

TOWNSHIP OF ROCHELLE PARK

ORDINANCE NO. #1199-24

AN ORDINANCE TO AMEND CHAPTER 185 OF THE CODE OF THE TOWNSHIP OF ROCHELLE PARK AND, SPECIFICALLY, TO AMEND SECTION 185-106 ENTITLED “YARD REGULATIONS” AND SECTION 185-103C ENTITLED “HEIGHT EXCEPTIONS”

WHEREAS, Chapter 185 of the Code of the Township of Rochelle Park controls and regulates Land Use and Development within the Township; and

WHEREAS, Section 185-106 of the Township Code entitled “Yard Regulations” regulates land use and development as it pertains to yards and open spaces of buildings within the Township; and

WHEREAS, Section 185-103.C of the Township Code entitled “Height Exceptions” regulates general land use and development provisions related to height exceptions for certain structures within the Township; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to revise the above referenced sections to add language to assist residents with home elevations as part of flood mitigation within the Township to promote the public health, safety, and general welfare; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ROCHELLE PARK, COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

SECTION ONE:

Section 185-106 is amended to add the following new subsection:

- (7) All residential properties found within the special flood hazard area of the floodplain as identified in the Floodplain Overlay shall be exempt from encroachment limitations for stairs, decks, balconies, and porches either open or closed in required yard setbacks when the encroachment is strictly as a result of flood protection and/or flood elevation measures.

SECTION TWO

Section 185-103 “General Provisions” subsection C. “Height Exceptions” is amended as follows:

C. Height Exceptions

(1) Chimneys and antennas extending from a roof line may exceed the height limitations of this chapter by no more than 10 feet.

(2) For all residential properties found within the special flood hazard area of the floodplain as identified in the Floodplain Overlay, building height shall be measured from the base flood elevation (BFE) plus required freeboard in lieu of measuring from the finished grade, so long as the property is elevated strictly for flood protection and no living space is below the base flood elevation. Where no BFE is available ("A" zones on FIRM maps), the referenced height shall be determined by the Township Construction Official.

SECTION THREE. **Repealer:**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION FOUR: **Severability:**

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION FIVE: **Effective Date:**

This Ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

ATTEST:

ANNEMARIE WELLS
Acting Municipal Clerk
