Ord. No. 363]**
    - [1] For buildings occupied by a single tenant: no more than two signs.
    - [2] For multi-tenanted buildings: one sign for each tenant occupying the building.
  - (d) Maximum gross surface area: one square foot for each one foot of lineal street frontage, provided that no single sign shall exceed a gross surface area of 250 square feet.
  - (e) Maximum height: 30 feet.
  - (f) Required setback: 10 feet.
  - (g) Illumination. Illuminated signs shall be permitted.
- (7) Election or political signs are permitted, subject, however, to the following regulations: **[Added 3-12-2002 by Ord. No. 441]**
- (a) Election or political signs shall be located entirely on private property.
  - (b) Such signs shall not exceed 12 square feet in area.
  - (c) No election or political sign may be located within the public right-of-way.
  - (d) Such sign shall be a minimum of 10 feet from the property line and shall not obstruct sight triangles of intersections or driveways.

- (e) No election or political sign shall be posted or displayed for more than 30 days prior to any election or referendum and shall in all instances be removed within five days after the election or referendum to which it relates.

#### **§ 185-19. Nonconforming uses.**

- A. Unlawful nonconforming uses. No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations, and to the extent that and in any respect that said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder and shall be discontinued.
- B. Lawful nonconforming uses.
  - (1) Definition; authority to continue. Any use of part or all of a structure or any use of land not involving a structure or only involving a structure which is accessory to such use of land, lawfully nonconforming under the zoning regulations applicable just prior to the adoption of these regulations or lawfully conforming under such zoning regulations but, in the zones, not conforming with all the applicable requirements of these regulations (including the environmental performance standards), and, in the specially planned areas or planned unit developments, not made part of an approved implementation plan, may be continued, if otherwise lawful, subject to the following limitations.
  - (2) Limitations on continued use.
    - (a) Ordinary repair and maintenance. Normal maintenance and incidental repair, installation or relocation of nonbearing walls, nonbearing



partitions, fixtures, wiring or plumbing may be performed on any structure that is devoted in whole or in part to a lawful nonconforming use; provided, however, that this provision shall not be deemed to authorize any violation of Subsection B(2)(b) through (g) herein. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition [where such restoration will not be in violation of Subsection B(2)(e) herein].

- (b) Remodeling. No structure that is devoted in whole or in part to a nonconforming use shall be remodeled unless the entire structure and use thereof shall thereafter conform to all regulations of the zone in which it is located or be consistent with the implementation plan covering the section within which it is located.
- (c) Extension. A nonconforming use shall not be extended, expanded, enlarged or increased in intensity or otherwise altered so as to increase the degree of nonconformity.
- (d) Enlargement. No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the zone in which it is located or be consistent with the implementation plan covering the section within which it is located.
- (e) Damage or destruction. In the event that any structure that is devoted in whole or in part to a nonconforming use is substantially damaged

or destroyed, by any means, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zone in which it is located or be consistent with the implementation plan covering the section within which it is located. When partial damage or destruction occurs, no repairs or restoration shall be made unless a zoning certificate is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

- (f) Moving. No structure that is devoted in whole or in part to a nonconforming use shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all regulations of the zone in which it is located after being so moved or be consistent with the implementation plan covering the section within which it will be located. No nonconforming use of land shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zone in which it is located after being so moved or be consistent with the implementation plan covering the section within which it will be located.
- (g) Change in use. A nonconforming use shall not be changed to any use other than a use permitted in the zone in which the use is located or other than one consistent with the implementation plan under which the section or subsection of the specially planned area within which it is located was developed. When a nonconforming use has been changed to any

permitted or consistent use, it shall not thereafter be changed back to a nonconforming use.

