

**BOROUGH OF NEW PROVIDENCE
ORDINANCE 2021-**

**“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 310 OF THE
CODE OF THE BOROUGH OF NEW PROVIDENCE ENTITLED ‘FENCES’”**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of New Providence, County of Union and State of New Jersey, as follows:

SECTION 1. Section §310-32 of Article V of the Code of the Borough of New Providence entitled “Supplementary Regulations” is amended as follows:

§ 310-32 Fences

A.

Fences shall be considered as accessory uses to a principal permitted use and are permitted in all zones. The following height, setback, and orientation regulations apply in all zones:

B. Front Yard

All fences in front yards shall be at least 50% transparent. For purposes of the fence requirements for lots with two or more front yards (i.e., a corner lot), the primary front yard of a residential structure shall be defined as the space between the street and the front/main entrance of the principal building. The secondary front yard of a residential structure shall be defined as the space between the secondary street and the side of the principal building. The following standards shall apply:

- (1) Fences located in the primary front yard shall not exceed the height of 36 inches.
- (2) Fences located in the secondary front yard shall not exceed the height of four (4) feet.

C. Rear or Side Yard

Fences located in side or rear yards shall not exceed six feet in height, except when used to screen recreational vehicles, in which case the fence shall not exceed the height of the recreational vehicle.

D. Measurement of Fence Height

In determining the height of fences for the purpose of compliance, the following shall apply:

- (1) For fences that are not uniform in height along the top of the fence, the height shall be measured to the highest point of the fence, except as provided otherwise below.
- (2) Notwithstanding the maximum height limitations applicable to fences above, fence posts may exceed the maximum permitted fence height by up to one (1) foot.
- (3) Fence height shall be measured from normal grade. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, excavating or curbing which alters the grade at the base of the fence from the grade in the general vicinity of the fence.
- (4) For fences located on sloping ground, the height shall be measured from the grade directly below the point of measurement.

E. Fence Orientation

Fences shall be constructed in such a manner that the dressed side of such fence, where applicable, shall face the adjacent property or the public right-of-way, excluding railroad property. All supports for the fence shall be on the interior of the fence and property. This provision shall not preclude the construction and maintenance of a shadowbox-type fence, provided that the dressed side of the fence material shall face the adjacent property or public right-of-way and shall be of the same texture, material, and color.