

**ORDINANCE
AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE (UDO)
TO AMEND FENCING REGULATIONS
OF THE TOWNSHIP OF DEPTFORD
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY**

WHEREAS, the Municipal Land Use Law, *N.J.S.A. 40:55D-1 et seq.*, confers power to a municipality to regulate the use of lands within the jurisdiction of Deptford Township; and

WHEREAS, the Deptford Township Council desires to amend the fencing regulations to ensure clarity of its provisions and consistent applicability; and

WHEREAS, the Municipal Land Use Law requires that any amendments or revisions to Deptford Township's Unified Development Ordinance be reviewed by the Planning Board for consistency with the Land Use Plan Element of the Master Plan of the Township of Deptford; and

WHEREAS, the Planning Board of the Township of Deptford finds that the amendments to the Unified Development Ordinance are consistent with the intent and purpose of the Master Plan; and

WHEREAS, this ordinance is not a classification or boundary change necessitating individual public notice pursuant to *N.J.S.A. 40:55D-62.1*; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Deptford that the Unified Development Ordinance be hereby amended as follows:

Section 1. §54, Fences, shall be amended in its entirety as follows:

§ 54. Fences and Walls

A. General Requirements.

1. No fence or wall shall be installed without first obtaining a zoning permit, excepting the municipality.
2. No fence shall be erected in any zoning district within the right-of-way of a street.
3. Fences and walls may be placed with the outer face located on the property line.
4. All fences shall be constructed so that the finished side is exposed to the outside of the property.
5. All fences shall be maintained in an adequate manner so that broken elements are promptly replaced and elements requiring an exterior coating are painted as necessary.
6. No fence shall be constructed of, or topped with, barbed wire, concertina wire, broken glass, electrified wires, or any other materials which are considered hazardous to humans with the following limited exceptions:
 - a. Electrified wires may be used on farmland assessed property for the purpose of containing livestock and shall be so marked once for every fifty lineal feet with an appropriate warning sign not to exceed one square foot in area.
 - b. Three-strand barbed wire may be used on top of a minimum six-foot high fence around all public utility facilities excepting administrative offices, roadway maintenance facilities and telecommunications ground facilities.
7. Fences and walls shall be so erected to avoid damming or diverting the natural flow of water or shall be integrated into a grading plan that provides for the adequate movement of storm water. For fences located in drainage swales, the lower edge of the fence shall be a minimum of six inches (6") above the ground level to facilitate lot drainage.
8. Notwithstanding any other regulation to the contrary, no fence or wall shall be erected in violation of the requirements of §41, Visibility at Street and

Driveway Intersections, or that otherwise impedes clear sight distance as established through the promulgated standards of the American Association of State and Highway Transportation Officials.

9. Fencing and walls for all uses requiring site plan approval shall be considered within the overall context of a landscape plan that considers the function and aesthetic quality of the fencing or wall.
 10. Corrugated metal shall not be used for fencing purposes.
 11. These regulations shall not be construed as to affect the ability of a governmental entity with jurisdiction within the municipality to erect any fence or wall.
 12. Prior to the installation of a fence or wall, the landowner, contractor, or other responsible party shall call the One-Call System [(800) 272-1000] or login to <http://www.nj1-call.org> for site mark out of underground utilities.
- B. Fences and walls in easements. No fence or wall may be constructed in any sanitary sewer, storm water management (drainage) and public water easements under Deptford Township and Deptford Township Municipal Utilities Authority jurisdiction, except in the following limited circumstance:
1. For easements that run perpendicular to the streetline, a fence and gate parallel to the streetline shall be permitted provided the following conditions are met:
 - a. No fence with a footer or concrete casing may be installed within eight (8) feet of the underground utility in the easement.
 - b. An access opening a minimum of sixteen (16) feet in width shall be provided via a double gate made of equal halves. Appropriate center support of the non-hinged side of the gate to prevent sagging shall be required.
 - c. Such gate shall remain unlocked.
 - d. The posts for any fence shall not be installed directly above any underground pipe, cable or conduit.
 2. The municipality and its agencies or delegated party (such as a contractor) may remove the fence and gate to address any repair, construction or reconstruction they deem necessary. Any cost in the removal and reinstallation of a fence in an easement shall be borne by the landowner. The zoning permit issued for the installation of fencing in an easement shall clearly state and the landowner shall sign acknowledgement of the rights of the easement holder and the responsibility of the landowner to repair and

reinstall such fencing and gate after the construction, reconstruction or repair is completed.