- (h) Abandonment or discontinuance. When a nonconforming use of land or a structure is discontinued or abandoned, any subsequent use or occupancy of the land or structure shall comply with all regulations of the zone in which such land or structure is located or be consistent with the implementation plan under which the section or subsection of the specially planned area within which it is located was developed.
- (i) Nonconforming accessory uses. No use which is accessory to a principal nonconforming use shall continue after such principal shall cease or terminate.
- (j) Nonconforming residence uses. Notwithstanding the provisions of Subsection B(2)(c) through (f), any structure which is devoted to a residential use in any district may be remodeled, extended, expanded and enlarged, provided that after any such remodeling, extension, expansion or enlargement, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.

## ARTICLE VIIA

**Wireless Communications Towers and Antennas****[Added 4-10-2001 by Ord. No. 430]****§ 185-19.1. Purpose.**

A. The purpose of this article is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this article are to:

- (1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- (2) Require the location of towers in nonresidential zones;
- (3) Minimize the total number of towers throughout the community;
- (4) Require the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- (5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- (6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques;
- (7) Enable the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;
- (8) Consider the public health and safety of communication towers, as appropriate; and

- (9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- B. In furtherance of these goals, the Borough of Teterboro shall give due consideration to the Borough of Teterboro's Master Plan, Zoning Map, existing land uses and environmentally sensitive areas in approving sites for the location of towers and antennas.

### **§ 185-19.2. Definitions.**

As used in this article, the following terms shall have the meanings set forth below:

**ALTERNATIVE TOWER STRUCTURE** — Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**ANTENNA** — Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**BACKHAUL NETWORK** — The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices and/or long distance providers or the public switched telephone network.

**FAA** — The Federal Aviation Administration.

**FCC** — The Federal Communications Commission.

**HEIGHT** — When referring to a tower or other structure, the distance measured from the lowest finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

**PREEXISTING TOWERS AND PREEXISTING ANTENNAS** — Any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of this article, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

**TOWER** — Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, television, radio and similar communications purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.

### **§ 185-19.3. Applicability.**

- A. New towers and antennas. All new towers or antennas in the Borough of Teterboro shall be subject to these regulations, except as provided in § 185-19.3B through D, inclusive.
- B. Amateur radio station operators/receive only antennas. This article shall not govern any tower or the installation of any antenna that is under 50 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas. Application for towers under this subsection shall be received and approved by the Planning Board.
- C. Preexisting towers or antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this article, other than the requirements of § 185-19.4F and G, absent any enlargement, structural modification, addition of any structures, addition of any users or addition of any type of uses.
- D. AM array. For purposes of implementing this article, an AM array, consisting of one or more tower units and

supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array, subject to the review of the Planning Board to ensure that the additional units do not violate any provisions in the Borough of Teterboro's Zoning Code.

**§ 185-19.4. General requirements.**

- A. Principal or accessory use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- B. Lot size. For purposes of determining whether the installation of a tower or antenna complies with zone development regulations, including but not limited to setback requirements, lot coverage requirements and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot. The minimum lot size for new towers and antennas is 7,500 square feet.
- C. Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the Borough Engineer an inventory of its existing towers, antennas or sites approved for the towers or antennas, as well as all sites where an application is pending, that are either within the jurisdiction of the Borough of Teterboro or within five miles of the border thereof, including specific information about the location, height and design of each tower. The Borough Engineer may share such information with other applicants applying for administrative approvals or permits under this article or other organizations seeking to locate antennas within the jurisdiction of the Borough of Teterboro; provided, however, that the Borough Engineer

is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

D. Aesthetics. Towers and antennas shall meet the following requirements:

- (1) Towers shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce the visual obtrusiveness. Monopoles may include a design commonly referred to as a "monopole tree" to provide camouflaging.
- (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
- (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

E. Lighting. Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least amount of disturbances to the surrounding views.

F. State or federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into



compliance with such revised standards and regulations within 120 days of the effective date of such standards and regulations unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- G. Building codes; safety standard. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state, local and appropriate industry building codes. If, upon inspection, the Borough of Teterboro concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- H. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Borough of Teterboro irrespective of municipal and county jurisdictional boundaries.
- I. Not essential services. Towers and antennas shall be regulated and permitted pursuant to this article and shall not be regulated or permitted as essential services, public utilities or private utilities unless mandated by federal or state law.
- J. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communications system in the Borough of Teterboro have been obtained and shall file a copy of all required franchises with the Borough Engineer.

