

TOWNSHIP OF SOUTHAMPTON

ORDINANCE 2020-2

**AN ORDINANCE TO AMEND CHAPTER 12,
SECTION 5.6 ENTITLED "FENCES AND WALLS"**

WHEREAS, having seen frequent applications for the same variance requests, the Zoning Board of Adjustment recommended to the Township Planning Board that it evaluate Section 5.6 of the Township code concerning "Fences and Walls" and request changes to the same consistent to the Township's Master Plan;

WHEREAS, this ordinance having been previously sent to the Southampton Planning Board and found consistent with the Township's Master Plan;

NOW, THEREFORE BE IT ORDAINED AND ENACTED, by the Township Committee of the Township of Southampton, County of Burlington, State of New Jersey that Chapter 5.6 of the Township Code be and is hereby amended and supplemented to read as follows:

12-5.6. Fences.

a. Definitions.

1. FENCE - An artificially-constructed barrier of wood, metal, masonry, vinyl (PVC), or a combination of comparable construction materials, erected for the enclosure or partial enclosure of land and/or dividing one piece of land from another. For the purposes of this ordinance, walls and gates shall be considered a fence, whether freestanding or attached to a fence or other structure.

b. Permits required.

1. No fences shall be erected or otherwise altered within the Township without the owner of the premises or its representative obtaining a zoning permit from the Zoning Officer. Unless otherwise exempted, fences measuring six (6) feet or more in height shall require a construction permit from the Construction Official subsequent to the receipt of a zoning permit. If deemed necessary by the Zoning Officer, the zoning permit application shall be forwarded to the Township Engineer for review and comment, at no additional charge to the Applicant. The application for a zoning permit shall be on such form as prepared by the Zoning Officer and shall include the following information:

- (a) The owner and address of the premises where the fence is to be erected.

- (b) The name and address of the company or person installing the fence.
- (c) A sketch or catalogue cut sheet of the proposed fence indicating its construction materials, dimensions, and method of construction.
- (d) A plot plan or survey of the premises in question, which shall be annotated to include the location of the proposed fence, the location of structures within ten (10) feet of the proposed fence, and any trees and vegetation to be removed to construct the fence.
- (e) Excepted for sight triangle easements, if a fence is to be located within an easement granted to the Township or Burlington County, the property owner shall provide a signed statement indicating that it is aware that the fence or wall is to be located within an easement and that it agrees to remove and later replace the fence or wall at their expense if such action is required by the Township or Burlington County in order to conduct maintenance work. In no case shall a fence within a sight triangle area exceed two and one-half (2.5) feet.

c. General fence requirements:

- 1. All fences shall be of durable quality materials and installed in a good workman-like manner.
- 2. All fences shall be maintained by the owner of the premises on which the fence is constructed.
- 3. All fences shall be constructed with the face, or finished side, away from the property and the structural side toward the interior.
- 4. Fences may be located along a property line, except as otherwise provided in this section.
- 5. Barbed wire, razor wire, deer fencing, and electrified wire fences are prohibited, unless exempted in this chapter
- 6. For the purposes on this section, front yard fence standards shall apply to the side upon which a through-lot has its street address and to both front yards for corner-lots.

d. Regulations for fences in TC and TC-1 residential zoning districts are as follows:

- 1. The front yard of all lots may be clearly defined by landscaping, hedging, picket fencing, or a wall that defines the transition from public to private space.
- 2. Fences, hedges, and walls shall be limited to a maximum of three and one-half (3.5) feet in height.
- 3. Walls and fences shall be architecturally compatible with the style, materials and colors of the principal building on the same lot.

e. Regulations for fences in other residential zoning districts (AP, AR, FA, FB, FC, MH, RC, RD, RR, and RR-1 and for pre-existing, non-conforming residential uses in all other zones are as follows) are as follows:

