

**TOWNSHIP OF MILLBURN  
ORDINANCE NO. 2517-18  
AN ORDINANCE OF THE TOWNSHIP OF MILLBURN, COUNTY OF ESSEX,  
STATE OF NEW JERSEY, AMENDING ARTICLE 6 OF THE DEVELOPMENT REGULATIONS AND  
ZONING ORDINANCE OF THE TOWNSHIP OF MILLBURN**

**STATEMENT OF PURPOSE:** *The purpose of this Ordinance is to allow for temporary fencing around the perimeter of properties where construction activity is occurring, in compliance with the requirements of the proposed revisions to Section 3-8 of the Revised General Ordinances of the Township of Millburn, and as an exception to Section 609.6 of the Development Regulations and Zoning Ordinance of the Township of Millburn. Temporary fencing during construction activity would be required in order to block the sight of ground level construction activity from neighboring properties, and to mitigate the effects of dust and debris from leaving the property. This Ordinance provides for an exception for temporary fencing to Section 609.6.*

**WHEREAS,** the Township Committee has introduced revisions to Section 3-8 of the Revised General Ordinances of the Township of Millburn in order to regulate construction activity within the Township of Millburn to lessen negative impacts on neighboring properties and increase safe working sites; and

**WHEREAS,** among the proposed requirements within Section 3-8, the proposed Ordinance requires temporary fencing around the perimeter of properties where construction activity is occurring, in order to block the sight of ground level construction activity from neighboring properties and to mitigate the effects of dust and debris from leaving the property; and

**WHEREAS,** Section 609.6 of the Development Regulations and Zoning Ordinance of the Township of Millburn prohibits fences in front yards, with certain exceptions; and

**WHEREAS,** the proposed Ordinance creates an additional exception to Section 609.6 of the Development Regulations and Zoning Ordinance of the Township of Millburn, for temporary fencing during construction activity; and

**WHEREAS,** to maintain consistency and clarity between the Revised General Ordinances of the Township of Millburn and the Development Regulations and Zoning Ordinance of the Township of Millburn, an amendment is necessary to Section 609.6 of the Development Regulations and Zoning Ordinance to recognize an exception for temporary fencing during construction activity.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Millburn in the County of Essex and State of New Jersey, as follows:

**Section 1.** Article 6 entitled "Zoning Provisions" of the Development Regulations and Zoning Ordinance, Section 609.6 "Fences and Walls," Subsection (a) shall be amended to read:

- a. Fences and walls shall not be located in any sight triangles (as sight triangle is defined in this Ordinance). Fences and walls or any combination thereof in side and rear yards shall not exceed (separately or combined) 6 feet in height. Walls, berms or solid mass in front yards shall not exceed 2 feet in height. Fences in front yards are prohibited, except for (a) fences surrounding or outlining landscaping which are 18 inches or less in height, (b) temporary fences which protect landscaping from winter damage, (c) decorative fences within a front yard not to exceed

4 feet in height, provided that the lot in question fronts a County roadway and the fence is landscaped in order to maintain a natural quality; and provided further that no chain link fence or board on board fence shall be permitted within a front yard, except that for a lot fronting on South Orange Avenue a board on board fence shall be permitted, and (d) temporary fencing during construction activity, as required by Section 3-8.6(c) of Chapter 3 of the Revised General Ordinances of the Township of Millburn. A repair or replacement to a front yard fence is permitted when the replacement fence is 4 feet or less in height. A repair or replacement to a front yard wall is permitted provided that no additional length or height is added to the original.

**Section 2.** The provisions of this ordinance are severable and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

**Section 3.** This ordinance shall take effect after final passage and publication as required by law.

*1<sup>st</sup> Reading and Introduction: 11/20/2018*

*1<sup>st</sup> Publication: 11/29/2018*

*Referral to Planning Board: 11/21/2018*