

BOROUGH OF SEASIDE PARK

ORDINANCE NO. 1646

AN ORDINANCE OF THE BOROUGH OF SEASIDE PARK, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER 200 ENTITLED "DEVELOPMENT REGULATIONS"

BE IT ORDAINED by the Borough Council of the Borough of Seaside Park, County of Ocean and State of New Jersey as follows:

SECTION 1. Section 200-40 of the Code of the Borough of Seaside Park entitled "Fences and Walls" is hereby deleted and replaced with the following:

- A. No fence shall be erected within the Borough of Seaside Park unless a permit for the erection of such fence shall have been obtained from the Construction Official and/or Zoning Officer in accordance with the requirements of this section. The fence permit application shall further be accompanied by an accurate survey identifying the tax lot and block upon which the proposed fence is to be located, the name and address of the applicant, the height and location of the proposed fence in relation to all property lines of the premises upon which the fence is to be located and the material and type of construction of the proposed fence. "Fence" or "fencing" is defined as any wood, masonry, plastic, metal, vinyl or aluminum structure(s) or walls constructed to shield, screen or protect a lot or portion of a lot.
- B. No fence constructed under this section, subject to the limitations set forth below, shall exceed six feet in height.
- C. Front Yard Setback Area. No fence constructed under this section within the front yard setback area of any lot shall exceed four feet in height. Any portion of the fence that exceeds three feet in height must remain fifty percent (50%) open to light and air. By way of example, a four foot fence may consist of a three foot solid fence with a one foot open air portion above the solid portion.
- D. Waterfront lots. Notwithstanding any provision of this section to the contrary, in cases in which the developer's lot fronts on a body of water, any fence constructed within 15 feet of the water shall not exceed four feet in height. Any portion of the fence that exceeds three feet in height must remain fifty percent (50%) open to light and air. By way of example, a four foot fence may consist of a three foot solid fence with one foot open air portion above the solid portion.
- E. Any fence which shall be constructed under this section at the corner of a corner lot shall be no higher than 18 inches when constructed within a sight triangle. In addition, any fence constructed along the street sides of a corner lot shall meet the requirements provided for in Subsection C of this section. No fence shall be erected in the public right-of-way under any circumstances.

- F. Any fence to be constructed under this section shall be erected with the finished side facing the exterior of the lot which is being enclosed and shall be maintained in good and safe condition at all times. In addition, where a wire fence is to be constructed under this section, the unfinished or cut portion of such fence shall be installed toward the ground.
- G. The height limitations provided for in this section shall be applicable to lots developed with residential uses only.
- H. Fences shall be a permitted structure within the minimum setback areas in accordance with this section, unless specifically prohibited by other provisions of this Chapter.
- I. Inspection. Upon completion of the erection of a fence under this section requiring a permit, the developer shall notify the Code Enforcement Official of the completion and shall request an inspection of the fence.

SECTION 2. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3. In the event that any portion of this ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the ordinance actually adjudged to be invalid, and the remaining portions of this ordinance shall be deemed severable therefrom and shall not be affected.

SECTION 4. This ordinance shall take effect upon final passage and publication in accordance with law.

NOTICE OF PENDING ORDINANCE

A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall at 1701 North Ocean Avenue, Seaside Park, during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Borough who shall request such copies, at the office of the Municipal Clerk in said Borough of Seaside Park, in the County of Ocean, New Jersey.

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on the first reading at the regular meeting of the Borough Council of the Borough of Seaside Park, in the County of Ocean, held on the 13th day of February, 2014 and will be considered for second reading and final passage at the regular meeting of said governing body to be held on the 27th day of February, 2014 at 7:00 PM at the Council Chambers, Municipal Building, Sixth & Central Avenues, Seaside Park, New Jersey at which time and place any person desiring to be heard upon same will be given an opportunity to be so heard.


Karen Barna, Borough Clerk


ROBERT MATTHIES, MAYOR


BOROUGH OF SEASIDE PARK

ORDINANCE NO. 1646

ORDINANCE NO. 1646 OF THE BOROUGH OF SEASIDE PARK, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER 200 ENTITLED "DEVELOPMENT REGULATIONS" as it pertains to Section 200-40 "Fences and Walls".

NOTICE OF ADOPTION

Please take notice that the above Ordinance No. 1646 was adopted upon final reading at the regular meeting of the Borough Council at a meeting held at Sixth and Central Avenues, Seaside Park, NJ on February 27, 2014.


Karen Barna
Borough Clerk

February 28, 2014