

ORDINANCE NO. 2023-13

**TOWNSHIP OF CHESTERFIELD
COUNTY OF BURLINGTON
STATE OF NEW JERSEY**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 130 OF THE TOWNSHIP CODE ENTITLED "LAND DEVELOPMENT", SECTION 130-83 ENTITLED "ARCHITECTURAL AND SITE DESIGN STANDARDS AND GUIDELINES APPLICABLE WITHIN THE PLANNED VILLAGE DISTRICTS", MOST NOTABLY SUBSECTION 130-83(E)(9) ENTITLED "FENCES, YARDS AND GARDENS"

BE IT ORDAINED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey that Chapter 130, Land Development, Article XII, Design and Performance Standards, Section 130-83, Architectural and Site Design Standards and Guidelines Applicable Within the Planned Village Districts, Subsection 130-83(E)(9), Fences Yards and Gardens, of the Chesterfield Township Code be amended, revised and/or supplemented to now read as follows:

CHAPTER 130 LAND DEVELOPMENT

ARTICLE XII. Design and Performance Standards.

§ 130-83 Architectural and Site Design Standards and Guidelines Applicable Within the Planned Village Districts.

E. Architectural design standards. (Note: Refer to diagram entitled "Residential Facade Design Principles" for illustrative commentary on the residential standards described herein.)

(9) Fences, yards and gardens. A zoning permit is required for all fence installations.

(a) Fences, hedges, and walls in the front and side yards of residential properties less than 20,000 square feet in size shall be limited to a maximum of four feet in height, and except as otherwise provided for herein, shall conform to a list ~~of~~ of permitted fence and gate types and materials approved by the Planning Board. Hedges and walls may be used instead of fences but shall be subject to the maximum height limitations of ~~fences~~ four feet at all times.

(b) Walls and fences shall be architecturally compatible with the style and materials of the principal building on the same lot. Compatibility with adjacent and adjoining lots is encouraged. Freestanding stone and brick walls are permitted with a civic, institutional or commercial building in accordance with an approved site plan. Freestanding stone or brick walls are permitted on residential lots in front or side yards at a maximum height of four feet and in the rear yards at a maximum height of ~~five~~ six feet. The wall must be located outside of the sight triangle of the lot. Highway-style guardrail, stockade, or contemporary security fencing such as chain link, barbed wire or razor wire are prohibited.

(c) ~~Rear yards fences shall be limited to a maximum of six feet in height, and except as otherwise provided for herein, shall conform to a list of permitted fence and gate types and materials approved by the Planning Board. No wood fences shall be permitted in the rear yard. may be defined by a masonry wall or fence constructed of wood, aluminum, wrought iron, polyvinyl chloride (PVC), or constructed of another material specifically approved for this purpose by the Planning Board, trellis or lattice, vegetative hedge, garage and/or outbuilding walls, or some combination thereof. PVC fences shall be white in color. Wood fences may be stained, painted or left natural. If stained or painted, the color shall be opaque white. Rear yard fences may be 100% opaque for a maximum of four feet from the ground level and up to 50% opaque for one additional foot. The maximum height of a fence is five feet. Pool enclosures shall meet the minimum requirements in this Subsection E(9)(c), in addition to other applicable local and state requirements including, but not limited to, the Uniform Construction Code (N.J.A.C. 5:23-3.14). In rear yards with alley access, fences or walls may be not closer than 10 feet to the alley. On a corner lot with frontage to two alleys or lanes, fences may be no closer than 10 feet to the rear alley or lane. This fence may be five feet in height and must be open picket or metal-railed.~~

(d) Fences along streets and paths on neighboring lots must be of compatible designs.

(e) All terminal posts in fences (at corners, property line corners, openings, ends, etc.) shall be wider and taller than typical posts.

(f) Walls shall be built of brick to match the principal building at all front yards, side yards facing a street or path (except for alleys) and rear yards facing a street (except for alleys). Gates in walls may be of wood, steel, wrought iron, or PVC.

(g) Retaining walls shall be brick or stone at all front yards and side yards facing a street or sidewalk. Retaining walls not visible from nearby streets may be of brick, stone, concrete or wood.

(h) Driveways shall be pavers of asphalt, brick or concrete.