3. Fences may be constructed in easements under other agency jurisdiction if written authorization from the easement owner is provided at the time of zoning permit application. The zoning permit application shall make reference to any required conditions of the written authorization.
 4. No fence shall be permitted in a landscaping easement except as herein provided or by the Board of Jurisdiction for an approved development.
- C. Regulations for single family detached, single family semi-detached and fee simple townhouse dwellings. On any lot in any district, no wall or fence shall be erected or altered to be greater than three (3) feet in height in front yards and six (6) feet in height in side and rear yards, except as modified herein. Illustrative examples are contained in Exhibit 54.1, Residential Fence Locations.
1. A private residential tennis court, basketball court or batting cage when located in a rear yard only may be surrounded by a fence a maximum of twelve (12) feet in height provided that the fence is a minimum of seventy-five percent (75%) open and is set back from any property line a minimum of fifteen (15) feet.
 2. A dog run when located in a rear yard only may be surrounded by a fence a maximum of seven (7) feet in height provided that the fence is set back from any property line a minimum of fifteen (15) feet.
 3. Six-foot (6') high fences and walls may be permitted in the rear yard of a reverse frontage lot provided that the fence is set back a minimum of fifteen (15) feet from the right-of-way line of the higher order street and is planted in accordance with the landscaping requirements in §31 for 15-foot wide buffers.
 4. No fence or wall shall be permitted in the front yard of a townhouse dwelling.
 5. A private residential swimming pool area shall be surrounded by a fence in accordance with §43.B.
 6. A deer protection fence consisting of wooden poles with horizontal stretched wire or wire mesh fencing with openings no less than four inches (4") by four inches (4") surrounding agricultural fields on farmland assessed property shall be permitted up to a maximum height of eight (8) feet.
 7. Entrance gateways may extend to six (6) feet in height in a front yard provided the fence or wall is within fifteen (15) feet of a driveway or sidewalk connecting the front door of the dwelling to the street. The highest to lowest elements of the fence or wall shall transition in height over a minimum distance of eight (8) feet.