- K. Public notice and hearing. For purposes of this article, any conditional use request, variance request or appeal of an administratively approved use or conditional use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in § 185-19.6B(5)(b), Table 2, in addition to any notice otherwise required by the Zoning Ordinance. A public hearing must be held before the Teterboro Planning Board for all conditional use requests under this article.
- L. Signs. No signs or advertisements shall be allowed on an antenna or tower.
- M. Buildings and support equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of § 185-19.7.
- N. Multiple antenna/tower plan. The Borough of Teterboro encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.
- O. Height. The maximum height of new towers shall be 130 feet in height.

**§ 185-19.5. Permitted, conditional and prohibited uses.**

- A. Conditional uses. The following are specifically permitted as conditional uses: a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna in the Light Industrial and Distribution Zone.
- B. Prohibited uses. The Low and Medium Density Residential Zones, Airport Facilities Zone and any area designated as a redevelopment area or zone for residential use or otherwise.

**§ 185-19.6. Conditional use standards.**

A. General. The following provisions shall govern the issuance of conditional use permits for towers or antennas by the Planning Board:

- (1) If the tower or antenna is not a permitted use, a permit shall be required for the construction of a tower or the placement of an antenna in designated zoning districts.
- (2) Applications for conditional use permits under this section shall be subject to the procedures and requirements of the Municipal Land Use Act, except as modified in this section.
- (3) In granting a conditional use permit, the Planning Board may impose conditions to the extent the Planning Board concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.
- (5) An applicant for a conditional use permit shall submit the information described in this section and a nonrefundable application fee and an escrow deposit as required by the Borough Code.

B. Towers.

- (1) Information required. In addition to any information required for applications for conditional use permits pursuant to the Municipal Land Use Act, applicants for a conditional use permit for a tower shall submit the following information:
  - (a) A scaled site plan clearly indicating the location, type and height of the proposed tower,

on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in § 185-19.6B(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking and other information deemed by the Borough Engineer to be necessary to assess compliance with this article.

- (b) Legal description of the entire tract and leased parcel (if applicable)
- (c) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned properties.
- (d) The separation distance from other towers described in the inventory of existing sites submitted pursuant to § 185-19.4C shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- (e) A landscape plan showing specific landscape materials.
- (f) Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
- (g) A description of compliance with §§ 185-19.4C, D, E, F, G, J, L and M and 185-19.6B(4) and (5) and all applicable federal, state or local laws.

- (h) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
  - (i) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
  - (j) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
  - (k) A description of the feasible location(s) of future towers or antennas within a two-mile radius surrounding the Borough of Teterboro based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
  - (l) A visual study depicting where, within a three-mile radius, any portion of the proposed tower could be seen.
  - (m) A statement of intent on whether excess space will be leased.
- (2) Factors considered in granting conditional use permits for towers. In addition to any standards for consideration of conditional use permit applications pursuant to the Borough Code, the Planning Board shall consider the following factors in determining whether to issue a conditional use permit:

- (a) Height of the proposed tower;
  - (b) Proximity of the tower to residential structures and residential district boundaries;
  - (c) Nature of uses on adjacent and nearby properties;
  - (d) Surrounding topography;
  - (e) Surrounding tree coverage and foliage;
  - (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  - (g) Proposed ingress and egress;
  - (h) Availability of suitable existing towers, other structures or alternative technologies not requiring the use of towers or structures, as discussed in § 185-19.6B(3) of this article;
  - (i) Availability of proposed tower to other potential users.
- (3) Availability of suitable existing towers, other structures or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Board that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Board relating to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of the following:

- (a) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
- (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (e) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

