

**ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE VIII ("DESIGN STANDARDS") SECTION 18-803.F AND 18-815.1.9**

**BE IT ORDAINED** by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** That Article VIII of the Unified Development Ordinance of the Revised General Ordinances of the Township of Lakewood entitled "Zoning Districts and Regulations, Section 18-803.F and Section 18-815.1.9 be and hereby are amended and supplemented as follows:

**18-803 F. Paving Materials, Walls and Fences.**

1. Paving Materials. Design and choice of paving materials used in pedestrian areas shall consider the following factors: cost, maintenance, use, characteristics of users, appearance, safety, availability, glare, heat, drainage, noise, compatibility with surroundings, decorative quality and aesthetic appeal. Acceptable materials shall include but are not limited to concrete, brick, cement pavers, asphalt and stone.
2. Walls and fences shall be erected where required for privacy, screening, separation, security or to serve other necessary functions and shall comply with the provisions included in this subsection.
3. All applications for a permit shall be accompanied with a drawing of the proposed fence design which meets the following standards and provides the following information:
  - a The drawing shall be neatly and accurately drawn at an appropriate scale.
  - b The drawing shall show all dimensions and shall be clearly marked.
  - c The drawing shall show all easements.
4. A fence or fencing shall be defined as any wood, glass, resin, plastic, masonry, stone or metal or any wall or hedge constructed on the front, side or rear yard and designed to shield, screen or protect a lot(s) or a portion of a lot(s).

5. A fence within the front yard setback area of any lot, except a corner lot, shall not exceed four (4) feet in height. In the case of a corner lot, the fence in the front yard setback area designated by the property owner as a "side yard" may not exceed six (6) feet in height.

Unless more stringent regulations are provided by other provisions of this chapter, at the intersection of two (2) or more streets, no hedge, fence, screening strip, planting, structure or wall higher than thirty (30) inches above curb level and no obstruction to vision, other than a post not exceeding one (1) foot in diameter, shall be permitted on any lot within the site triangle as defined by the Residential Site Improvement Standards. Trees shall be exempt from this section unless found specifically to present a traffic hazard.

6. Any fence located at the corner of a corner lot shall be placed at forty-five (45) degrees to each side line for a distance often (10) feet back from the intersection of the fence line along both street Sides of the lot. In addition, any fence constructed along the street sides of a corner lot shall meet the requirements provided for in paragraph 5 above. No fence shall be erected in the public right-of-way.

7. No fence shall be located less than eight (8) feet from the pavement or cartway of any street, whether public or private.

8. No fence may be installed which exceeds eight (8) feet in height, however the height of the fence may be increased by one (1) foot for every five (5) feet that it is set back from the property line. Fences within the front yard setback shall be limited to the requirements identified in paragraph 5 above.

9. No fences shall be erected so as to encroach upon adjacent properties or public rights of way. Fence gates shall be designed to prevent the open swing of the gate from encroaching upon adjacent properties or public rights of way.

10. All fences shall be constructed with the face, or finished side, away from the property and the structural side toward the interior of the lot(s) on which it is erected.

11. All fencing shall be in conformance with the requirements for visibility at intersections.

12. Living fences, hedges or screen plantings shall not encroach into any sight triangle. All living fences, hedges or screen plantings shall be maintained in a neatly trimmed condition on the property so planted and shall be kept clear from all sidewalks and walkways.

13. All fences and walls shall be maintained in a safe, sound and upright condition.
14. If the Zoning Officer, upon inspection, determines that any fence or portion thereof is not being maintained in a safe, sound or upright condition, he shall notify the owner of such fence in writing of his findings and state briefly the reasons for such findings and order such fence repaired or removed within thirty (30) days of the date of the written notice.
15. Fencing may not be erected in any yard if it acts to inhibit access to Township fire, police and emergency medical services.
16. These restrictions shall not be applied so as to restrict the erection of a wall for the purpose of retaining earth.
17. These restrictions shall not be applied so as to restrict the erection, alteration or reconstruction of fences used in connection with farms and farm operations except insofar as such fences might affect the public safety.
18. Temporary fences such as snow fences, expandable fences, collapsible fences, canvas, and cloth fences may be permitted upon a determination by the Zoning Officer that such fencing is necessary to inhibit the dispersal of airborne material during construction activity. These fences must be removed and not left on-site after the activity requiring such fence is completed prior to any bonds being released.
19. The following fences are prohibited in all residential districts: barbed wire, razor wire, electric and other similar type fences.
20. Fences made of tarps and other similar type fences are expressly prohibited in all zoning districts except as provided in paragraph 18 above.
21. Private Fences for Pools. In certain and limited cases, the Zoning Officer may issue a zoning permit for a privacy fence for pools exceeding eight (8) feet in height, provided the proposed fence meets the following criteria and the applicant follows the procedure outlined below:
  - a. The purpose of the fence is to provide visual screening of the pool area.
  - b. The owners of all of the contiguous properties confirm in writing that they have no objection to the proposed fence.

- c. The fence is located and designed so as to have the least impact on adjacent properties.
  - d. The applicant shall submit to the Zoning Officer a letter signed by a licensed engineer or architect certifying that the proposed fence is structurally sound and does not pose a safety hazard.
  - e. In no case shall the fence height exceed fourteen (14) feet.
  - f. The proposed fence complies with all other Lakewood Township fence requirements.
  - g. Application Procedure. An application for a Lakewood Township Construction Permit for the proposed fence is required.
  - h. Notification. At the time of the application to the Zoning Officer for the permit, the applicant shall notify all contiguous property owners by certified mail of the application. The notice shall indicate the nature of the application and the fact that comments or objections regarding the application may be submitted to the Zoning Officer within ten (10) days of the receipt of the certified notice. Copies of the mail receipts shall be provided to the Zoning Officer.
22. No improvements such as fences or buffer landscaping shall be permitted within any drainage easement.

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#### 18-815.1.9 Maintenance and Repair.

#### Section B. General Maintenance.

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- 11 All basins, regardless of ownership, shall have access leading to a public right-of-way. The access should include a stabilized surface suitable for the passage of maintenance and inspection equipment and vehicles. An easement granting the municipality or the responsible party the right to access and perform work in the basin must be provided on the file map and a deed recorded for the easement. No improvements such as fences or buffer landscaping shall be permitted within the easement.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby replaced to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage and publication as required by law.

### **NOTICE**

**PUBLIC NOTICE** is hereby given that the foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Lakewood, in the County of Ocean and State of New Jersey on **November 29, 2018**, and was then read for the first time. The said Ordinance will be further considered for final passage by the Township Committee in the Town Hall at 7:30 p.m. on **December 13, 2018**. At such time and place or any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said Ordinance.



Kathryn Hutchinson, RMC, CMC, CMR, RPPS  
Township Clerk

### **CERTIFICATION**

I, Kathryn Hutchinson, Township Clerk of the Township of Lakewood, do hereby certify the foregoing to be a true and exact copy of the ordinance which was adopted by the Township Committee of the Township of Lakewood at a meeting held on **December 13, 2018** at 7:30 P.M., at the Municipal Building, located at 231 Third Street, Lakewood, NJ 08701.



Kathryn Hutchinson, RMC, CMC, CMR, RPPS  
Township Clerk