(i) Patios may be located in side and rear yards not readily visible from a public right-of-way (except for alleys) or sidewalk.

(j) Primary entry walks shall be brick when connecting with a brick public walk. Other walks and paths may be built of brick, stone or concrete.

(k) Walks shall be built flush with the ground.

(l) Sidewalks shall be either finished concrete, exposed aggregate concrete, patterned/stamped concrete, concrete pavers, brick or other approved equivalent, which shall be located according to a comprehensive village sidewalk plan.

(m) Fence types and styles not otherwise discussed herein shall be subject to review and approval by the Township Planning Board following review and recommendation by the Technical Review Committee and designed pursuant to a coordinated village design plan. ~~The fence types and styles in Subsection E(9)(n) below have been approved for use in front and side yards, and Subsection E(9)(c) above provides the limitations for rear yard fences.~~

(n) Fences and walls permitted in the front, rear and side yard are as follows:

[1] The maximum height of any fence shall be four feet for side and front yards and six feet for rear yards. Side yard fences shall be located on the property line without encroaching on the adjacent property. New fences on adjacent lots shall adjoin to the existing fencing and a duplicate fence shall not be placed on the side lot line.

[2] No solid fences are permitted in the front and side yards.

[3] The finished side of the fence shall be exposed to the street and neighboring properties.

[4] Wood picket fences are permitted, in front yards only, with the following specifications:

[a] Fences shall be stained, painted or left natural. If stained or painted, the color shall be opaque white.

[b] Pickets may be regular point, gothic point, or dog ears.

[c] Caps on end posts are encouraged and shall be permanently affixed.

[d] Pickets shall be two inches to four inches in width.

[e] The following fence profiles are permitted: regular space point, double concave, single concave, and single convex. Any type of picket may be used with these profiles.

[5] Metal fences are permitted as follows:

[a] Picket fences and rail-topped metal fences are permitted but cannot be installed until a zoning permit is obtained.

[b] Picket finials such as fleur-de-lis, triads, or royal styles are encouraged.

[c] Metal fences shall be black or bronze in color. Additional metal fence styles and/or materials or colors may be approved by the Planning Board following review and recommendation by the Technical Review Committee and filed with the Zoning Officer and Construction Official for public information.

[6] Brick and stone walls or fences are permitted. Brick or stone piers may be used in tandem with metal or wood picket fences or gates. Synthetic material is not permitted.

[7] Homeowners may request permission from the Township Planning Board to permit additional styles and profiles if they meet the intent of this section. In such cases, fences in the front and side yards shall generally reflect the architectural style of the dwelling.

[8] Rigid polyvinyl chloride (PVC) fences are permitted as follows:

[a] PVC fences shall be white in color.

[b] PVC fence pickets may be regular point, gothic point, or dog ears.

[c] Caps on end posts shall be permanently affixed to the post.

[d] The following fence profiles are permitted: regular space point, double concave, single concave, and single convex.

~~[e] PVC fences shall be 100% virgin material. No regrind or recycled PVC material is permitted.~~

*[bracketed language] denotes proposed stricken language and underlined language denotes new proposed language to the Ordinance.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. All ordinances or portions of ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.
2. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this Ordinance, except so far as the provisions or paragraphs so declared invalid shall be separable from the remainder or any portion thereof.
3. This Ordinance shall take effect upon final passage and publication in accordance with law.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: September 14, 2023

Adopted: September 28, 2023

Effective Date:

RECORD OF VOTE 2023-13													
INTRODUCTION							ADOPTION						
TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
Blazic	X					X	Blazic	X					
Liedtka	X						Liedtka	X				X	
Litt				X			Litt	X					
Dhopte	X				X		Dhopte	X					X
Koetas-Dale	X						Koetas-Dale	X					
X – Indicates Vote NV – Not Voting AB – Absent ORD – Motion SEC - Seconded													

I, Caryn Hoyer, Clerk of the Township of Chesterfield in the County of Burlington and State of New Jersey do hereby certify the foregoing Ordinance to be a true and accurate copy of the Ordinance adopted by the Township Committee at a duly advertised meeting held on _____ at which a quorum was present.

Caryn M. Hoyer, RMC
Township Clerk