- (4) Setbacks. The following setback requirements shall apply to all towers for which a conditional use permit is required:
- (a) Towers must be set back a distance equal to at least 50% of the height of the tower from any adjoining lot line.
  - (b) All accessory buildings must satisfy the minimum zoning district setback requirements.
  - (c) No tower shall exist within required buffer areas if adjacent to residential zones and as prescribed under local ordinance.
- (5) Separation. The following separation requirements shall apply to all towers and antennas for which a conditional use permit is required:
- (a) Separation from off-site uses/designated areas.
    - [1] Tower separation shall be measured from the array line to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
    - [2] Separation requirements for towers shall comply with the minimum standards established in Table 1.

**Table 1**

<b>Off-Site Use/Designated Area</b>	<b>Separation Distance</b>
Residential, public parks, schools or house of worship	200 feet or 300% height of tower, whichever is greater from lot line
Vacant residentially zoned land	200 feet or 300% height of tower whichever is greater from lot line



**Table 1****Off-Site Use/Designated****Area****Separation Distance**

Nonresidentially zoned lands or nonresidential uses      None, only zoning code setbacks apply

- (b) Separation distances between towers. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

**Table 2****Existing Towers - Types**

<b>Type</b>	<b>Lattice (feet)</b>	<b>Guyed (feet)</b>	<b>Monopole</b>	
			<b>75 feet in Height (feet)</b>	<b>Less Than 75 Feet in Height (feet)</b>
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 feet in height	1,500	1,500	1,500	750
Monopole less than 75 feet	750	750	750	750

- (6) Security fencing. Towers shall be enclosed by security fencing not less than six feet nor more than

eight feet in height and shall also be equipped with an appropriate anti-climbing device.

- (7) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required:
- (a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the tower compound from property used for residences or planned residences. The standard buffer shall consist of a double staggered row of evergreens consisting of no less than a seven-foot-wide nor more than a ten-foot-wide buffer to screen views of the facility.
  - (b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced.
  - (c) Existing mature tree growth and natural land forms on the site shall 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.
- (8) Access and parking. There must be a suitable ingress/egress to/from the tower facility and a minimum of two parking spaces.
- (9) Real estate values. The tower will not have a material adverse impact on real estate values of surrounding properties.

**§ 185-19.7. Building or other equipment storage.**

- A. Antennas mounted on structures or rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:

- (1) The cabinet or structure shall not contain more than 100 square feet of gross floor area or be more than 10 feet in height. In addition, for buildings and structures which are less than 40 feet in height, the related unmanned equipment structure shall be located on the ground and shall not be located on the roof of the structure.
  - (2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10% of the roof area.
  - (3) Equipment storage buildings or cabinets shall comply with all applicable building codes.
- B. Antennas mounted on utility poles or light poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
- (1) In front or side yards, provided the cabinet or structure is no greater than six feet in height or 100 square feet of gross floor area and the cabinet/structure is located a minimum of 75 feet from all lot lines. The cabinet/structure shall 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.
  - (2) In a rear yard, provided the cabinet or structure is no greater than eight feet in height or 120 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 48 inches.
  - (3) In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet in height

or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 72 inches.

- C. Antennas located on towers: The related unmanned equipment structure shall not contain more than 200 square feet of gross floor area or be more than 10 feet in height and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

**§ 185-19.8. Removal of abandoned antennas and towers.**

Any antenna or tower that is not operated for a continuous period of six months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the Borough of Teterboro notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The Borough may condition the issuance of any permit to demolish or remove a tower or antenna on the posting of an appropriate performance bond or other suitable guarantee in a face amount of not less than 120% of the cost (as determined by the Planning Board Engineer) of such removal, grading and restoration to a state required under all applicable Borough ordinances.

**§ 185-19.9. Existing towers; rebuilding damaged or destroyed nonconforming towers or antennas.**

Nonconforming towers or antennas that are damaged or destroyed may not be rebuilt without having to first obtain administrative approval or a conditional use permit and without having to meet the separation requirements specified in § 185-19.6B(4) and (5). The type, height and location of the tower on site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the

facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in § 185-19.8.

