

City of Absecon

Ordinance 18- 2013

AN ORDINANCE ESTABLISHING STANDARDS FOR THE ERECTION OF FENCES AND WALLS by AMENDING AND SUPPLEMENTING THE CODE OF ABSECON, CHAPTER 224, LAND USE AND DEVELOPMENT, SECTIONS 224 -11, 224 -18, 224 -25, 224 – 32, 224 – 48, 224 – 56, 224 – 64, 224 – 71, 224 – 78, 224-86, 224 – 96, 224 – 104, 224 – 116, 224 - 225, 224 – 234, 224 – 245A, 224 - 245B, 224 – 271, 224-284.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY that portions of Chapter 224 as listed below are amended and supplemented as follows:

Intent and Purpose:

The purpose of this fence ordinance to provide for appropriate fence heights in the primary front yards, secondary front yards, side yards and rear yards while also providing for aesthetics, security and privacy. The intent is to encourage the interaction of the adjoining neighbors in the residential neighborhoods and discourage the walling-off private property from the public streets.

Section 224 – 11, G, Fences and walls, is amended to replace existing language as follows:

Section 224 – 11, G, Fences and walls

- (1) All perimeter fences or walls shall be placed within the property line.
- (2) No portion of any solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be more than 3 feet above natural grade in the front yard, or primary and secondary front yard in the case of a lot fronting on more than one street.
- (3) No portion of any open fence (such as picket or post and rail) shall be more than 4 feet above natural grade in the front yard, or primary and secondary front yard in the case of a lot fronting on more than one street.
- (4) A solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be permitted to a height of 6 feet above natural grade, provided it is limited to the rear and side yards and do not extend beyond the front building line of the principal structure.
- (5) A corner lot may be permitted to have a 3 foot high solid privacy fence (such as stockade or board on board) or wall (such as stone or brick); or a 4 foot high picket fence or post and rail fence into the secondary front yard to the front property line as an extension of the established rear yard.
- (6) A corner lot may be permitted to have a 5 foot high solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) into the secondary front yard with a 10 foot setback from the secondary front property line as an extension of the established rear yard.

- (7) The reviewing board having jurisdiction over a site plan, residential subdivision and / or multi-unit residential development may alter and /or add conditions relating to fences and / or walls relative to location, size, texture and design to ensure fences and walls are consistent with development motif and the architectural style of the development and advance security and public safety.
- (8) All fences in the front yard shall be constructed with the structural elements and posts facing the property or site on which they are located. Decorative fences that have structural elements which are part of the decorative design and visible from both sides of the fence are an exception to this requirement.
- (8) An exception to the fence height - Decorative caps on structural posts as part of the fence design are permitted to be 6” above the fence.
- (9) Spacing between pickets shall have minimum separation of 1 and 1/2 inches.

Section 224 – 18, C is added as new:

Section 224 – 18, C

For fence and wall requirements of the Residential District R2, refer to Section 224 – 11,G, Fences and walls.

Section 224 – 25. Landscaping, is amended to replace existing language as follows:

Section 224 – 25, Landscaping, Fences and walls

For fence and wall requirements of the Residential District R3, refer to Section 224 – 11, G, Fences and walls.

Section 224 – 32, C is amended to replace existing language as follows:

Section 224 – 32, C

For fence and wall requirements of the Residential District R4, refer to Section 224 – 11, G, Fences and walls.

Section 224 – 48, Landscaping and Fences is amended to replace existing language as follows:

Section 224 – 48, Landscaping, Fences and walls

Section 224 – 48, B. Landscaping, Fences and walls is amended to replace existing language as follows:

- (1). All perimeter fences or walls shall be placed within the property line.
- (2) No portion of any solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be more than 3 feet above natural grade in the front yard.

(3) No portion of any open fence (such as picket or post and rail) shall be more than 4 feet above natural grade in the front yard.

(4) Solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be permitted to a height of 6 feet above natural grade, provided that they are limited to the rear and side yards and do not extend beyond the front building line of the principal structure.

(5) The reviewing board having jurisdiction over a site plan, may alter and /or add conditions relating to fences and / or walls relative to location, size, texture and design to ensure fences and walls are consistent with development motif and the architectural style of the development and advance security and public safety.

(6) An exception to the fence height - Decorative caps on structural posts as part of the fence design are permitted to be 6" above the fence.

(7) Spacing between pickets shall have minimum separation of 1 and 1/2 inches.

