



**Township Council**

c/o Township Clerk  
Teaneck, NJ 07666

Meeting: 01/17/17 07:00 PM

Department: Township Clerk

Category: Amendment

DOC ID: 3634

**ORDINANCE (ID # 3634)**

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**ORDINANCE NO. 28-2016 AN ORDINANCE AMENDING SECTION 33-23 OF ARTICLE V, ZONING ORDINANCE, OF CHAPTER 33, DEVELOPMENT REGULATIONS OF THE CODE OF THE TOWNSHIP OF TEANECK RELATING TO THE REPAIR AND RESTORATION ON NON-CONFORMING SINGLE FAMILY RESIDENTIAL STRUCTURES BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #28-2016 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law.authorized to advertise same according to law and to provide the appropriate notices in accordance with law.**

AN ORDINANCE AMENDING SECTION 33-23 OF ARTICLE V, ZONING ORDINANCE, OF CHAPTER 33, DEVELOPMENT REGULATIONS OF THE CODE OF THE TOWNSHIP OF TEANECK RELATING TO THE REPAIR AND RESTORATION ON NON-CONFORMING SINGLE FAMILY RESIDENTIAL STRUCTURES

BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #28-2016 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law.authorized to advertise same according to law and to provide the appropriate notices in accordance with law.

**HISTORY:**

11/14/16      Township Council      INTRODUCED

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [6 TO 1]</b>
<b>MOVER:</b>	Mark J. Schwartz, Councilman
<b>SECONDER:</b>	Henry J. Pruitt, Deputy Mayor
<b>AYES:</b>	Katz, Hameeduddin, Pruitt, Rice, Schwartz, Sohn
<b>NAYS:</b>	Jason Castle

TOWNSHIP OF TEANECK  
BERGEN COUNTY, NJ

**ORDINANCE NO. 28-2016 AN ORDINANCE AMENDING SECTION 33-23 OF ARTICLE V, ZONING ORDINANCE, OF CHAPTER 33, DEVELOPMENT REGULATIONS OF THE CODE OF THE TOWNSHIP OF TEANECK RELATING TO THE REPAIR AND RESTORATION ON NON-CONFORMING SINGLE FAMILY RESIDENTIAL STRUCTURES BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TEANECK THAT ORDINANCE #28-2016 PASS UPON SECOND AND FINAL READING AND THAT THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ADVERTISE THE SAME ACCORDING TO LAW. AUTHORIZED TO ADVERTISE SAME ACCORDING TO LAW AND TO PROVIDE THE APPROPRIATE NOTICES IN ACCORDANCE WITH LAW.**

AN ORDINANCE AMENDING SECTION 33-23 OF ARTICLE V, ZONING ORDINANCE, OF CHAPTER 33, DEVELOPMENT REGULATIONS OF THE CODE OF THE TOWNSHIP OF TEANECK RELATING TO THE REPAIR AND RESTORATION ON NON-CONFORMING SINGLE FAMILY RESIDENTIAL STRUCTURES

BE IT ORDAINED by the Township Council of the Township of Teaneck, Bergen County, New Jersey, as follows:

Section 1. Subparagraph (4) of Paragraph (b), “Nonconforming uses, lots and structures,” of Section 33-23, Rules of General Application, of Article V, Zoning Ordinance, of Chapter 33, development Regulations of the Code of the Township of Teaneck, relating to “Restoration, replacement or reconstruction,” is hereby amended to read in full as follows:

(4) <http://www.ecode360.com/print/13628405> Restoration, replacement or reconstruction.

a. <http://www.ecode360.com/print/13628407> Any lawful, preexisting nonconforming building may be restored or repaired in the event of partial destruction.

b. If any lawful, preexisting nonconforming building erected prior to January 1, 2001, shall be destroyed by reason of windstorm, fire, explosion or other act of God or the public enemy to the extent that such destruction is deemed to be complete destruction, then such building may be rebuilt, restored or repaired, provided that proof of the existence and date of erection of such building shall be by location on a survey dated prior to January 1, 2001, on records of the Township of Teaneck or through the submission of an affidavit by the property owner and at least one adjacent property owner stating that the building existed prior to January 1, 2001, and that they owned their respective properties prior to January 1, 2001.

c. A lawful, preexisting one-family residential building which is nonconforming by reason of minimum required lot size, minimum required lot width or depth,

coverage, height or yard setback regulations and located within the R-S single-family residential zoning district may be repaired or rebuilt in the event of either partial or total destruction thereof, provided that such repair or rebuilding does not increase the degree of nonconformity of such preexisting building immediately prior to such partial or total destruction.

d. A lawful, preexisting one-family residential building which is nonconforming by reasons of minimum required lot size, minimum required lot width or depth, coverage, height or yard setback regulations and located within the R-S single-family residential zoning district, may be altered or enlarged, provided that any such alteration or enlargement shall itself fully comply with all applicable zoning regulations and shall not increase the degree of nonconformity of the existing structure with respect to height, coverage and/or yard setback regulations; provided, however, that the nature of the use shall not be changed from single-family residential use.

e. If any other nonconforming building shall be destroyed by any reason to the extent that such building is deemed to be substantially totally destroyed, then such building may not be rebuilt, restored or repaired, except in conformity with the regulations of this chapter. The Township Construction Official shall apply the laws of the State of New Jersey, including relevant case law, in determining whether such destruction is partial or complete.

Section 2. Inconsistency. All ordinances or portions thereof, inconsistent with the provisions hereof, are hereby repealed to the extent of such inconsistency.

Section 3. Severability. If any section, sentence, clause or other portion of this ordinance, or the application thereof to any person or circumstance, is adjudged by a court of competent jurisdiction to be unconstitutional or otherwise to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

Section 4. Effective Date. This ordinance shall take effect twenty (20) days following passage and publication, as required by law, and upon the filing of a copy with the Planning Board of the County of Bergen.

\_\_\_\_\_  
Mohammed Hameeduddin, Mayor

ATTEST:

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Issa Abbasi, Acting Township Clerk

Introduced: \_\_\_\_\_

Adopted: \_\_\_\_\_

ATTEST:

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Issa A. Abbasi, MPA  
Township Clerk

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Lizette P. Parker,  
Mayor