

**TOWNSHIP OF ROCHELLE PARK**

**ORDINANCE NO. 1066-14**

**AN ORDINANCE TO AMEND SECTIONS  
185-104 and 185-42 OF THE CODE OF  
THE TOWNSHIP OF ROCHELLE PARK**

**WHEREAS**, in 2002, the Township Committee adopted an Ordinance requiring minor site plan tenant review for all changes in commercial tenancy within the Municipality; and

**WHEREAS**, the Township Committee has confirmed its desire to maintain such a review process, however, the Township Committee has also determined that there are certain situations where such review is not required and, in fact, such a review causes an undue hardship upon certain property owners within the Township; and

**WHEREAS**, as a result of the foregoing, the Township Committee has determined that the requirement of Planning Board review for certain commercial changes in tenancy and occupancy should no longer be required.

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey as follows:

**SECTION ONE:**

Section 185-104(B) entitled **CERTIFICATES OF OCCUPANCY** be and is hereby deleted in its entirety and replaced with the following:

- B. **Certificates of Occupancy:** No building or structure hereafter erected, altered or which the occupancy, use or tenancy shall have been changed, including a change from one permitted use to another permitted use and/or any change in tenancy for non residential use in non residential districts shall be occupied or used in whole or in part for any purpose whatsoever unless and until the said occupancy or change complies with the requirements of Section 185-42(B)(3). In addition, the following provisions shall apply:

- (1) Temporary Certificates of Occupancy shall not be issued by the Construction Official without first receiving approval from the Township Engineer who shall ascertain the adequacy of required improvements installed to protect the general welfare of the public.
- (2) The Construction Official shall issue or deny a Certificate of Occupancy within ten (10) days of the application, unless site plan approval is required, in which case he shall issue the Certificate of Occupancy within ten (10) days of the date of the resolution of site plan approval.

**SECTION TWO:**

Section 185-42 entitled **ADMINISTRATION AND ENFORCEMENT** is hereby amended to add the following section:

- (B)(3) Change in tenancy/occupancy. Prior to the issuance of any construction permit, Certificate of Occupancy or Zoning permit, as the case may be, in the event of any change in tenancy, occupancy or any commercial development other than business or professional offices\*, the same must be approved at a hearing before the Planning Board at which a representative of both the Landlord and the Tenant must appear to offer testimony. The said application must be presented to the Planning Board for site plan approval when one or more of the following changes occur or are proposed:
- (a) Changes in use category to another use category including retail sales, retail services, banks and financial institutions, restaurants and any other use category other than those specifically listed above (business and professional offices\*).
  - (b) Changes in parking including any use category including retail sales, retail services, banks and financial institutions, restaurants
  - (c) Changes in lighting
  - (d) Changes in drainage

- (e) Changes in signage
- (f) Changes in exterior facades
- (g) Changes in size or location of windows and doors
- (h) Combining or subdividing interior spaces
- (i) Changes in garbage/recycling
- (j) Changes in pedestrian/vehicular circulation
- (k) Changes in driveways

\*The Zoning Officer shall make a determination as to whether the proposed use is a business or professional office use and is, therefore, not required to make application to the Planning Board.

**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:

VIRGINIA DE MARIA,  
Municipal Clerk

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