Section 224 – 56, C is amended to replace existing language as follows:

Section 224 – 56, C

(1). All perimeter fences or walls shall be placed within the property line.

(2) No portion of any solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be more than 3 feet above natural grade in the front yard.

(3) No portion of any open fence (such as picket or post and rail) shall be more than 4 feet above natural grade in the front yard.

(4) Solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be permitted to a height of 6 feet above natural grade, provided that they are limited to the rear and side yards and do not extend beyond the front building line of the principal structure.

(5) The reviewing board having jurisdiction over a site plan, may alter and /or add conditions relating to fences and / or walls relative to location, size, texture and design to ensure fences and walls are consistent with development motif and the architectural style of the development and advance security and public safety.

(6) An exception to the fence height - Decorative caps on structural posts as part of the fence design are permitted to be 6" above the fence.

(7) Spacing between pickets shall have minimum separation of 1 and 1/2 inches.

Section 224 – 64, B is amended to replace existing language as follows:

Section 224 – 64, B

(1). All perimeter fences or walls shall be placed within the property line.

(2) No portion of any solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be more than 3 feet above natural grade in the front yard.

(3) No portion of any open fence (such as picket or post and rail) shall be more than 4 feet above natural grade in the front yard.

(4) Solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be permitted to a height of 6 feet above natural grade, provided that they are limited to the rear and side yards and do not extend beyond the front building line of the principal structure.

(5) The reviewing board having jurisdiction over a site plan, may alter and /or add conditions relating to fences and / or walls relative to location, size, texture and design to ensure fences and walls are consistent with development motif and the architectural style of the development and advance security and public safety.

(6) An exception to the fence height - Decorative caps on structural posts as part of the fence design are permitted to be 6" above the fence.

(7) Spacing between pickets shall have minimum separation of 1 and 1/2 inches.

Section 224 – 71, B, (5) is added as new:

The reviewing board having jurisdiction over a site plan, may alter and /or add conditions relating to fences and / or walls relative to location, size, texture and design to ensure fences and walls are consistent with development motif and the architectural style of the development and advance security and public safety.

Section 224 – 78, Landscaping and Buffers is amended to replace existing language as follows:

Section 224 – 78, Landscaping, Buffers, Fences and walls

Section 224 – 78, C is added as new:

(1). All perimeter fences or walls shall be placed within the property line.

(2) No portion of any solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be more than 3 feet above natural grade in the front yard.

(3) No portion of any open fence (such as picket or post and rail) shall be more than 4 feet above natural grade in the front yard.

(4) Solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be permitted to a height of 6 feet above natural grade, provided that they are limited to the rear and side yards and do not extend beyond the front building line of the principal structure.

(5) The reviewing board having jurisdiction over a site plan, may alter and /or add conditions relating to fences and / or walls relative to location, size, texture and design to ensure fences and walls are consistent with development motif and the architectural style of the development and advance security and public safety.

(6) An exception to the fence height - Decorative caps on structural posts as part of the fence design are permitted to be 6" above the fence.

(7) Spacing between pickets shall have minimum separation of 1 and 1/2 inches.

Section 224 – 86, Landscaping, Buffers and Fences

Section 224 – 86, F, is amended to replace existing language as follows:

F. Fences or walls shall be permitted, provided that:

(1). All perimeter fences or walls shall be placed within the property line.

(2) No portion of any solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be more than 3 feet above natural grade in the front yard.

(3) No portion of any open fence (such as picket or post and rail) shall be more than 4 feet above natural grade in the front yard.

(4) Solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be permitted to a height of 6 feet above natural grade, provided that they are limited to the rear and side yards and do not extend beyond the front building line of the principal structure.

(5) The reviewing board having jurisdiction over a site plan, may alter and /or add conditions relating to fences and / or walls relative to location, size, texture and design to ensure fences and walls are consistent with development motif and the architectural style of the development and advance security and public safety.

(6) An exception to the fence height - Decorative caps on structural posts as part of the fence design are permitted to be 6" above the fence.

(7) Spacing between pickets shall have minimum separation of 1 and 1/2 inches.

Section 224 – 96, Fences, is amended to replace existing language as follows:

Section 224 – 96, Fences and Walls

A. Security fences shall be permitted at the perimeter of the property within this district, provided that:

(1) All perimeter fences or walls shall be placed within the property line.

(2) They are screened from view by landscape buffers.

(3) Maximum height of the security fence shall be 6' above natural grade.