1. Fences shall be no closer than four (4) feet to the street line.
 2. No fences greater than four (4) feet in height may be erected between the street line and the front yard setback.
 3. Front yard fences shall not block visibility by more than a 50%.
 4. Fences not exceeding six (6) feet in height above the ground level may be erected from the building setback line to the side property lines and from the building setback line to the rear of the property and along the rear yard.
 5. A tennis or basketball court area, located in a rear yard area only, may be surrounded by a chain link fence a maximum of fifteen (15) feet in height; said fence is to be set back from any lot line the required distance required for accessory buildings in its zoning district.
- f. Regulations for fences for non-residential uses in the HC, I, MC, and VC are as follows:
1. Fences shall be no closer than four (4) feet to the street line.
 2. Fences shall not be less than four (4) feet nor more than eight (8) feet in height.
 3. Fences may not be located in such a manner as to impede required sight distance areas for driveways or roadways, for pedestrians, cyclists, and motorists.
 4. No fence shall be erected to restrict or otherwise alter the vehicular traffic flow unless approved by the Planning Board or Zoning Board of Adjustment.
 5. Non-residential fences shall require review and approval by the Planning Board, Zoning Board of Adjustment, as may be required.
- g. Exceptions.
1. Fences accessory to commercial farm operations and the keeping of livestock in all zoning districts.
 2. High-tensile, woven-wire deer fencing up to ten (10) feet in height on commercial farms, as recommended by the State Agricultural Development Committee.
 3. Fences accessory to any public utility, property, facility, park, playground, or school premises.
 4. Fences approved as part of a subdivision or site plan application.
 5. Existing fences and those approved to be erected at the time of passage of this chapter.
 6. There shall be no permit fee or permit required for property owner maintain, repairing or replacing like-kind fencing.
- h. Violations, penalties, fees.

1. Upon discovery of an alleged violation of this subsection, the Zoning Officer shall serve written notice, either by personal service or certified mail, return receipt requested, to the owner of the fence or wall and/or the owner or lessee of the property where the fence or wall is located, ordering the fence or wall to be brought into conformity with the provisions of this chapter, or its removal, within 30 days of the date of said notice. The notice shall include notification that if the fence or wall is not brought into conformity or removed within such time, a summons and/or complaint will be issued by the Zoning Officer.
2. Except as noted in Section g (6) above, fees for the erection or alteration of a fence shall be \$10 per \$1,000 or a fraction thereof of the full-market value plus a \$5 fee for the certificate of conformity.

ACTION ON INTRODUCTION:

Motion made by: Raftery
Motion seconded by: Rossell

VOTE:

Committeeman Heston:	Yes	No	Abstain	Not Present
Committeeman Raftery:	Yes	No	Abstain	Not Present
Committeewoman Rossell:	Yes	No	Abstain	Not Present
Committeeman Young, Sr.:	Yes	No	Abstain	Not Present
Mayor Mikulski:	Yes	No	Abstain	Not Present

ACTION ON ADOPTION (after public hearing)

Motion made by: Heston
Motion seconded by: Rossell

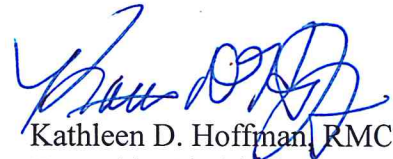
VOTE:

Committeeman Heston:	Yes	No	Abstain	Not Present
Committeeman Raftery:	Yes	No	Abstain	Not Present
Committeewoman Rossell:	Yes	No	Abstain	Not Present
Committeeman Young, Sr.:	Yes	No	Abstain	Not Present
Mayor Mikulski:	Yes	No	Abstain	Not Present

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true copy of the ordinance that was introduced after first reading at a meeting of the Southampton Township Committee held on January 3, 2020 and adopted after a public hearing at a meeting of the Southampton Township Committee held on January 21, 2020.

4846-6639-3520, v. 1



Kathleen D. Hoffman, RMC
Township Clerk/Administrator