TOWNSHIP OF BORDENTOWN
ORDINANCE NO. 2017-18

An Ordinance of the Township of Bordentown Amending Chapter 25, the Land Development Code of the Township of Bordentown, to modify the standards for fences, swimming pools, and residential garages and sheds.

WHEREAS, Chapter 25 is the Land Development Code of the Township of Bordentown, and such Code provides standards for land development design and installation, and;

WHEREAS, the Township Committee has determined that the standards for fences, pools and sheds are to be amended in order to provide for more appropriate and reasonable use of land, and to protect the public health, safety and welfare.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Bordentown that:

1. Section 25:202 of the Land Development Code, entitled “Specific Definitions” is hereby amended to add the following definitions:

   Above-Ground Swimming Pool: Any man-made swimming pool, which contains water at a depth of more than twenty four-inches (24") at its deepest point, is used for the purpose of recreational bathing, and which meets all of the following conditions:

   1. It is constructed on top of existing ground, with no part below existing grades except for the purpose of leveling the bottom by no more than twenty four-inches (24") of cut or fill; and
   2. It does not involve regrading or redistribution of soil in connection with its erection or construction, with the exception of minor leveling indicated in condition number 1. above; and
   3. Access to the pool water surface is elevated around the entire perimeter and the pool requires entry to be gained by ascent of a ladder or similar means.

   In-ground Swimming Pool: Any man-made swimming pool, which contains water at a depth of more than twenty four-inches (24") at its deepest point, is used for the purpose of recreational bathing, and does not meet the definition of an Above-Ground Swimming Pool.

   Residential Shed: A one-story, detached accessory structure used as a tool or storage shed, playhouse, and similar uses, and complies with all of the following conditions:

   1. The structure shall not be used for any sort of habitable space,
   2. Building height does not exceed fourteen-feet (14’), and may not be two-stories,
   3. The structure shall be light-frame construction, with vertical and horizontal structural elements that are typically formed by a system of wood or light gauge steel framing members; enclosed to the weather.
   4. It shall not exceed two hundred-square feet (200 s.f.) in area.
   5. It cannot house an automobile or similar vehicle.
Residential Detached Garage: A one-story, detached accessory structure large enough for the storage of automobiles or similar vehicles, which complies with all of the following conditions:

1. The structure shall not be used for any sort of habitable space,
2. Building height does not exceed eighteen-feet (18’), and may not be two-stories,
3. The size shall not exceed 8% of the lot area or one thousand-square feet (1,000 s.f.), whichever is less.
4. Must have access to the street via a driveway.
5. Must have at least one garage door of a size large enough to accommodate an automobile.
6. Shall be for use only by the property owner or tenant in the residence.
7. The structure shall be of light-frame construction or masonry, and enclosed to the weather on all sides.

2. Section 25:501.G, entitled, “Size of Sheds” is hereby amended to read:
Sheds shall not exceed two hundred-square feet (200 s.f.) in area. No more than two sheds may be constructed on a property; however, if two are constructed, the total area of the two sheds shall not exceed two hundred-square feet (200 s.f.).

3. Section 25:503.E.2., under, “Requirements for fences and walls” is hereby amended to read:
On any lot in any district no fence shall be erected or altered so that the fence shall be over four-feet (4’) in height in the front yard, and six-feet (6’) in height in rear and side yards, except as provided herein. Any fence in a front yard shall be of open-type (not solid or opaque) construction such that at least fifty-percent of the area of the fence allows light and air to pass through. Examples of ‘open-type’ fences are chain-link, wrought iron, or picket. On corner lots, a fence of up to six-feet (6’) in height may erected in one (1) front yard, but no closer to the front property line than the more restrictive of the following:

1. Fifteen-feet (15’) from the front property line, or
2. One-half the distance between the front property line and the building setback line.

The front yard fence on a corner lot may be solid or opaque.
Fences of variable height: When a fence is built with decorative scalloped panels or pickets or other decorative features along the upper edge of the fence or posts, height shall be measured to the lowest point of such edge, thus allowing posts or corresponding elements to exceed the height limitation, but in no event by more than twelve-inches (12”).

4. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.
5. All ordinances or parts of ordinances of the Township of Bordentown heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

6. This ordinance shall take effect immediately upon adoption and publication of notice of adoption as provided by law.

INTRODUCED: AUGUST 21, 2017
ADOPTED: SEPTEMBER 25, 2017