

**\*\*\*\*ADOPTED APRIL 18, 2016\*\*\*\***

**DELANCO TOWNSHIP**

**ORDINANCE 2016-3**

**AMENDING CHAPTER 110 TO REVISE  
DEFINITIONS AND FENCE REGULATIONS**

**WHEREAS**, the Township Committee (“Committee”) of the Township of Delanco (“Township”) received numerous requests from residents to be able to fence in waterfront lots that under current regulations are only permitted to have “living fences”; and

**WHEREAS**, the Committee referred the issue to the Joint Land Use Board (“Board”), resulting in the issuance of a letter from Michelle Taylor, PP, Taylor Design Group (“Planner”) dated October 30, 2015; and

**WHEREAS**, the Committee reviewed the Planner’s letter and Board recommendations and desires to amend our existing Code to revise the definitions and fence regulations to permit certain “open” fencing along the waterfront.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey that the Township Code be amended, at Chapter 110, as follows:

**Section 1.**

§ 110-6. Definitions.

**BUILDING LINE, FRONT**

A line typically parallel to the street right-of-way line touching that part of the building closest to the street.

**BUILDING LINE, REAR**

A line typically parallel to the street right-of-way line touching that part of the building most opposite to the street.

**CORNER LOT -**

A lot abutting upon two or more streets at their intersections.

**FENCE**

Any structure, regardless of composition, except a living fence, that is erected or maintained for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions.

**LOT LINE**

Any line, including the street right-of-way line, forming a portion of the boundary of a lot.

**A. LOT LINE, FRONT**

-- The lot line separating a lot from a street right-of-way.

**B. LOT LINE, REAR**

-- The lot line opposite and most distant from the front lot line.

**C. LOT LINE, SIDE**

-- Any lot line other than a front or rear lot line.

**LOT, THROUGH**

A lot whose side lot lines do not abut a street but has frontage on two streets or one street and an alley. These lots may border intersecting streets as well, see corner lot, as defined.

**YARD**

An open unoccupied space, except as permitted and defined otherwise in this chapter, extending between any building and lot line or street line. All yard dimensions shall be measured parallel to the horizon and at right angles to either a straight street line, lot line or building facade or perpendicular to the point of tangency of curved lines and facades.

**A. YARD, FRONT**

-- The area extending across the full width of a lot between the street line and the nearest point of the building to the street line, aka front building line, as defined, extending to the side lot lines from such point in lines parallel or concentric to the street line. On lots with multiple lot frontages, such as corner lots, the front yard standards shall apply to all lot frontages unless otherwise provided in this chapter.

**B. YARD, REAR**

-- The area extending across the full width of a lot between the rear lot line and nearest point of the building to the rear lot line, aka rear building line, as defined, extending to the side lot lines from such point in lines parallel or concentric to the street line. In the case of a corner lot, the rear yard shall be parallel to the narrower of the two street frontages. In the case of a corner lot with equidistant street frontages, the rear yard shall be parallel to main entrance facing the street.

### **C. YARD, SIDE**

-- The area extending from the front yard to the rear yard and lying between each side lot line and the nearest point of the building to a side lot line. In the case of a corner lot, all yards not meeting front and rear yards shall be side yards, and the side yard shall be measured from each side lot line to the nearest point of the building to a side lot line.

### **Section 2.**

§ 110-13. Fences and walls.

No fence, wall or other type of fence-like construction shall be erected, replaced or modified within the Township of Delanco without permits issued in accordance with the provisions below:

A. Any person or persons, corporation, firm or association intending to erect, replace or modify a fence shall, before any work is commenced, make application to the Zoning Officer and Construction Official on forms provided by the township. Said applications shall be accompanied by a plan or sketch showing the proposed location of any fence and the materials proposed to be used therein. The Construction Official shall issue the permit after the Zoning Officer determines that the proposed fence is in conformity with the regulations adopted by the Township. A fence that is part of an approved site plan must comply with the requirements of the site plan and shall be approved by the Zoning Officer without further review for conformity. The permit shall be valid for a period of one year from the date of issuance; said permit shall be available on the job during the progress of work so that it may be inspected by the proper Township officials.

B. Fees shall be \$13 per \$1,000 of the cost of the fencing project, or a fraction thereof, plus an administrative fee of \$5.

C. Fences and walls shall be located within the property lines and shall not be located in any required sight triangle, nor shall they be located within any public right-of-way or drainage, utility or conservation easement.

D. Any fence erected in a front yard shall be placed at least one foot back from any sidewalk, but in no event may it be less than one foot from any property line adjacent to any public street, alley or highway.

E. (1) This regulation shall apply to all street frontages and front yards, as defined, on interior and corner lots. This regulation shall not apply to the reverse frontage of reverse frontage lots and through lots, as defined, where the portion of the lot fronting along said public right-of-way or alley serves as a back yard.

(a) Fences and walls located along the front lot line and in any front yard, as defined, in residential zoning districts and for residential uses permitted as conditional uses shall not exceed three feet in height.

(b) Fences located along the front lot line and in any front yard, as defined, shall have a minimum of 50% of their surface area open to permit visible penetration allowing for light and air to pass through.

