

**ORDINANCE NO. 2017-259**

**AN ORDINANCE AMENDING SECTION XIII (LAND USE AND DEVELOPMENT REGULATIONS) OF THE GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH TO AMEND CERTAIN PROVISIONS REGARDING THE HEIGHT OF PRINCIPAL STRUCTURES.**

BE IT ORDAINED by the Borough Council of the Borough of Union Beach, County of Monmouth, and State of New Jersey that Section XIII (Land Use and Development Regulations) of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented as follows:

**PURPOSE**

The purpose of this ordinance is to amend or add certain definitions, general provisions, design standards and general zoning provisions to incorporate changes to clarify the requirement regarding fences, steps and ramps as recommended by the Acting Zoning Official.

*Chapter XIII (Land Use and Development Regulations) of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):*

**SECTION 1**

*Chapter XIII (Land Use and Development Regulations), Section 13-5 (General Provisions), Subsection 13-5.5 (Yard Areas) shall be amended as follows:*

13-5.5 Yard Areas.

- a. *(No Change)*
- b. *(No Change)*
- c. Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projections allowed by the State Uniform Construction Code including, but not limited to, sills, belt courses, chimneys, flues, buttresses, ornamental features, and eaves, provided, however, that none of the aforesaid projections shall project into the minimum required yards more than 24 inches unless otherwise permitted by this chapter. Unroofed entrance porches, terraces, ADA ramps, stairs and landings which do not rise above the height of the floor level of the ground floor may extend up to five (5) feet into the required side yard; up to ten (10) feet into any required front yard and up to ten (10) feet into any required rear yard providing the total area of all such porches, terraces, ADA

ramps, stairs and landings which extend into such yards, does not exceed 1,000 square feet

d.

*(No Change)*

## SECTION 2

***Chapter XIII (Land Use and Development Regulations), Section 13-8 (Design Standards and Improvement Specifications), Subsection 13-8.13 (Fences and Hedges) shall be amended to read as follows:***

13-8.13

### Fences and Hedges

a. Fences, hedges and walls hereafter erected, altered or reconstructed in any zone in the borough shall not exceed six feet in height above ground level except as follows:

1. Hedges, walls and fences, which are not open fences as defined in this chapter, subsection 13-2.3(a), 54 "Fence, open", located in a front yard, ~~or located within 5 feet of a side (secondary front)~~ yard of a corner lot fronting on a street, or within 50 feet of any river, lagoon or other body of water, shall not exceed 36 inches in height. Fences, hedges and walls which are set back greater than 5 feet from the side property line corner lot fronting on a street shall not exceed 6 feet in height.

2. *through 4.*

*(No Change)*

*b. through d.*

*(No Change)*

## SECTION 3

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

## SECTION 4

The Municipal Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S. 40:49-2.1.

**SECTION 5**

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Introduced: June 15, 2017

Passed and Approved: July \_\_\_\_\_, 2017

I hereby approve of the  
passing of this ordinance.

\_\_\_\_\_  
Paul J. Smith Jr.  
Mayor

Attest:

\_\_\_\_\_  
Anne Marie Friscia  
Municipal Clerk