(4) The reviewing board having jurisdiction over a site plan, may alter and /or add conditions relating to fences and / or walls relative to location, size, texture and design to ensure fences and walls are consistent with development motif and the architectural style of the development and advance security and public safety.

(5) For the purpose of this section a security fence is defined as black vinyl clad chain link.

B. Decorative fences or walls shall be permitted on the property, provided that:

(1). All perimeter fences or walls shall be placed within the property line.

(2) No portion of any solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be more than 3 feet above natural grade in the front yard.

(3) No portion of any open fence (such as picket or post and rail) shall be more than 4 feet above natural grade in the front yard.

(4) Solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be permitted to a height of 6 feet above natural grade, provided that they are limited to the rear and side yards and do not extend beyond the front building line of the principal structure.

(5) The reviewing board having jurisdiction over a site plan, may alter and /or add conditions relating to fences and / or walls relative to location, size, texture and design to ensure fences and walls are consistent with development motif and the architectural style of the development and advance security and public safety.

(6) An exception to the fence height - Decorative caps on structural posts as part of the fence design are permitted to be 6" above the fence.

(7) Spacing between pickets shall have minimum separation of 1 and 1/2 inches.

Section 224 – 104, Landscaping is amended to replace existing language as follows:

Section 224 – 104, Landscaping, Fences and walls

Section 224 – 104, B is added as new:

Section 224 – 104, B

(1). All perimeter fences or walls shall be placed within the property line.

(2) No portion of any solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be more than 3 feet above natural grade in the front yard.

- (3) No portion of any open fence (such as picket or post and rail) shall be more than 4 feet above natural grade in the front yard.
- (4) Solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be permitted to a height of 6 feet above natural grade, provided that they are limited to the rear and side yards and do not extend beyond the front building line of the principal structure.
- (5) The reviewing board having jurisdiction over a site plan, may alter and /or add conditions relating to fences and / or walls relative to location, size, texture and design to ensure fences and walls are consistent with development motif and the architectural style of the development and advance security and public safety.
- (6) An exception to the fence height - Decorative caps on structural posts as part of the fence design are permitted to be 6" above the fence.
- (7) Spacing between pickets shall have minimum separation of 1 and 1/2 inches.

Section 224 – 116, I is added as new:

Section 224 – 116, I

- (1). All perimeter fences or walls shall be placed within the property line.
- (2) No portion of any solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be more than 3 feet above natural grade in the front yard.
- (3) No portion of any open fence (such as picket or post and rail) shall be more than 4 feet above natural grade in the front yard.
- (4) Solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be permitted to a height of 6 feet above natural grade, provided that they are limited to the rear and side yards and do not extend beyond the front building line of the principal structure.
- (5) The reviewing board having jurisdiction over a site plan, may alter and /or add conditions relating to fences and / or walls relative to location, size, texture and design to ensure fences and walls are consistent with development motif and the architectural style of the development and advance security and public safety.
- (6) An exception to the fence height - Decorative caps on structural posts as part of the fence design are permitted to be 6" above the fence.
- (7) Spacing between pickets shall have minimum separation of 1 and 1/2 inches.

Section 224 – 225, Landscaping and Buffers is amended to replace existing language as follows:

Section 224 – 225, Landscaping, Buffers, Fences and walls

Section 224 – 225, B is added as new:

Section 224 – 225, B

- (1). All perimeter fences or walls shall be placed within the property line.
- (2) No portion of any solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be more than 3 feet above natural grade in the front yard.
- (3) No portion of any open fence (such as picket or post and rail) shall be more than 4 feet above natural grade in the front yard.
- (4) Solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be permitted to a height of 6 feet above natural grade, provided that they are limited to the rear and side yards and do not extend beyond the front building line of the principal structure.
- (5) The reviewing board having jurisdiction over a site plan, may alter and /or add conditions relating to fences and / or walls relative to location, size, texture and design to ensure fences and walls are consistent with development motif and the architectural style of the development and advance security and public safety.
- (6) An exception to the fence height - Decorative caps on structural posts as part of the fence design are permitted to be 6” above the fence.
- (7) Spacing between pickets shall have minimum separation of 1 and 1/2 inches.

