

ORDINANCE NO. 2010-21

ORDINANCE OF THE BOROUGH OF RED BANK,  
COUNTY OF MONMOUTH, NEW JERSEY  
AMENDING AND SUPPLEMENTING  
CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS,  
SUBSECTION 8.14, "FENCES AND HEDGES"

**WHEREAS**, under present regulations, all properties other than one and two family dwellings seeking to erect open type fences exceeding four (4') feet in height, or any other fence exceeding three (3') feet in height were required to obtain site plan approval; and

**WHEREAS**, the costs of obtaining such site plan approval often approached, or even exceeded the costs of erecting such fences; and

**WHEREAS**, the Mayor and Council believe that such costs impose an unreasonable burden upon non-residential landowners;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Red Bank that Chapter XXV of the Revised General Ordinances of the Borough of Red Bank, "Planning and Development Regulations" is hereby amended and supplemented as follows:

**SECTION ONE:** Subsection 25-8.14, "Fences and Hedges" is amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

**§25-8.14 Fences and Hedges.**

- a. Fences hedge and walls hereafter erected altered or reconstructed in any zone may be a maximum height of six 6 feet except that:
  - 1. Hedges walls and fences located between a principal structure and a front lot line in any required minimum front yard area or within fifty (50') feet of any body of water may not exceed:
    - (a) All types of fences walls and hedges located:
      - (1) Within any sight triangle easement existing or required by this Chapter; or
      - (2) Within a triangle which has legs twenty-five (25') feet long measured along street lines from any street intersection; or
      - (3) Within a triangle which has legs ten (10') feet long measured along a street line and a driveway edge from the intersection of any driveway with a street. Two and one-half (2 ½') feet
    - (b) Open type fences as defined by this Chapter Four (4') feet
    - (c) All other hedges, walls or fences Three (3') feet
  - 2. On park recreation and school properties in any zone and throughout the Industrial and Light Industrial Zone open type fences not exceeding eight (8') feet in height may be erected outside of any required front yard area provided that paragraph (a)(1)(a) of this section shall apply to all corner lots.
  - 3. The height limitation shall not apply to fences, hedges, walls, buffers and similar construction specifically required by other provisions of this Chapter, by other municipal ordinance or regulation or by statute.

4. ~~Erection of open type fence exceeding four (4') feet in height or any other fence exceeding three (3') feet in height in connection with any use other than one (1) or two (2) family dwelling shall require site plan approval.~~

*[All other provisions remain unchanged]*

**SECTION TWO:** Any other Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

**SECTION THREE:** If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

**SECTION FOUR:** This Ordinance shall take effect immediately upon its passage and adoption according to law.

First Reading: May 10, 2010

Final Reading: June 14, 2010