## ARTICLE VIII Penalties and Enforcement

### § 185-20. Violations and penalties.

- A. For any and every violation of the provisions of this chapter, the owner or owners, architect or architects, general agent or agents, contractor or contractors of a building or premises, or any other person or persons interested as lessees, tenants or otherwise in any building or premises where such violation has been committed or shall exist, and any other person or persons who commits, takes part in or assists in such violation or who maintains any building or premises in which any such violation shall exist and who refuses to abate said violation or violations within five days after written notice has been served upon him or her or them either by mail or by personal service, shall for each and every violation be subject to a fine not exceeding \$1,000, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof. The Judge before whom any person is convicted of violating any of the provisions of this chapter shall have the power to impose any fine or term of imprisonment not exceeding the maximum fixed herein. [Amended 7-13-1999 by Ord. No. 408]
- B. Each and every day that such violation continues after such notice shall be considered a separate and specific violation of this chapter.

**§ 185-21. Enforcement; general injunctive relief.**

The Borough of Teterboro may in the case of any violation or threat of violation of any provision of these regulations institute civil action:

- A. For injunctive relief;
- B. To prevent unlawful sale, enlarging, moving, rental, construction, reconstruction, alterations, repair, conversion, maintenance, use or occupancy;
- C. To restrain, correct or abate any violation;
- D. To prevent the occupancy of any dwelling structure or land; or
- E. To prevent any illegal act, conduct, business or use in or about any premises.

# ZONING

## *185 Attachment 1*

### **Appendix A: Redevelopment Plan**

#### **BOROUGH OF TETERBORO**

#### **ORDINANCE No. 379**

**[Adopted 6-30-1997]**

AN ORDINANCE TO APPROVE AND ADOPT A REDEVELOPMENT PLAN FOR LOTS 14-21 AND 34, BLOCK 307 IN THE BOROUGH OF TETERBORO, COUNTY OF BERGEN AND THE STATE OF NEW JERSEY.

WHEREAS, on May 28, 1997, the Borough Council authorized the Planning Board of the Borough of Teterboro to conduct a preliminary investigation pursuant to N.J.S.A. 40A:12A-6 to determine if Lots 14 through 21 and 34, in Block 307, constitute an area in need of redevelopment; and

WHEREAS, on June 18, 1997, the Borough Council accepted the Planning Board's recommendation and thereby designated the subject property an area in need of redevelopment; and

WHEREAS, the Planning Board directed the preparation of a redevelopment plan by its Planning Consultant, Dean Boorman & Associates, which redevelopment plan was accepted by the Planning Board on June 18, 1997 and sent to the Council with a recommendation for adoption;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Teterboro, Bergen County, New Jersey, that in accordance with N.J.S.A. 40A:12A-7, they do hereby adopt the Redevelopment Plan for Lots 14 through 21 and 34, in Block 307, as approved by the Planning Board of the Borough of Teterboro, and prepared by Dean Boorman & Associates, a copy of which is attached to and made a part hereof by reference; and

BE IT FURTHER ORDAINED that the Zoning District Map included in the Zoning Ordinance be and is hereby amended so as to designate

## TETERBORO CODE

Lots 14 through 21, Block 307, as RA-1 and Lot 34 in Block 307 as RA-2; and

BE IT FURTHER ORDAINED that this article shall take effect following adoption and approval in a time and manner prescribed by law.

### REDEVELOPMENT PLAN JUNE, 1997 BOROUGH OF TETERBORO PLANNING BOARD

#### INTRODUCTION

This report is prepared under the provisions of the New Jersey State Redevelopment and Housing Law, 40A:12A-7. After the delineation of redevelopment areas, which has been proposed in a Teterboro Planning Board Report of May, 1997, the governing body of the municipality is empowered to adopt plans for the future development of such areas, which is the subject of this present report.