8. Wall piers may extend up to eight inches (8") above the height limitations for any wall.

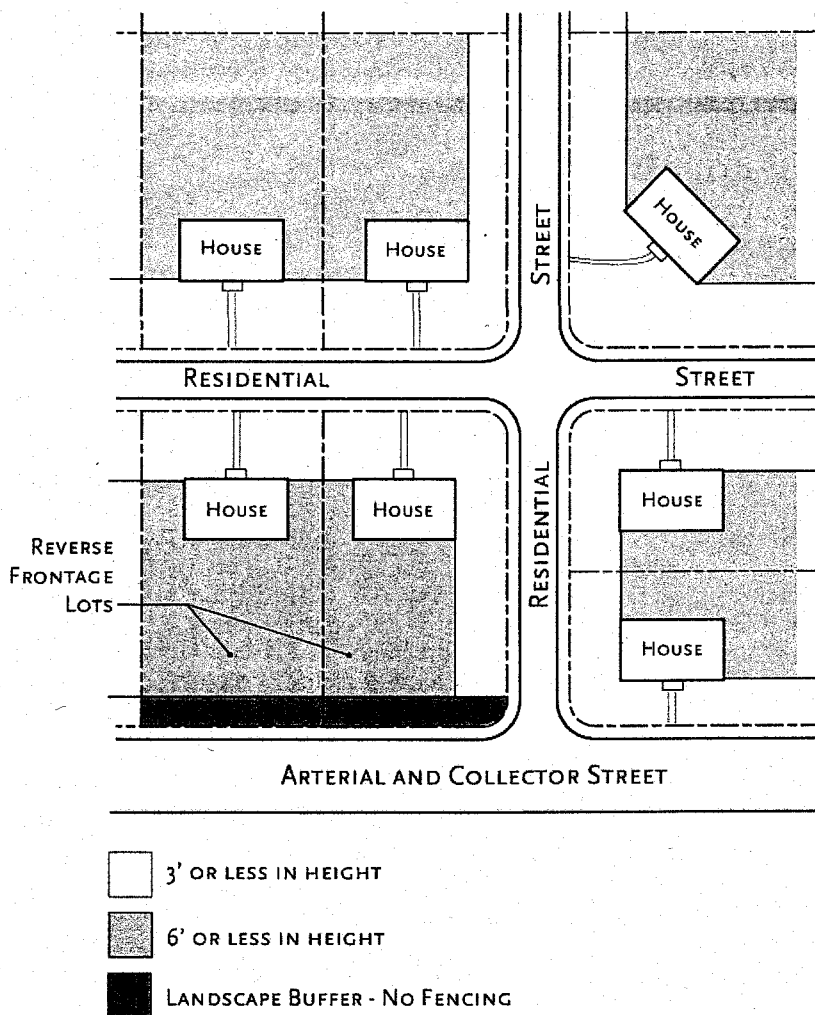


Exhibit 54.1. Residential Fence Locations

- D. Regulations for all uses except §54.C uses. On any lot in any district, no wall or fence shall be erected or altered to be greater than three (3) feet in height in front yards and six (6) feet in height in side and rear yards, except as modified herein.
- Fences in front yard areas may be increased to four (4) feet in height provided that the fence is a minimum of seventy-five percent (75%) open.
 - Fences used as trash enclosures shall be fully opaque and a minimum of six (6) but no taller than eight (8) feet high.

3. In the event that these regulations conflict with a site plan approval granted by the Board of Jurisdiction, the site plan approval shall control. Once a certificate of occupancy has been issued and any performance or maintenance guarantee released, the landowner may replace such fencing or wall without site plan approval provided that the material used is an exact replacement. Zoning permit issuance, however, shall be required.
4. In the event that these regulations conflict with any streetscape improvements in accordance with §31, the streetscape improvement standards shall control.
5. Fencing for recreational purposes may extend to fifteen (15) feet in height provided that the closest portion of any fencing above six (6) feet shall be set back from any front property line by fifty (50) feet and fifteen (15) feet from any other property line, except that the height of fencing for golf driving ranges, batting cages, and similar outdoor recreation shall be determined at the time of site plan approval.
6. Outdoor storage uses, where permitted, shall be enclosed with a minimum eight-foot tall opaque fence. Where such a use abuts an industrial use, the fence may be located in a side and rear yard, otherwise the fence shall be setback from any property line a minimum of fifteen (15) feet and the area between the fence and property line landscaped in accordance with §31. The setback may be larger depending on the landscape buffer requirements.
7. Trash compactors shall be enclosed with a masonry wall on three sides with a fully gated access on the fourth side. The wall shall be a minimum height of eight (8) feet, but in no circumstance shall it be higher than three-quarters of the height of the associated building. No portion of the wall shall be within twenty-five (25) feet of a property line.
8. In multi-family developments, up to six-foot high fences around outdoor patios shall be permitted when designed to be a similar color and texture with the exterior materials of the building.

Section 2. Continuation. In all other respects, the Unified Development Ordinance of the Township of Deptford shall remain unchanged.

Section 3. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

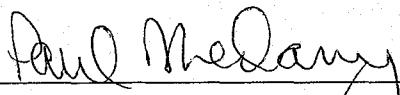
Section 4. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Deptford, then the restriction which imposes the greater limitation shall be enforced.

Section 5. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 6. Enactment. This Ordinance shall take effect upon the filing thereof with the Gloucester County Planning Board after final passage, adoption, and publication by the Township Clerk of the Township of Deptford in the manner prescribed by law.

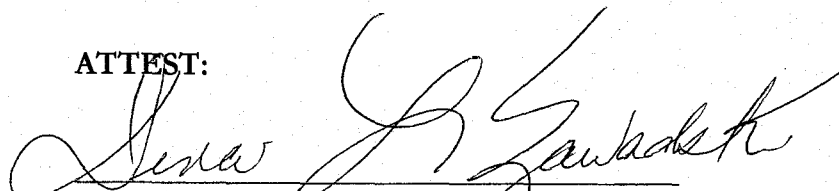


TOWNSHIP OF DEPTFORD



PAUL MEDANY, MAYOR

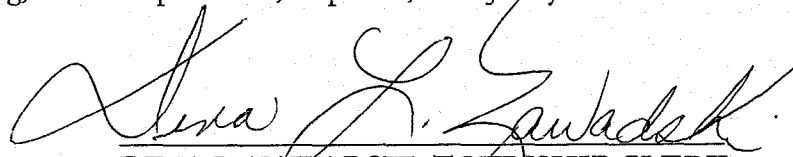
ATTEST:



DINA L. ZAWADSKI, TOWNSHIP CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Regular Meeting of Township Council of the Township of Deptford held on the 19th day of July, 2010 and will be considered for final passage and adoption at a Regular Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 2nd day of August, 2010 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.



DINA L. ZAWADSKI, TOWNSHIP CLERK

Introduction

Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.14.10				
Medany			✓			
Hufnell			✓			
DiMarco			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			

Adoption

Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.14.10				
Medany			✓			
Hufnell			✓			
DiMarco			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			