

Introduction date: September 11, 2023
Adoption date: September 25, 2023

**ORDINANCE 2023-12
TOWNSHIP OF EASTAMPTON
BURLINGTON COUNTY**

**AN ORDINANCE OF THE TOWNSHIP OF EASTAMPTON TO
AMEND CHAPTER 540 OF THE TOWNSHIP CODE TO ADDRESS FENCES IN
UNDEDICATED BUFFER AREAS**

WHEREAS, the Township has recently received requests to erect fences within undedicated buffer areas; and

WHEREAS, in an effort to streamline this process, the Township finds it to be in the best interest of the Township to allow these requests to be acted on by the Zoning Officer through the permit process, as opposed to requiring applicants to seek approval from the Township Council and/or from the Land Use Planning Board; and

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Eastampton, County of Burlington, State of New Jersey as follows:

SECTION 1. Chapter 540 of the Township Code of Eastampton shall be amended as follows:

-Section 540-55(A) shall be amended to read as follows (new language in boldface):

540-55(A) - Before a fence shall be erected, a fence permit shall be obtained from the Zoning Officer, and the zoning permit fee set forth in §540-70C shall be paid. No other permit under this chapter or any other ordinance shall be required. **These provisions shall also apply to fences to be erected in “undedicated buffer areas,” which are defined as “the portions of individual residential lots that were designated for the purpose of controlling access to streets or reserving the areas for public use.” Undedicated buffer areas shall pertain to the following nomenclature that may appear on final subdivision plats, Eastampton Township Tax Maps, and property surveys of individual lots: a “reverse frontage buffer area,” a “buffer area,” a “buffer easement,” or a similar term. Undedicated buffer areas shall apply to the block and lot numbers of parcels of land indicated on the attached schedule.**

-Section 540-56(C)(4) shall be amended to read as follows (new language in boldface):

-540-56(C)(4) - Any deed restrictions are not to be superseded by this chapter. **However, fences to be erected in undedicated buffer areas shall be approved by the Zoning Officer and the Construction Official. In instances involving undedicated buffer areas on corner lots, the Township Engineer shall approve the placement of the fence to ensure safe sight distances along intersecting street for motorists are provided.**

-Section 540-56(C)(5) shall be amended to read as follows (new language in boldface):

-Section 540-56(C)(5) - The provisions of this chapter shall not apply to the erection of fences within a publicly owned park, playground or school premises if the need for such a fence for such uses as athletic fields is demonstrated to and approved by the Township. **However, fences to be erected in undedicated buffer areas shall be approved by the Zoning Officer and the Construction Official. In instances involving undedicated buffer areas on corner lots, the Township Engineer shall approve the placement of the fence to ensure safe sight distances along intersecting street for motorists are provided.**

-Section 540-56(E)(1) shall be amended to read as follows (new language in boldface):

Fences shall be no closer than 15 feet to the Township right-of-way or 20 feet from the roadway when a right-of-way does not exist. This applies to corner properties, mid-block curve properties and properties which have frontage on all streets. Corner properties are considered to have front yards on all streets. In any event, no fence shall be located in front of any part of the building on an adjacent property. **However, fences to be erected in undedicated buffer areas shall comply with the following requirements:**

(a) **Corner properties:**

- (i) **For the street side of the property that corresponds with the front of the dwelling where the front door is located, fences shall not be closer than the required front yard building setback line or the corner of the dwelling closest to the street right-of-way line, whichever is farther from the street right-of-way line.**
- (ii) **For the street side of the property that does not correspond with the front of the dwelling where the front door is located, fences shall not be closer than 15 feet from the face of the curb line of the street provided the fence does not obstruct the sight distance line from the intersection of the two streets that form the corner property. In no case shall the fence be closer than two feet from street right-of-way line.**

(b) **Mid-block properties: fences shall not be closer than 15 feet from the face of the curb line of the street. In no case shall the fence be closer than two feet from street right-of-way line.**

(c) **Double-frontage properties that have two street frontages excluding corner lots: fences shall not be closer than 15 feet from the face of the curb line of the street. In no case shall the fence be closer than two feet from street right-of-way line.**

-Section 540-56(E)(2) shall be amended to read as follows (new language in boldface):

Fences not exceeding 36 inches in height above ground level are permitted in the required front yard. A fence up to six feet in height may be erected between the building and 15 feet

from the right-of-way or 20 feet from the roadway when a right-of-way does not exist. All required front yard fences shall not be constructed of materials that would block the view of vehicular traffic at the intersection. A required front yard corner property fence shall be of a nonsolid construction, such as a split rail, and be no greater than three feet in height. Chain-link fence and fences of solid construction are not permitted. **However, fences to be erected in undedicated buffer areas shall not exceed six feet in height.**

-Section 540-56(E)(6) shall be amended to read as follows (new language in boldface):

All fences must be erected along the property lines, except that no fence shall be erected so as to encroach upon a public right-of-way. **However, fences to be erected in undedicated buffer areas shall comply with Section 540-56(E)(1).**

SECTION 2. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

SECTION 3. Severability. If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not effect the remaining provisions of this ordinance. The governing body of the Township of Eastampton declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SECTION 4. Effective Date. The ordinance shall take effect immediately upon passage and publication according to law.

Adopted: September 25, 2023

ATTEST:


KIM-MARIE WHITE
Municipal Clerk


ROBERT APGAR
Mayor

Introduction: September 11, 2023

Council	Motion	2 nd	Ayes	Nays	Abstain	Absent
Councilman Rodriguez			✓			
Councilman Santillo	✓		✓			
Councilman Springer			✓			
Councilman Zeno		✓	✓			
Mayor Apgar			✓			
		VOTE	5	0		

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Councilman Santillo	✓		✓			
Councilman Springer			✓			
Councilman Zeno			✓			
Mayor Apgar			✓			
		VOTE	5	0		