Two areas are involved: the existing residential area on the west side of Huyler Street between North Street and James E. Hanson Way, delineated on the Borough Tax Map as Block 307, Lots 14 through 21, approximately 1.6 acres in size, and presently containing five one-family houses and two two-family houses; and the site of the present Borough Hall, on the north side of State Highway Route 46 between Central Avenue and Hollister Road, Block 307, Lot 34, comprising approximately 0.52 acre. A map delineating these areas is attached at the end of this report.<sup>1</sup>

The primary plan for each of the two Redevelopment Areas is for new multifamily housing, in accordance with the objective expressed in the proposed Borough of Teterboro Master Plan Amendment of May, 1997, as follows:

" . . . experience since 1994 has shown the desirability of increasing the municipality's residential base. From a planning standpoint, every

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<sup>1</sup> Editor's Note: Said map is on file in the Borough offices.



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opportunity should be taken to provide more residential balance for the Borough's daytime work's population of over 15,000."

Alternate plans for public uses are included in case present efforts to put these facilities in other locations do not turn out to be practical: the Public Works Department may have to be moved to part of the Huyler Street Area if a location in a private multi-tenanted industrial building cannot be found; and the Borough Hall may have to stay in its present site, which is now designated as the second Redevelopment Area, if it cannot be moved to the vacant office building to the west on Route 46. It should be noted that under the Local Lands and Building Law, 40A:12-11, there is a period of up to ten years in which a final decision can be made on the reuse of the property acquired for redevelopment.

The sections of this report which follow are in accordance with those outlined in the Redevelopment and Housing Law. The development controls involved supersede the present zoning, and become, in effect, the new Zoning Ordinance sections for the areas involved.

### RELATIONSHIP TO DEFINITE LOCAL OBJECTIVES

The objective of increasing the Borough's residential base is expressed in the Master Plan, as indicated above. This and other objectives are served in accordance with two particular purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-2, as follows:

"e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;

"f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;

"g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens."

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The Borough clearly does not have a sufficient population density at the present time. The plans for the relocation of the Borough Hall and Public Works Department represent appropriate coordination of public development with the Land Use Plan of the municipality. The Redevelopment Plan provides more space, again, for residential use, to provide more balance for the large concentration of industrial use in the municipality.

It may be noted also that to the extent that added housing units are provided, this reduces demands on traffic and transportation facilities, since new residents are likely to be drawn from the Borough's working population.

A statement prepared by the long time Borough Attorney, David B. Bole, is attached to this report, explaining the history of planning by the Borough for the expansion of its housing supply. This is not a recent development.

The Planning Board report, Preliminary Investigation of Redevelopment Areas, of May, 1997, refers on Page 4 to the title to the Huyler Street Area having been acquired by a single individual. Actually, subsequent to this acquisition, some of the individual lots were transferred to other owners. This has caused a "diversity of ownership," as referred to as a criterion for redevelopment under the Redevelopment and Housing Law, making it more difficult to accomplish the needed comprehensive redevelopment without the acquisition of the total tract by the Borough as a redevelopment project.

### PROPOSED LAND USES AND BUILDING REQUIREMENTS

As shown on the amended Zoning Map attached to this present report,<sup>2</sup> which will become official upon the adoption of the report, the two Redevelopment Areas are to be designated RA-1, applying to the Huyler Street Area, and RA-2, the site of the present Borough Hall.

For potential public uses on the two sites, the possible relocation of the Public Works Department to RA-1 or RA-2, and the possible

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<sup>2</sup>Editor's Note: The amended Zoning Map, as attached to this report, is on file in the Borough offices.

## ZONING

continuation of the Borough Hall on RA-2, no zoning controls are required. These are public uses not controlled by zoning, and the Mayor and Council, with possible non-binding advice from the Planning Board, will establish appropriate design standards.

For potential multi-family use, separate design standards are established for RA-1 and RA-2, based on preliminary architectural studies, as follows:

### RA-1

Permitted Use: multi-family housing, up to three habitable stories in height.

