

**TOWNSHIP OF CHESTERFIELD
ORDINANCE 2010-15**

**AN ORDINANCE AMENDING SECTION 130-83E(9) OF THE CODE OF THE
TOWNSHIP OF CHESTERFIELD ENTITLED "FENCES, YARDS AND GARDENS"**

WHEREAS, the Chesterfield Township Planning Board recently reviewed and proposed revisions to § 130-83E(9) of the Code of the Township of Chesterfield regarding fences, yards and gardens; and

WHEREAS, the Township Committee of the Township of Chesterfield reviewed said proposed revisions; and

WHEREAS, the Township Committee, in its review of the proposed revisions, added and deleted language to clear up ambiguities in this section; and

WHEREAS, the Township Committee believes these amendments to be in the best interest of the Township and it's residents;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey that Section 130-83E(9) of the Code of the Township of Chesterfield be and is hereby amended as follows:

(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 (4) feet in height and shall conform to a list or permitted fence and gate types and materials approved by the Planning Board. Hedges may be used instead of fences but shall be subject to the height limitations of fences.

(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 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 or razor wire are prohibited.

(c) Rear yards may be defined by a masonry wall or fence constructed of wood, aluminum, wrought iron, Poly Vinyl 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 (4) feet from the ground level and up to 50% opaque for one additional foot. The maximum height of a fence is five (5) 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 ten (10) feet to the alley. On a corner lot with frontage to two (2) alleys or lanes, fences may be no closer than ten (10) feet to the rear alley or lane. This fence may be five (5) 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 and side yard are as follows:

[1] The maximum height of any fence shall be four (4) feet. 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.

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

[4] Wood picket fences are permitted, 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 (2) to four (4) 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.

SECTION TWO: All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

SECTION THREE: If any section , paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

SECTION FOUR: This ordinance shall take effect immediately upon final passage and publication according to the law.

CHESTERFIELD TOWNSHIP COMMITTEE

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Introduced: September 8, 2010  
Adopted: October 13, 2010