F. Fences and walls located along side and rear property lines.

(1) Fences and walls located along side property lines in residential zoning districts and for residential uses permitted as conditional uses shall not exceed the following limitations:

(a) From the front lot line to the front building line of the principal residential structure, the fence shall not exceed three feet in height above the finished grade and shall have a minimum of 50% of their surface area open to permit visible penetration allowing for light and air to pass through.

(b) From the front building line of the principal residential structure to the rear building line of the principal residential structure, the fence shall not exceed four feet in height above the finished grade.

(c) From the rear building line of the principal residential structure to the rear property line, the fence shall not exceed six feet in height above the finished grade.

(2) Fences and walls located along rear property lines in residential zoning districts and for residential uses permitted as conditional uses shall not exceed six feet in height above the finished grade.

G. Fences located on waterfront lots adjacent to a public road or right-of-way are controlled by the following:

(1) A fence rail height maximum of 3.5 feet is permitted and a post height maximum of 4' is permitted.

(2) All fence types will be horizontal rails with large horizontal openings a minimum of 9 inches between horizontal rails and a minimum of 55% of open area.

(3) The following fence types are permitted:

a. Plant material trimmed to 3 feet in height.

- b. Split post and rail and round post and rail fences (maximum rail of 6" diameter)
  - c. Wood posts and rope rails
  - d. Horizontal board fences, aka horse board fence (maximum board of 6" diameter)
  - e. reserved
- (4) These fences are permitted to be constructed of the following materials
- a. Wood
  - b. Vinyl
  - c. Rope
  - d. reserved
- (5) Open style gates with criss-cross rails are permitted in compliance with numbers 3 & 4 above provided the gates are not wider than 6 feet.
- (6) Open style arbors or trellises are permitted in compliance with #4 above; and may be up to 9' in height provided the openings are not wider than 6.5 feet wide.

H. Fences and walls for lots located in commercial and industrial zoning districts shall comply with the provisions set forth in this chapter. However, fences in the industrial zoning districts may provide 6' fences from the front building line to the rear yard. The maximum height for fences in commercial and industrial zoning districts shall be six feet.

#### I. General regulations.

(1) Applicability. The standards and regulations herein set forth shall apply to all fences and walls hereinafter erected, altered or reconstructed, or which are presently existing and are not considered a preexisting nonconforming use under any present or former ordinance of the Township.

(2) Permits and Prior Approvals . Residents should be advised that prior approvals from the NJDEP may be required for lots adjacent to the Delaware River or Rancocas Creek.

(3) Height: the distance measured from the existing grade to the top of the fence.

(4) Except as provided in Section 2 G of this ordinance (Fences located along waterfront lots), fences or walls located within 25 feet of any dedicated street line shall not exceed four feet at the highest point. At least 50% of the entire area of any fence or wall located within 25 feet of any dedicated street line shall be open space, uniformly distributed. In particular this applies to through lots and similar lot configurations.

(5) Fences and walls, rear yard; height; location. Fences and walls in the rear yard of any property shall be no higher than six feet, except that no six-foot high fence or wall shall be closer than 40 feet from a right-of-way. In particular this applies to through lots and similar lot configurations.

(6) Exception. Municipal/ Government Entity Recreation Facilities and Schools are exempt from the requirements.

(7) Material. No fence or wall shall be fabricated, constructed or built of any material other than vinyl, wood, wire, metal, brick, stone or masonry.

(8) Prohibited fences and walls. The following fences, fencing materials and walls are specifically prohibited:

(a) Barbed or razor wire fences.

(b) Sharp pointed fences or walls.

(c) Electrically charged fences.

(d) Poultry fences.

(e) Turkey wire.

(f) Temporary fences, except snow fences for the purpose of controlling snow drifting and construction fencing as required by local, state and federal agencies.

(g) Expandable fences and collapsible fences, except during construction of a building.

(9) All chain link fences erected shall be erected with the closed loop at the top of the fence.

(10) All entrances or gates shall open into the property.

(11) All fences must be properly installed, erected, maintained and kept in good repair.

(12) All fences must be erected with the finished side facing the contiguous property or street.

#### J. Powers and duties of the Construction Official or Zoning Officer.

(1) The Construction Official and/or Zoning Officer, upon completion of the fence, will perform a sight inspection of the fence to ensure that the fence is in compliance with this section. The property owner is entirely responsible for locating the fence within the boundaries of his/her property and will be entirely responsible for certifying its location in case of a dispute with an adjacent property owner.

(2) The Construction Official and/or Zoning Officer shall have the authority to direct, in writing, the removal, trimming or modification of any shrubs, bushes, plants, flowers or other vegetation, fences, wall hedge or other structure on private or public property where, after the property owner shall have been afforded notice and an opportunity to be heard, it appears that the same shall interfere with adequate visibility to operators of motor vehicles at street intersections or

curbs. Any person, firm or corporation or his/her agent, servant, workman or employee who shall refuse or neglect to comply with the written decision by the Construction Official or Zoning Officer, after such notice and hearing, shall be guilty of a violation of this section and shall be subject to the general penalty provisions contained within the Code of the Township of Delanco.

Section 2. Repealer. Any Ordinances inconsistent with this ordinance are hereby repealed to the extent of its inconsistency.

Section 3. Severability. If any provision of this Ordinance is deemed unlawful by a Court or is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Agreement shall continue in full force and effect.

Section 4. Effective date. This Ordinance shall take effect upon proper passage in accordance with the law.