Minimum Lot Size and Density: 0.8 acre, 15 units per acre; maximum density 40 units per acre.

Maximum Lot Coverage: 25 percent.

Yards: minimum setback from property lines, 25 feet; separation between multifamily residential buildings, 20 feet except 30 feet window to window.

Off-Street Parking: 1.75 parking spaces per unit minimum.

In addition, until the existing one and two family houses in RA-1 are removed under this Redevelopment Plan, the number of dwelling units in each structure shall not be increased.

### RA-2

Same as for RA-1, except that minimum density is 12 and maximum density 30 units per acre, side and rear setback requirements are waived, and the reference to existing housing units is not applicable.

## PROVISIONS FOR TEMPORARY AND PERMANENT RELOCATION OF RESIDENTS

The provisions of the State Relocation Assistance Act, P.L.1971, c.362 N.J.S.A.20:4-1 et seq., shall be followed with regard to the relocation of any residents in RA-1 displaced by municipal action. A priority will be

## TETERBORO CODE

given to such residents in all new housing constructed in the Borough, and where such new housing is not yet available, appropriate temporary relocation housing shall be provided, anticipated to be in the form of temporary mobile home units within the Light Industrial and Distribution Zone.

### PROPERTY TO BE ACQUIRED

All the property within the RA-1 is proposed to be acquired by the Borough in accordance with this redevelopment plan.

### RELATION TO REGIONAL MASTER PLANS

There is no significant relation of the proposed plans to the Master Plans of contiguous municipalities. RA-1 is located on the opposite side of Huyler Street from the Township of South Hackensack, but this adjoining section is zoned and occupied for industrial use, and there would be no adverse effect on this municipality because of the proposed increase in residential density in RA-1. There is no effect similarly on the Bergen County Master Plan.

The proposed plan to increase the housing supply in Teterboro is in accordance with the objectives of the New Jersey State Development and Redevelopment Plan, "Communities of Place." For example, there is a direct relation to Item 9 of the State Planning Goals and Strategies, as follows:

"9. GENERAL PLAN STRATEGY: ACHIEVE STATE PLANNING GOALS BY COORDINATING PUBLIC AND PRIVATE ACTIONS TO GUIDE FUTURE GROWTH INTO COMPACT FORMS OF DEVELOPMENT AND REDEVELOPMENT, LOCATED TO MAKE THE MOST EFFICIENT USE OF INFRASTRUCTURE SYSTEMS AND TO SUPPORT THE MAINTENANCE OF CAPACITIES OF INFRASTRUCTURE, ENVIRONMENTAL, NATURAL RESOURCE, FISCAL, ECONOMIC AND OTHER SYSTEMS.

The State Planning Act contains three key provisions that mandate the approaches the Plan must use in achieving State Planning Goals. The Plan must:

## ZONING

... encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services and facilities and to discourage development where it may impair or destroy natural resources or environmental qualities.;

... reduce 'sprawl', and

... promote development and redevelopment in a manner consistent with sound planning and where infrastructure can be provided at private expense or with reasonable expenditures of public funds."

## PROVISION OF AFFORDABLE HOUSING

For all new housing units constructed, a minimum of 10% shall be affordable to low income families and another 10% affordable to moderate families, in accordance with the Substantive Rules of the New Jersey Council on Affordable Housing, 5:93-1 et seq.

## RELATION TO MUNICIPAL DEVELOPMENT REGULATIONS

This Redevelopment Plan supersedes the previously existing requirements of the Borough of Teterboro Zoning Ordinance, under which RA-1 is in the Low Density Residential Zone and RA-2 is in the Light Industrial Distribution Zone.

## CONSISTENCY WITH THE MUNICIPAL MASTER PLAN

An amendment to the Borough of Teterboro Master Plan is being proposed for adoption by the Planning Board simultaneously with the approval of this Redevelopment Plan, incorporating the provisions of this Plan.