Section 224 – 234, Landscaping and Buffers is amended to replace existing language as follows:

Section 224 – 234, Landscaping, Buffers, Fences and walls

Section 224 – 234, B is added as new:

Section 224 – 234, B

- (1). All perimeter fences or walls shall be placed within the property line.
- (2) No portion of any solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be more than 3 feet above natural grade in the front yard.
- (3) No portion of any open fence (such as picket or post and rail) shall be more than 4 feet above natural grade in the front yard.
- (4) Solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be permitted to a height of 6 feet above natural grade, provided that they are limited to the rear and side yards and do not extend beyond the front building line of the principal structure.

(5) The reviewing board having jurisdiction over a site plan, may alter and /or add conditions relating to fences and / or walls relative to location, size, texture and design to ensure fences and walls are consistent with development motif and the architectural style of the development and advance security and public safety.

(6) An exception to the fence height - Decorative caps on structural posts as part of the fence design are permitted to be 6" above the fence.

(7) Spacing between pickets shall have minimum separation of 1 and 1/2 inches.

Section 224 – 245A, Landscaping and Buffers for District A is amended to replace existing language as follows:

Section 224 – 245A, Landscaping, Buffers, Fences and walls for District A

Section 224 – 245A, B is added as new:

Section 224 – 245A, B

(1). All perimeter fences or walls shall be placed within the property line.

(2) No portion of any solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be more than 3 feet above natural grade in the front yard.

(3) No portion of any open fence (such as picket or post and rail) shall be more than 4 feet above natural grade in the front yard.

(4) Solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be permitted to a height of 6 feet above natural grade, provided that they are limited to the rear and side yards and do not extend beyond the front building line of the principal structure.

(5) The reviewing board having jurisdiction over a site plan, may alter and /or add conditions relating to fences and / or walls relative to location, size, texture and design to ensure fences and walls are consistent with development motif and the architectural style of the development and advance security and public safety.

(6) An exception to the fence height - Decorative caps on structural posts as part of the fence design are permitted to be 6" above the fence.

(7) Spacing between pickets shall have minimum separation of 1 and 1/2 inches.

Section 224 – 245B, Landscaping and Buffers for District A is amended to replace existing language as follows:

Section 224 – 245B, Landscaping, Buffers, Fences and walls for District A

Section 224 – 245B, B is added as new:

Section 224 – 245B, B

- (1). All perimeter fences or walls shall be placed within the property line.
- (2) No portion of any solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be more than 3 feet above natural grade in the front yard.
- (3) No portion of any open fence (such as picket or post and rail) shall be more than 4 feet above natural grade in the front yard.
- (4) Solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be permitted to a height of 6 feet above natural grade, provided that they are limited to the rear and side yards and do not extend beyond the front building line of the principal structure.
- (5) The reviewing board having jurisdiction over a site plan, may alter and /or add conditions relating to fences and / or walls relative to location, size, texture and design to ensure fences and walls are consistent with development motif and the architectural style of the development and advance security and public safety.
- (6) An exception to the fence height - Decorative caps on structural posts as part of the fence design are permitted to be 6” above the fence.
- (7) Spacing between pickets shall have minimum separation of 1 and 1/2 inches.

Section 224 – 284, Landscaping and Buffers is amended to replace existing language as follows:

Section 224 – 284, Landscaping, Buffers, Fences and walls

Section 224 – 284 B is added as new:

Section 224 – 284 B

- (1). All perimeter fences or walls shall be placed within the property line.
- (2) No portion of any solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be more than 3 feet above natural grade in the front yard.
- (3) No portion of any open fence (such as picket or post and rail) shall be more than 4 feet above natural grade in the front yard.
- (4) Solid privacy fence (such as stockade or board on board) or wall (such as stone or brick) shall be permitted to a height of 6 feet above natural grade, provided that they are limited to the rear and side yards and do not extend beyond the front building line of the principal structure.
- (5) The reviewing board having jurisdiction over a site plan, may alter and /or add conditions relating to fences and / or walls relative to location, size, texture and design to ensure fences and walls are consistent with

development motif and the architectural style of the development and advance security and public safety.

(6) An exception to the fence height - Decorative caps on structural posts as part of the fence design are permitted to be 6" above the fence.

(7) Spacing between pickets shall have minimum separation of 1 and 1/2 inches.

BE IT FURTHER ORDAINED that:

Any ordinance or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such inconsistency.

This ordinance shall take effect upon final adoption and publication as required by law.

Dated: December 19, 2013

SIGNED: _____
John R. Armstrong, Mayor

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a work and regular meeting of the Municipal Council held on November 21, 2013. Laid over and advertised for public hearing and final adoption on December 5, 2013. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a work and regular meeting held on December 19, 2013.